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10 Attorneys for Plaintiff

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF IDAHO**

13 TEDDER INDUSTRIES, LLC, a Delaware  
14 limited liability company,

15 Plaintiff,

16 vs.

17 GUNHIDE PROPERTIES, LLC, a New  
18 York limited liability company,

19 Defendant.

Case No.

COMPLAINT AND JURY DEMAND

21 Plaintiff Tedder Industries, LLC (“Tedder” or “Plaintiff”), by and through its  
22 undersigned counsel, for Complaint against Defendant Gunhide Properties, LLC  
23 (“Gunhide” or “Defendant”), states and alleges as follows:

24 **PRELIMINARY STATEMENT**

25  
26 1. This is an action for declaratory judgment of non-infringement and  
27 invalidity arising under the patent laws of the United States, Title 35 of the United States  
28 Code, and ancillary thereto, for damages related to the bad faith assertion of patent

COMPLAINT AND JURY DEMAND - 1

**RANDALL | DANSKIN**  
A Professional Service Corporation  
1500 BANK OF AMERICA FINANCIAL CENTER  
601 WEST RIVERSIDE AVENUE  
SPOKANE, WASHINGTON 99201-0653  
(509) 747-2052

1 infringement, under Idaho Code 48-1701 *et seq.* Tedder requests this relief because Tedder  
2 has recently received a cease-and-desist letter, dated July 28, 2022, from Gunhide, a direct  
3 competitor, asserting that Tedder’s Rapid Force™ Duty Holsters infringe U.S. Patent No.  
4 11,408,709 (the “‘709 Patent”) owned by Gunhide, and demanding that Tedder  
5 immediately discontinue selling the Rapid Force™ Duty Holsters. The July 28th Letter  
6 goes on to threaten legal action, treble damages, and an “unduly punitive or painful” result  
7 if Tedder does not comply. The position taken in bad faith by Gunhide in the July 28th  
8 Letter threatens Tedder’s business relationships with its customers and partners, as well as  
9 the sale of its products, and creates a justiciable controversy between Gunhide and Tedder.  
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12

13 **PARTIES**

14 2. Tedder Industries, LLC: Tedder is a Delaware limited liability company  
15 registered to do business in the State of Idaho. Tedder operates its primary business under  
16 the name Alien Gear Holsters. Tedder’s principal place of business and headquarters is in  
17 Post Falls, Idaho.  
18

19 3. Gunhide Properties, LLC: Upon information and belief, Gunhide is a New  
20 York limited liability company. Gunhide operates its primary business under the name  
21 DeSantis Gunhide. Gunhide’s principal place of business and headquarters is in Amityville,  
22 New York.  
23  
24

25 **JURISDICTION AND VENUE**

26 4. This is an action for a declaratory judgment of non-infringement and  
27 invalidity of the ‘709 Patent, as well as for bad faith assertion of patent infringement. This  
28 action arises, among other things, under the patent laws of the United States, 35 U.S.C. §§

1 1, *et seq.*, under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and under  
2 the Idaho Bad Faith Assertion of Patent Infringement Statute, Idaho Code § 48-1701 *et seq.*

3  
4 5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331  
5 (federal question) and § 1338(a) (action arising under an Act of Congress relating to  
6 patents). This Court has supplement jurisdiction over Plaintiff's Bad Faith Assertion of  
7 Patent Infringement claim under 28 U.S.C. § 1367.  
8

9 6. Furthermore, this Court has subject matter jurisdiction over all claims  
10 pursuant to 28 U.S.C. §1332 (diversity) in that this action is between citizens of different  
11 States and the amount in controversy exceeds \$75,000, exclusive of interests and costs.  
12

13 7. Gunhide has created an actual case or controversy in this District by sending  
14 a letter into this District and making bad faith allegations of patent infringement against  
15 Tedder, a company having its principal place of business in this District. All of Tedder's  
16 claims are so related to Gunhide's improper patent infringement allegations that such  
17 claims form part of the same case or controversy.  
18

19 8. This Court has personal jurisdiction over Gunhide, as Gunhide has subjected  
20 itself to the jurisdiction of this Court by sending a cease-and-desist letter into the State of  
21 Idaho to an entity headquartered in the State of Idaho.  
22

23 9. Personal jurisdiction over Gunhide is also proper in this District because it  
24 has transacted business in the State of Idaho and availed itself of the rights and benefits of  
25 the laws of Idaho. Upon information and belief, Gunhide has derived substantial revenue  
26 from the sales of goods within the State of Idaho, and has continuous and systematic  
27  
28

1 business contacts with the State of Idaho, including conducting substantial and regular  
2 business in Idaho through marketing and sale of its products.

3  
4 10. Personal jurisdiction over Gunhide is also proper in this District under Idaho  
5 Code § 48-1704 because it has sent a demand letter to an Idaho person and transacted  
6 business in the State of Idaho.

7  
8 11. Tedder is an “Idaho person” under Idaho Code § 48-1702(2). Gunhide’s  
9 July 28th Letter to Tedder was a “demand letter” under Idaho Code § 48-1702(1). Tedder is  
10 a “target” under Idaho Code § 48-1702(3).

11  
12 **VENUE**

13 12. Venue is proper in this district under 28 U.S.C. § 1391(b), (c) and § 1400(b).

14 13. Venue is proper in this District, as a substantial part of the events and  
15 omissions giving rise to Plaintiff’s claims occurred in this District. Gunhide has attempted  
16 to enforce its patent in this District, and has otherwise committed acts within this District  
17 causing a reasonable apprehension on the part of Tedder that it will be sued in this District,  
18 including, but not limited to, sending a cease-and-desist letter into this District,  
19  
20

21 **PERTINENT FACTS**

22 14. Plaintiff incorporates and re-alleges paragraphs 1 through 13 as if fully set  
23 forth herein.

24  
25 **Tedder Industries, LLC**

26 15. Tedder is a Delaware limited liability company doing business in the State  
27 of Idaho.  
28



1           24. Rapid Force™ Duty Holsters are offered with many different options,  
2 including for example, a quick disconnect which enables the user to quickly move the gun  
3 and holster from one configuration to another without unholstering the firearm.  
4

5           25. Rapid Force™ Duty Holsters can also be ordered with an accessory  
6 chamber that is specifically sized and shaped to accommodate a light or sight accessory  
7 attached to the holstered firearm, which is very common among law enforcement and  
8 military personnel. An example of a Rapid Force™ Duty Holster with the accessory  
9 chamber is shown in Figure 1 below.  
10



25 Figure 1

26           26. Rapid Force™ Duty Holsters are designed to keep the holstered firearm  
27 secure and feature secure Level 2 or Level 3 retention, while users experience a completely  
28

1 natural draw with durability under extreme conditions. Level 2 retention is shown in Figure  
2 2 below and Level 3 retention is shown in Figure 3 below.



10 Figure 2



18 Figure 3

19 27. Rapid Force™ Duty Holsters feature Tedder's patented Gross Motor  
20 Response® (GMR®) retention control system. The GMR® retention control system is  
21 designed for easier use under stress. The push button and thumb swipe lever are operated  
22 with a single motion of the thumb, resulting in a fluid, natural draw motion. See Figure 4  
23 below.  
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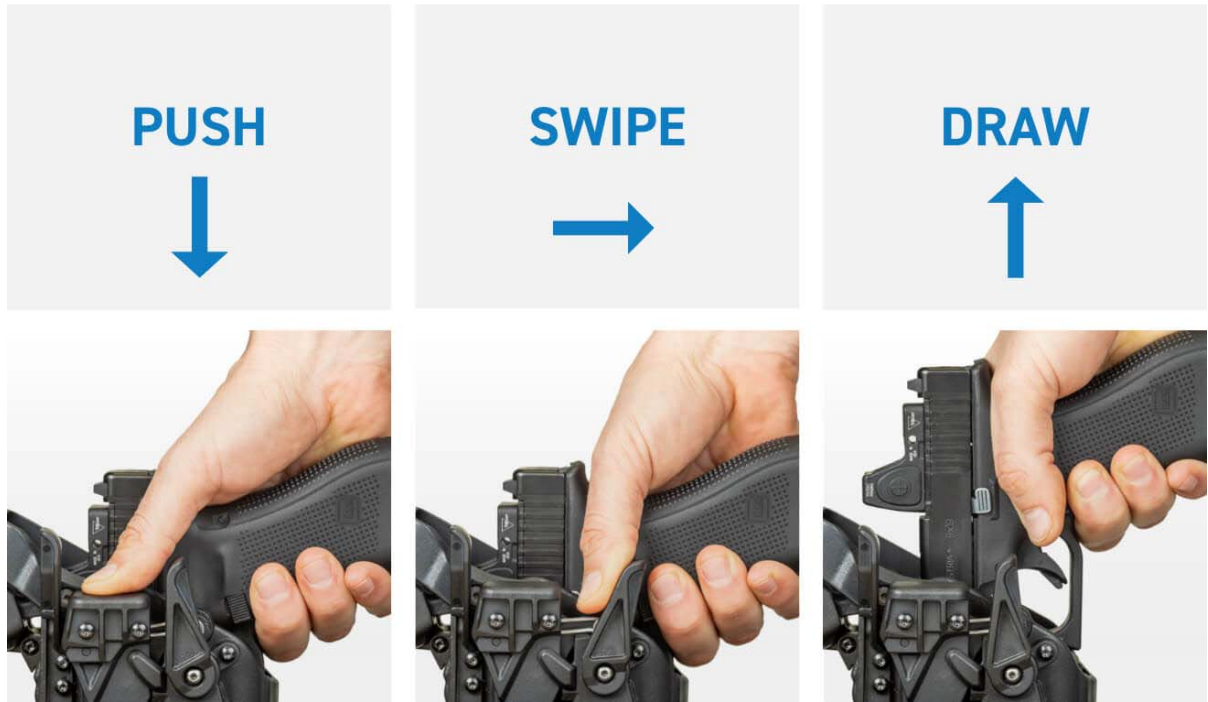


Figure 4

28. Rapid Force™ Duty Holsters do not require rotational movement of the firearm during holstering or unholstering.

29. Tedder owns U.S. Patent No. 11,209,240 (the “240 Patent”) and U.S. Patent Application Publication No. US 2022/0099407 A1 (the “407 Publication”), each of which discloses various features of the Rapid Force™ Duty Holsters.

30. Tedder’s first sales of a Rapid Force™ Duty Holster occurred in January 2020.

31. Tedder’s first sale of a Rapid Force™ Duty Holster with an accessory chamber to fit a light was also in January of 2020.

32. Tedder is currently competing to win several large sales contracts for Rapid Force™ Duty Holsters.





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**Gunhide Properties, LLC**

43. Upon information and belief, Gunhide is a New York limited liability company.

44. Upon information and belief, Gunhide is the owner of the '709 Patent.

45. Upon information and belief, the President and Founder of Gunhide is Gene DeSantis.

46. Upon information and belief, Gunhide is also known as DeSantis Gunhide or DeSantis Holsters.

47. Gunhide is a direct competitor of Tedder and sells holsters that are competitive to Tedder's Rapid Force™ Duty Holsters.

48. Upon information and belief, Gunhide is competing for many of the same large sales contracts for which Tedder is competing.

49. Upon information and belief, several of the large contract purchasers, for whose business Gunhide and Tedder are competing, are considering and evaluating Gunhide's holsters and also Tedder's Rapid Force™ Duty Holsters.

**Patent Infringement Allegations**

50. In the July 28th Letter, Gunhide alleges that Tedder's Rapid Force™ Duty Holsters infringe independent claim 1 of the '709 Patent.

51. In the July 28th Letter, Gunhide alleges that Tedder's Rapid Force™ Duty Holsters infringe "at least some or most of the dependent claims" of the '709 Patent.

52. In the July 28th Letter, Gunhide demands that Tedder immediately discontinue selling its Rapid Force™ Duty Holsters and dispose of all unsold stock.





1           74.     The ‘709 Patent was neither attached to nor enclosed with the July 28th  
2 Letter.

3           75.     When the July 28th Letter was sent, the ‘709 Patent had not yet issued.

4           76.     Gunhide knew the ‘709 Patent had not yet issued, but did not communicate  
5 that in any manner in the July 28th Letter.  
6

7           77.     Even though the ‘709 Patent had not issued, the July 28th Letter alleges  
8 infringement on multiple occasions and introduces Gunhide as “the owner of the above-  
9 referenced patent.”  
10

11           78.     Even though the ‘709 Patent had not issued, the July 28th Letter threatens  
12 legal actions and damages that were not legally available to Gunhide at the time of the  
13 letter.  
14

15           79.     Gunhide knew the no legal action was available at that time but did not  
16 communicate that in any manner in the July 28th Letter.  
17

18           80.     Even though the ‘709 Patent had not issued, the July 28th Letter threatens an  
19 “unduly punitive or painful” result if Tedder does not provide an agreeable response to the  
20 letter.  
21

22           81.     The July 28th Letter required a response and full compliance with the  
23 demand to destroy all Rapid Force™ Duty Holsters by August 15, 2022, twelve business  
24 days later.  
25

26           82.     The claims that were attached to the July 28th Letter that were identified as  
27 the “allowed claims” of the ‘709 Patent are different from the claims of the ‘709 Patent that  
28 were actually allowed and issued.

1           83.     The claims that were attached to the July 28th Letter were much broader  
2 than the actual allowed claims of the ‘709 Patent.

3           84.     Gunhide knew the claims attached to the July 28th Letter were broader than  
4 the allowed claims, but did not communicate that in any manner in the July 28th Letter.  
5

6           85.     The claims that were attached to the July 28th Letter, and referenced as  
7 claims of the ‘709 Patent, had been specifically rejected by the USPTO examiner.  
8

9           86.     Gunhide knew the claims attached to the July 28th Letter had been rejected  
10 by the USPTO examiner, but did not communicate that in any manner in the July 28th  
11 Letter.  
12

13           87.     None of the claims of the ‘709 Patent match the independent claim 1 that  
14 was attached to the July 28th Letter.  
15

16           88.     Independent claim 1 of the ‘709 Patent includes the claim amendment that  
17 was authorized by Mr. Langlotz during the Examiner Interview on March 31, 2022 and  
18 included in the Notice of Allowance.  
19

20           89.     The claim that was attached to the July 28th Letter did not include the claim  
21 amendments that were authorized by Mr. Langlotz during the Examiner Interview on  
22 March 31, 2022 and included in the Notice of Allowance.  
23

24           90.     The claim chart attached to the July 28th Letter that is purported to compare  
25 a claim of the ‘709 Patent to a Rapid Force™ Duty Holster includes only one claim  
26 although the July 28th Letter alleges infringement of “the independent claim and at least  
27 some or most of the dependent claims.”  
28

1           91.     The claim chart attached to the July 28th Letter that is purported to compare  
2 a claim of the ‘709 Patent to a Rapid Force™ Duty Holster does not include any claim of  
3 the ‘709 Patent.  
4

5           92.     The July 28th Letter does not provide any comparison of any dependent  
6 claim of the ‘709 Patent to any product, service, or technology.  
7

8           93.     The July 28th Letter does not provide any factual allegation concerning the  
9 specific areas in which any Tedder products, services, or technology infringe or are covered  
10 by any dependent claim of the ‘709 Patent.  
11

12           94.     The July 28th Letter does not provide the address of Gunhide.

13           95.     The July 28th Letter does not provide any information about the product that  
14 appears in the “associated Image/s” attached to the July 28th Letter.  
15

16           96.     Regarding the “associated image/s” attached to the July 28th Letter,  
17 Gunhide failed to provide any information about where the product shown was purchased  
18 or otherwise how it was obtained.  
19

20           97.     Regarding the “associated image/s” attached to the July 28th Letter,  
21 Gunhide failed to provide any information about the compatibility of the holster shown,  
22 such as which specific firearm manufacturer and/or model it is designed to hold or which  
23 accessories are or are not compatible with it.  
24

25           98.     Regarding the “associated image/s” attached to the July 28th Letter,  
26 Gunhide does not even unambiguously allege that it shows a Rapid Force™ Duty Holster.  
27

28           99.     Upon information and belief, Gunhide shared the July 28th Letter with  
others.

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**Unreasonable Acts**

100. At all times material hereto, Mr. Langlotz and Langlotz Patent & Trademark Works, LLC were acting on behalf of and for the benefit of Gunhide.

101. Mr. Langlotz holds himself out as “The Firearms Patent Attorney®.”

102. Mr. Langlotz holds himself out as “the nation’s leading firearms patent and trademark attorney.”

103. Mr. Langlotz holds himself out as “the gun patent lawyer.”

104. Upon information and belief, Mr. Langlotz has considerable experience and familiarity with firearms, holsters, and related accessories and many of the distinguishing features and elements that differentiate various products in the industry one from another.

105. Upon information and belief, Mr. Langlotz has considerable knowledge about historical developments and improvements of various firearms, holsters, and related accessories.

106. A reasonable person with similar experience and knowledge as Gunhide’s attorney of record, Mr. Langlotz, would have known or should have known the significance of the claim amendment that was authorized during the Examiner Interview on March 31, 2022.

107. A reasonable person with similar experience and knowledge as Gunhide’s attorney of record, Mr. Langlotz, would have known or should have known the significance of the required rotational motion, or lack thereof, of a firearm while being drawn or while being holstered.



1           108. A reasonable person with similar experience and knowledge as Gunhide’s  
2 attorney of record, Mr. Langlotz, would have known or should have known that some  
3 rotational motion of a firearm being drawn or holstered is merely incidental and not  
4 necessarily caused by or required by the holster design.  
5

6           109. A reasonable person with similar experience and knowledge as Gunhide’s  
7 attorney of record, Mr. Langlotz, would have known or should have known that the ‘709  
8 Patent was not yet issued and not yet enforceable on July 28, 2022.  
9

10           110. A reasonable person with similar experience and knowledge as Gunhide’s  
11 attorney of record, Mr. Langlotz, would have known or should have known that the claims  
12 attached to the July 28th Letter and represented as the “allowed claims” of the ‘709 Patent  
13 were not, in fact, the allowed claims of the ‘709 Patent.  
14

15           111. A reasonable person with similar experience and knowledge as Gunhide’s  
16 attorney of record, Mr. Langlotz, would have known or should have known that the claim  
17 chart attached to the July 28th Letter and purported to compare a claim of the ‘709 Patent  
18 to a Rapid Force™ Duty Holster did not, in fact, analyze or compare any claim of the ‘709  
19 Patent.  
20

21           112. A reasonable person with similar experience and knowledge as Gunhide’s  
22 attorney of record, Mr. Langlotz, would have known or should have known that the July  
23 28th Letter, if shown to third parties, could cause damage to reputation and economic harm  
24 to Tedder, as the manufacturer and seller of Rapid Force™ Duty Holsters.  
25

26           113. A reasonable person with similar experience and knowledge as Gunhide’s  
27 attorney of record, Mr. Langlotz, would have known or should have known that the July  
28

1 28th Letter, if shown to third parties, could cause irreparable harm to Tedder, as the  
2 manufacturer and seller of Rapid Force™ Duty Holsters.

3  
4 **FIRST CAUSE OF ACTION**  
5 **Declaratory Judgment of Non-Infringement**

6 114. Plaintiff re-alleges and incorporates paragraphs 1 through 113 inclusive, as  
7 though fully set forth herein.

8 115. As a result of the acts described in the preceding paragraphs, there exists a  
9 controversy of sufficient immediacy and reality to warrant the issuance of a declaratory  
10 judgment of non-infringement.

11 116. A judicial declaration is necessary and appropriate so that Plaintiff may  
12 ascertain its rights regarding its Rapid Force™ Duty Holsters in relation to the ‘709 Patent.

13 117. Plaintiff is entitled to a declaratory judgment that Plaintiff's Rapid Force™  
14 Duty Holsters do not infringe and have not infringed, either directly or indirectly, any valid  
15 and enforceable claims of the ‘709 Patent under 35 U.S.C. § 271.

16  
17 **SECOND CAUSE OF ACTION**  
18 **Declaratory Judgment of Invalidity**

19 118. Plaintiff re-alleges and incorporates paragraphs 1 through 117 inclusive, as  
20 though fully set forth herein.

21 119. As a result of the acts described in the preceding paragraphs, there exists a  
22 controversy of sufficient immediacy and reality to warrant the issuance of a declaratory  
23 judgment of invalidity.

24 120. A judicial declaration is necessary and appropriate so that Plaintiff may  
25 ascertain its rights regarding the validity of the ‘709 Patent.  
26  
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1 121. Plaintiff is entitled to a declaratory judgment that the claims of the ‘709  
2 Patent are invalid under one or more provisions of 35 U.S.C. §§ 101, 102, 103, and/or 112.  
3

4 **THIRD CAUSE OF ACTION**  
5 **Bad Faith Assertion of Patent Infringement, Idaho Code § 48-1703**

6 122. Plaintiff re-alleges and incorporates paragraphs 1 through 121 inclusive, as  
7 though fully set forth herein.

8 123. To address the problem of entities weaponizing patents to extract unmerited  
9 settlement payments and licensing fees or otherwise chilling legitimate competition in the  
10 free market, which harms both Idaho companies and consumers, Idaho’s legislature has  
11 articulated a strong public policy against the assertion of bad faith patent infringement  
12 claims. Idaho Code §§ 48-1701(1)(d)-(e) describes such behavior as “harm[ing] Idaho  
13 companies”:  
14  
15

16  
17 Abusive patent litigation, and especially the assertion of bad faith  
18 infringement claims, can harm Idaho companies ... Not only do bad  
19 faith patent infringement claims impose a significant burden on  
20 individual Idaho businesses, they also undermine Idaho’s efforts to  
21 attract and nurture [information technology] and other knowledge-  
22 based companies. Funds used to avoid the threat of bad faith litigation  
are no longer available to invest, produce new products, expand or hire  
new workers, thereby harming Idaho’s economy.

23 124. Indeed, Idaho’s legislature has declared bad faith assertion of patent  
24 infringement to be *unlawful* and provided companies like Tedder with a private cause of  
25 action when such bad faith assertions occur. Idaho Code § 48-1706(1) provides for an array  
26 of remedies for bad faith patent infringement assertions, including exemplary damages,  
27 equitable relief, and attorney’s fees.  
28

1           125. On July 28, 2022 Gunhide sent a cease-and-desist letter to Tedder.

2           126. The July 28<sup>th</sup> Letter was asserted in bad faith in that, on information and  
3 belief, Gunhide had failed to conduct an analysis comparing the claims of the ‘709 Patent  
4 to Tedder’s Rapid Force™ Duty Holsters.  
5

6           127. The July 28<sup>th</sup> Letter was asserted in bad faith in that the letter treated the  
7 ‘709 Patent as an issued patent that was fully enforceable, although the ‘709 Patent had not  
8 issued at the time of the July 28<sup>th</sup> Letter and Gunhide had no enforceable rights on that  
9 date.  
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11           128. The July 28<sup>th</sup> Letter was asserted in bad faith in that the letter attempted to  
12 enforce patent claims that had been rejected by the USPTO, referring to the claim as the  
13 “allowed claims.”  
14

15           129. The July 28<sup>th</sup> Letter was asserted in bad faith in that, upon information and  
16 belief, the meritless letter was communicated to third parties in an attempt to damage the  
17 reputation of Tedder’s Rapid Force™ Duty Holsters in the marketplace.  
18

19           130. The July 28<sup>th</sup> Letter was asserted in bad faith in that the letter alleged  
20 infringement against Tedder’s Rapid Force™ Duty Holsters which were publicly available  
21 and sold prior to the filing date, and priority date, of the ‘709 Patent.  
22

23           131. The July 28<sup>th</sup> Letter was asserted in bad faith in that the letter failed to  
24 identify with sufficient specificity the type of Rapid Force™ Duty Holster that allegedly  
25 infringed, instead asserting infringement and demanding destruction of all Rapid Force™  
26 Duty Holsters.  
27  
28



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Tedder Industries, LLC respectfully prays for the following relief against Defendant Gunhide Properties, LLC:

1. A declaration that the Rapid Force™ Duty Holsters do not infringe any claim of the ‘709 Patent;

2. A declaration that each claim of the ‘709 Patent is invalid;

3. A declaration that the July 28th Letter was sent in bad faith in violation of Idaho Code § 48-1701 *et seq.*

4. An award of equitable relief, including an injunction against Gunhide and each of its officers, directors, agents, counsel, servants, employees, and all of persons in active concert or participation with any of them, restraining and enjoining them from alleging, representing, or otherwise stating that Tedder’s Rapid Force™ Duty Holsters infringe any claims of the ‘709 Patent and restraining and enjoining them from improperly interfering with Tedder’s business and contractual relations;

5. For general, special, and other compensatory damages in an amount to be proven at trial;

6. Pre- and post-judgment interest;

7. Costs;

8. Reasonable attorney fees;

9. Exemplary damages in an amount equal to \$50,000 or three times the total of damages, costs and fees, whichever is greater; and

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10. Such other and further relief as the Court deems just and proper.

DATED this 15th day of August, 2022.

RANDALL | DANSKIN, P.S.

s/ Shamus T. O’Doherty \_\_\_\_\_  
Shamus T. O’Doherty, ISB #9626  
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[mac@randalldanskin.com](mailto:mac@randalldanskin.com)

# **EXHIBIT 1**





July 28, 2022

Thomas Tedder  
Owner  
Alien Gear Holsters  
4301 W. Riverbend Ave.  
Post Falls, ID. 83854

Transmitted via email: [support@aliengearholsters.com](mailto:support@aliengearholsters.com)

Re: Infringement of U.S. Patent No. 11408709  
Titled: HOLSTER FOR A PISTOL

Dear Mr. Tedder:

I am a patent attorney representing Gunhide Properties, LLC, the owner of the above-referenced patent and have attached an Issue Notification and allowed claims. We understand that your company, Alien Gear Holsters ("AGH"), produces and sells a holster that appears to infringe the above-referenced patent.

We believe that the independent claim and at least some or most of the dependent claims are infringed. AGH's Rapid Force Duty Holster infringes these claims and are known to be on sale in the United States (For example, see <https://aliengearholsters.com/duty-holsters>). In support of these claims, we have also attached a claim chart and image/s for your reference.

We hereby demand that you:

- a) immediately discontinue selling the referenced holsters and dispose of your unsold stock.
- b) *Provide a statement to the effect that you have complied with our demand and disposed of the unsold stock (or ceased selling it) by August 15, 2022.*

As you are probably aware, if you continue to sell these goods after receiving this notice of our client's patent, and are later found to infringe, you may be liable for treble damages for willful infringement at least for sales made after you became aware of our client's patent, with a potential award of attorney's fees and costs, as well as additional infringement damages for your past sales.

Because you will likely need some time to investigate this matter, we require your response indicating agreement with our demands by **August 15, 2022**. Your timely response will forestall further action to enforce

our client's rights, and an agreeable response will more likely lead to a result that is not unduly punitive or painful.

Sincerely,

LANGLOTZ PATENT & TRADEMARK WORKS, LLC.

A handwritten signature in black ink, appearing to read 'BTLA', written in a cursive style.

Bennet Langlotz, Patent and Trademark Attorney

Encl: Issue Notification for US Patent No. 11408709; allowed claims; claim chart; and associated Image/s

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Inventor(s): Gene DeSantis  
Serial No. 16/881,660  
Filed: May 22, 2020  
For: HOLSTER FOR A PISTOL  
Examiner: Battisti, Derek J.  
Date: March 22, 2022  
Art Unit: 3734

Response to Office Action

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of October 29, 2021, please consider the following. At any time during the pendency of this application, please charge fee deficiencies and credit overpayments to Deposit Account 500493.

In the Claims:

1. (currently amended) A holster for a pistol comprising:
  - a body defining a receptacle configured to removably receive in a holstered condition a pistol having a grip, a slide, a muzzle end and a trigger guard, and an illuminator device connected below the muzzle end of the pistol and forward of the trigger guard;
  - the body when oriented for use having an open upper end from which the grip extends when in the holstered condition;
  - the receptacle having a forward surface associated with a top surface of the slide;
  - the body defining an aft direction away from the forward surface;
  - the receptacle having a trigger guard space configured to receive the trigger guard and defined by a trigger guard support portion of the body;
  - the receptacle having an illuminator space below the trigger guard and aft of a lower portion of the forward surface and configured to receive the illuminator device;
  - the forward surface of the receptacle having a relief space configured to receive the top surface of the slide adjacent to the muzzle end when the pistol is rotated while moved between an unholstered condition and the holstered condition such that the illuminator device clears the trigger guard support portion; and
  - the trigger guard support portion of the body being immovable to prevent extraction of the pistol except upon such rotation of the pistol, and remaining unmoved upon such rotation that bypasses the trigger guard support portion without flexing any portion of the body.
2. (original) The holster of claim 1 wherein the illuminator space extends aft of the trigger guard space.
3. (original) The holster of claim 1 wherein the relief space is concave rearward.
4. (original) The holster of claim 1 wherein the relief space extends from proximate the muzzle end of the pistol in the holstered condition to a level registered with the trigger guard.
5. (original) The holster of claim 1 wherein the illuminator space is spaced apart from the illuminator device such that any of a plurality of different shaped and sized illuminator devices may be accommodated.

6. (original) The holster of claim 1 wherein the illuminator space is wider than the receptacle forward of the illuminator space and associated with the muzzle end of the pistol.
7. (original) The holster of claim 1 wherein the trigger guard support portion defines a channel configured to closely receive a portion of the trigger guard.
8. (original) The holster of claim 7 wherein the channel includes opposed side walls spaced apart to receive a lower portion of the trigger guard.

REMARKS

Claims 1-8 remain in the application.

Applicant respectfully requests the deferral of the 35 U.S.C. 112(a) and (b) rejections until substantive issues are resolved.

Claims 1-5, 7, and 8 were rejected under 35 U.S.C. 103 as being unpatentable over Seyfert et al. (2007/0181619) in view of Chica (3,942,692).

Claim 6 was rejected under 35 U.S.C. 103 as being unpatentable over Seyfert et al. and Chica and in further view of Lowe (7,644,845).

Claim 1, as amended, should be allowable because it has been amended to include the condition of the trigger guard support portion of the body remaining unmoved upon such rotation that bypasses the trigger guard support portion without flexing any portion of the body, which is not taught by the cited references.

The application is now believed to be in condition for allowance. Reconsideration of the application is respectfully requested.

The undersigned invites a telephonic interview at the initiation of the examiner at any time to facilitate prosecution of the case.

Respectfully submitted,  
LANGLOTZ PATENT & TRADEMARK WORKS, LLC



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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/881,660	08/09/2022	11408709	DS-7	3271

25917 7590 07/20/2022  
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## ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

### **Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)** (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Patents Stakeholder Experience (OPSE), Stakeholder Support Division (SSD) at (571)-272-4200.

**INVENTOR(s)** (Please see PAIR WEB site <http://pair.uspto.gov> for additional inventors):

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Omar Montano, West Babylon, NY;

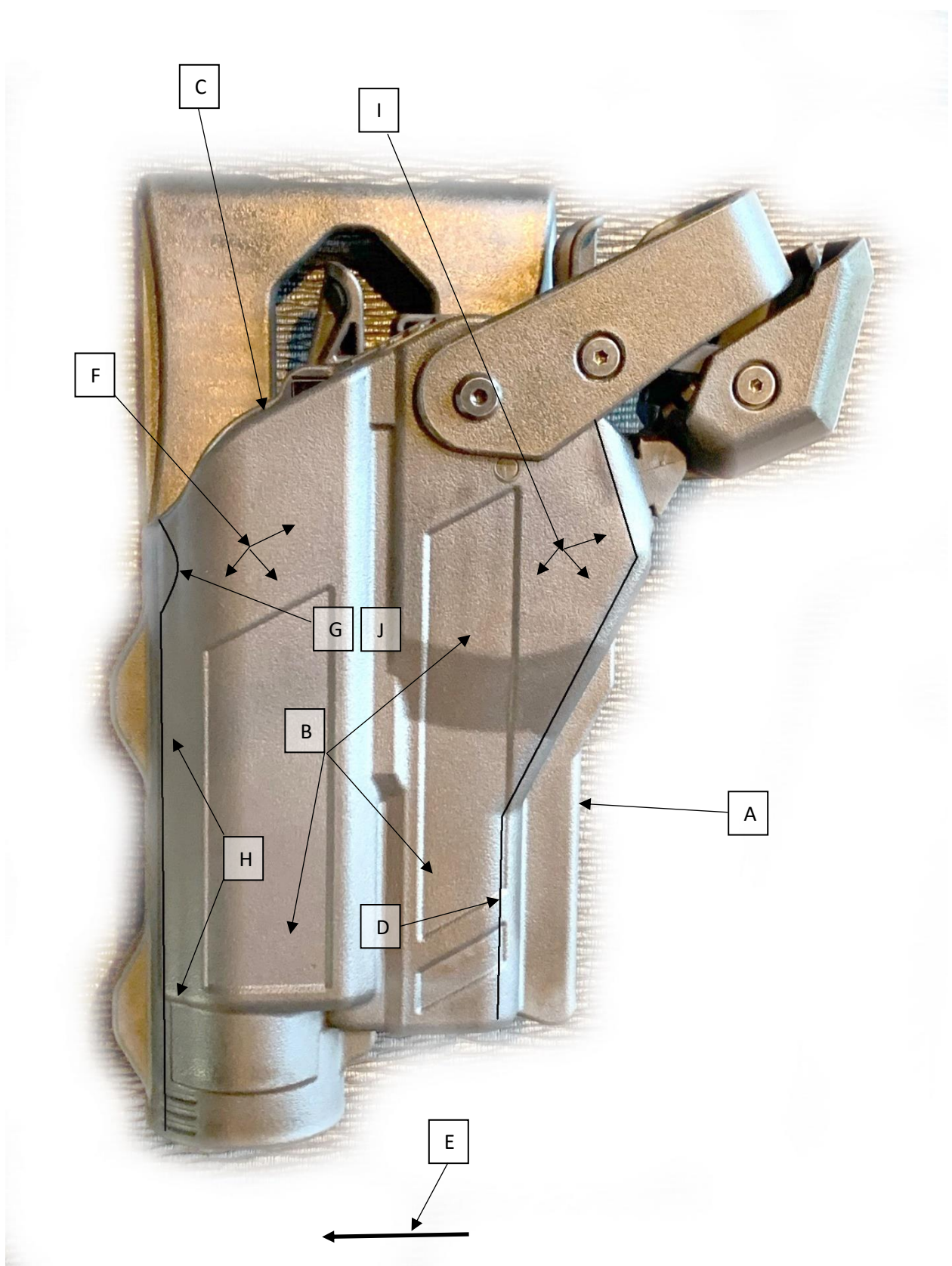
**APPLICANT(s)** (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Gunhide Properties, LLC, Amityville, NY;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit [SelectUSA.gov](http://SelectUSA.gov).

1. A holster for a pistol comprising:
  - A. a body defining
  - B. a receptacle configured to removably receive in a holstered condition a pistol having a grip, a slide, a muzzle end and a trigger guard, and an illuminator device connected below the muzzle end of the pistol and forward of the trigger guard;
  - C. the body when oriented for use having an open upper end from which the grip extends when in the holstered condition;
  - D. the receptacle having a forward surface associated with a top surface of the slide;
  - E. the body defining an aft direction away from the forward surface;
  - F. the receptacle having a trigger guard space configured to receive the trigger guard and
  - G. defined by a trigger guard support portion of the body;
  - H. the receptacle having an illuminator space below the trigger guard and aft of a lower portion of the forward surface and configured to receive the illuminator device;
  - I. the forward surface of the receptacle having a relief space configured to receive the top surface of the slide adjacent to the muzzle end when the pistol is rotated while moved between an unholstered condition and the holstered condition such that the illuminator device clears the trigger guard support portion; and
  - J. the trigger guard support portion of the body being immovable to prevent extraction of the pistol except upon such rotation of the pistol, and remaining unmoved upon such rotation that bypasses the trigger guard support portion without flexing any portion of the body.





# **EXHIBIT 2**



US011408709B2

(12) **United States Patent**  
**DeSantis et al.**

(10) **Patent No.:** **US 11,408,709 B2**  
(45) **Date of Patent:** **Aug. 9, 2022**

- (54) **HOLSTER FOR A PISTOL** 7,644,845 B2 \* 1/2010 Lowe ..... F41C 33/0245  
224/243
- (71) Applicant: **Gunhide Properties, LLC**, Amityville, NY (US) 9,759,515 B2 \* 9/2017 Yeates ..... F41C 33/0272  
10,900,744 B1 \* 1/2021 Houck ..... F41C 33/0209  
2007/0181619 A1 \* 8/2007 Seyfert ..... F41C 33/04  
224/196
- (72) Inventors: **Gene DeSantis**, Brookville, NY (US);  
**Omar Montano**, West Babylon, NY (US) 2008/0121670 A1 \* 5/2008 Buress ..... F41C 33/0263  
224/243

- (73) Assignee: **GUNHIDE PROPERTIES, LLC**, Amityville, NY (US)
- (\* ) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

OTHER PUBLICATIONS

Sniper Country, "The 4 Best Glock 22/ 17 Holsters With Light," <https://www.snipercountry.com/glock-22-holster-with-light/>, (c) 2019, Accessed Nov. 5, 2019.

\* cited by examiner

- (21) Appl. No.: **16/881,660**
- (22) Filed: **May 22, 2020**

*Primary Examiner* — Derek J Battisti  
(74) *Attorney, Agent, or Firm* — Bennet K. Langlotz;  
Langlotz Patent & Trademark Works, LLC

- (65) **Prior Publication Data**  
US 2021/0364250 A1 Nov. 25, 2021

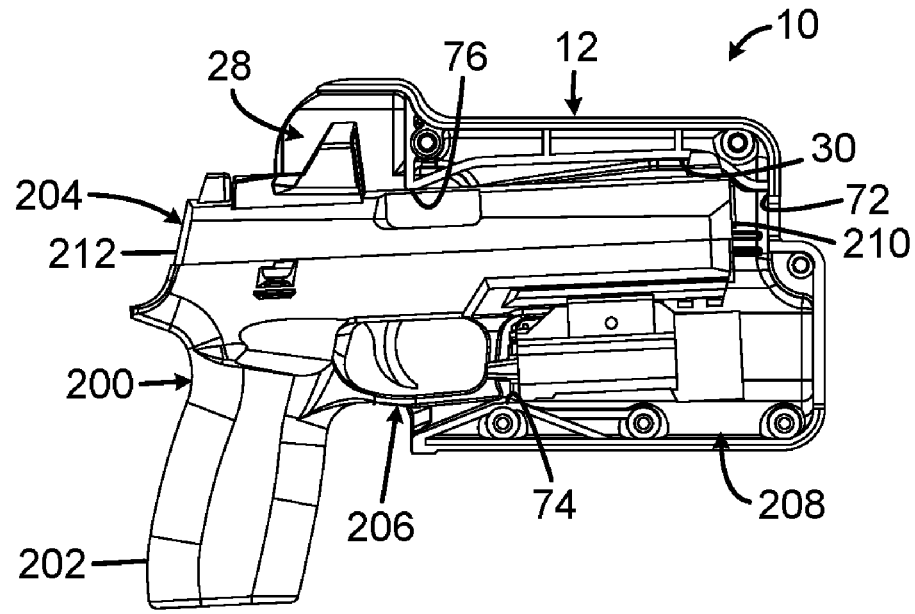
(57) **ABSTRACT**

- (51) **Int. Cl.**  
**F41C 33/02** (2006.01)
- (52) **U.S. Cl.**  
CPC ..... **F41C 33/0254** (2013.01); **F41C 33/0209** (2013.01)
- (58) **Field of Classification Search**  
CPC ..... F41C 33/0254; F41C 33/0209  
See application file for complete search history.

Holsters for a pistol have a body defining a receptacle configured to removably receive in a holstered condition a pistol with an illuminator device, the body when oriented for use having an open upper end from which the grip extends when in the holstered condition, the receptacle having a forward surface associated with the slide, the receptacle having a trigger guard space defined by a trigger guard support portion of the body, the receptacle having an illuminator space below the trigger guard and aft of a lower portion of the forward surface and configured to receive the illuminator device, and the forward surface of the receptacle having a relief space configured to receive the top surface of the slide adjacent to the muzzle end when the pistol is rotated while moved between an unholstered condition and the holstered condition such that the illuminator device clears the trigger guard support portion.

- (56) **References Cited**  
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224/243

**8 Claims, 9 Drawing Sheets**



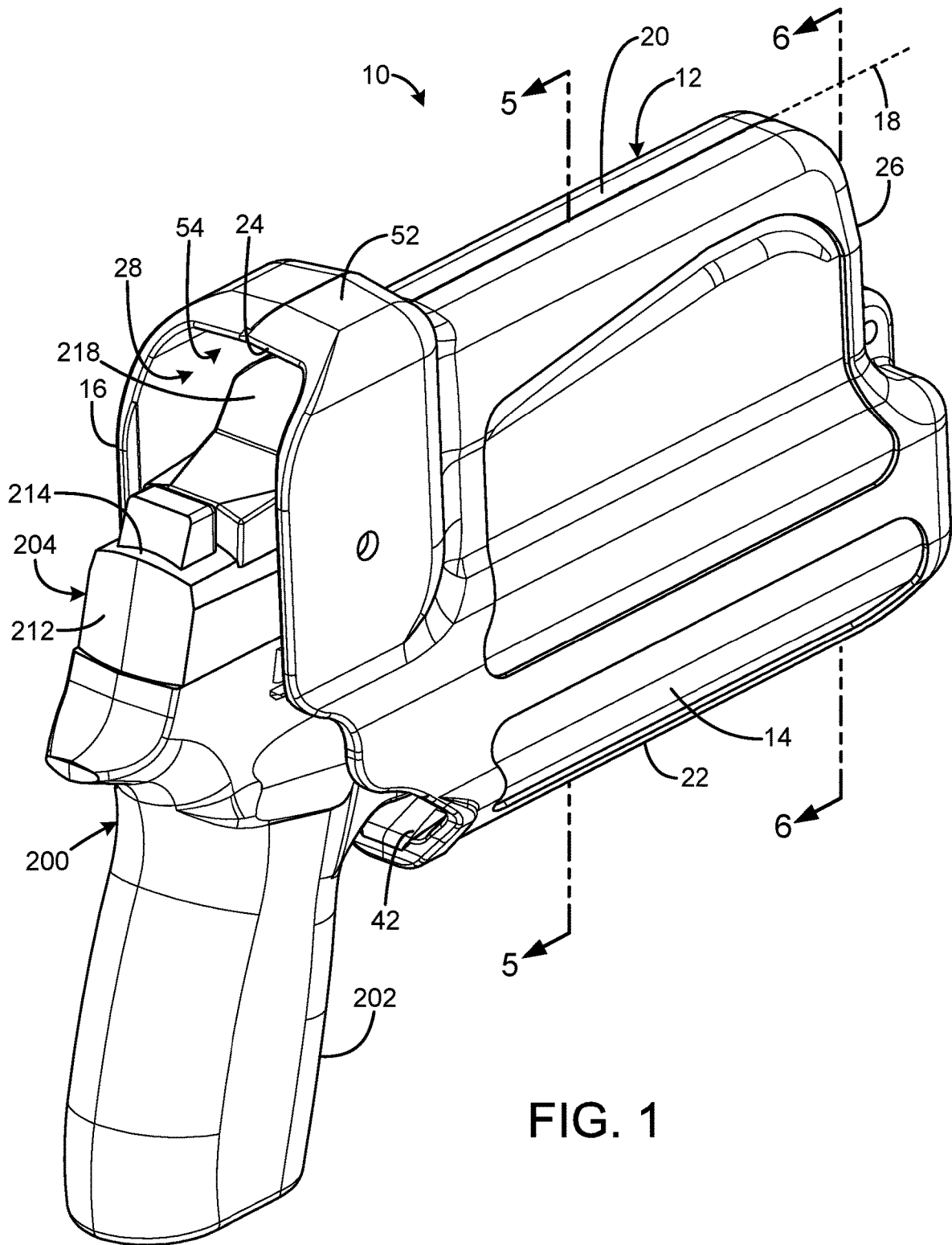


FIG. 1

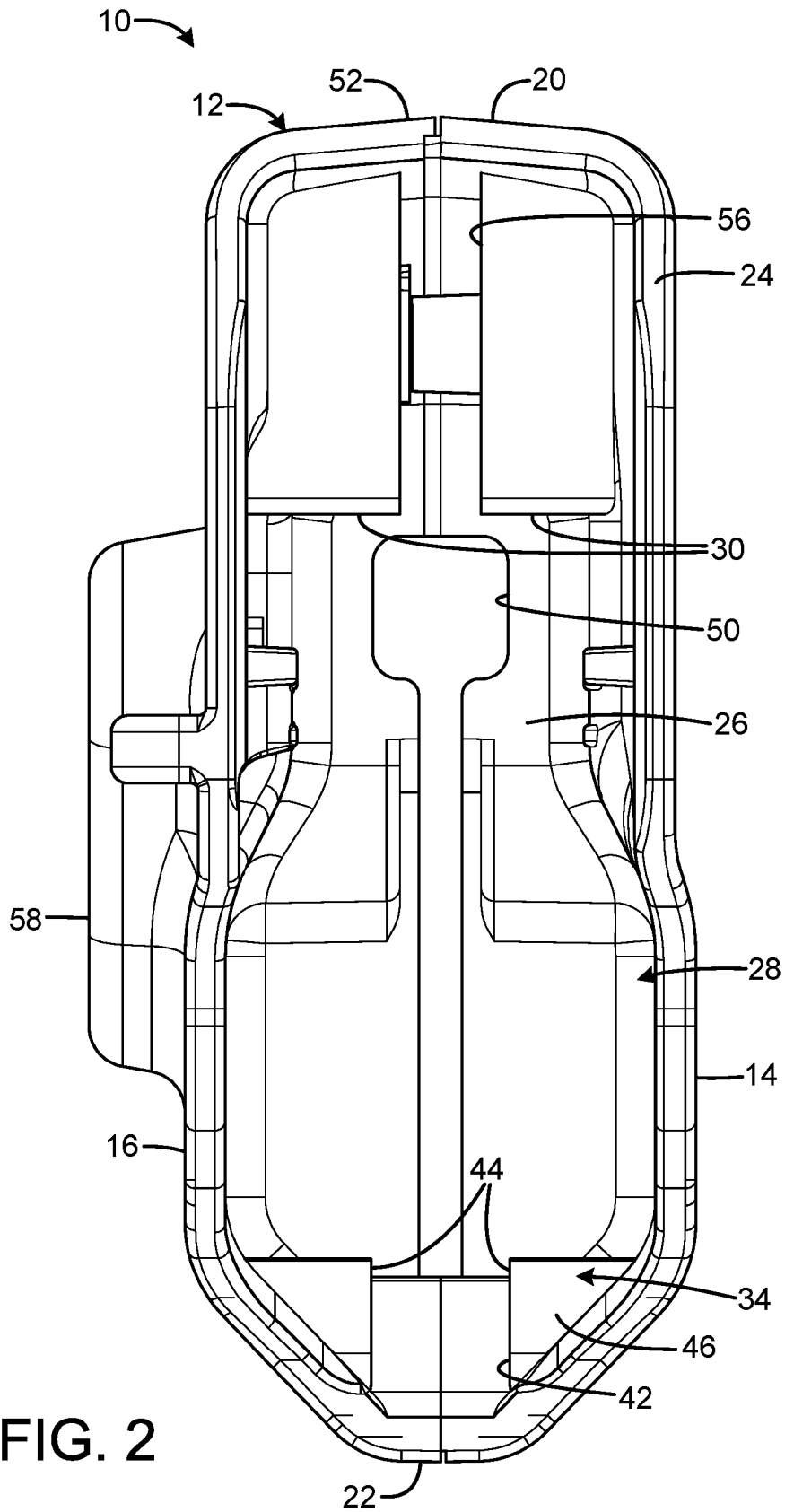


FIG. 2

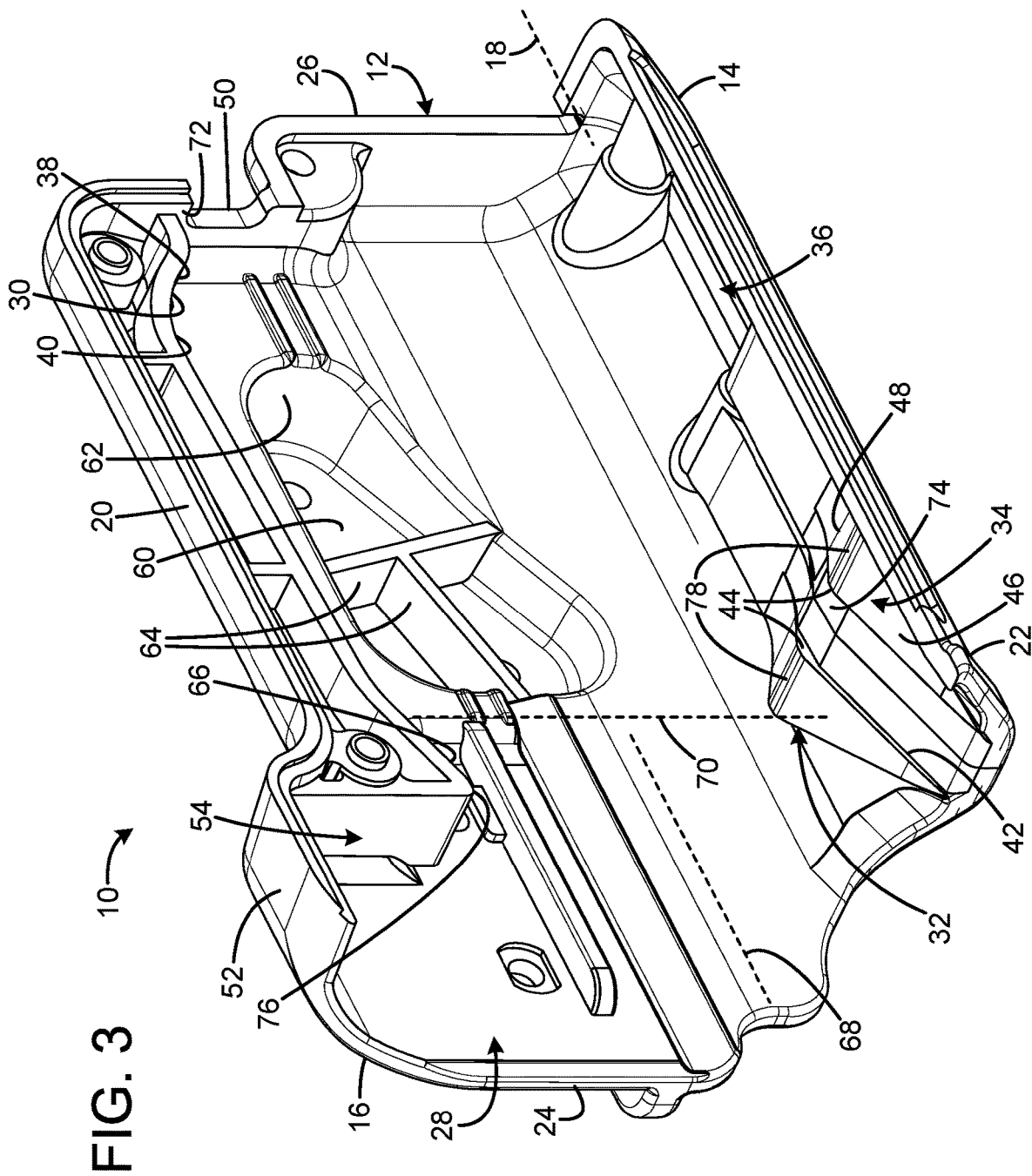




FIG. 5

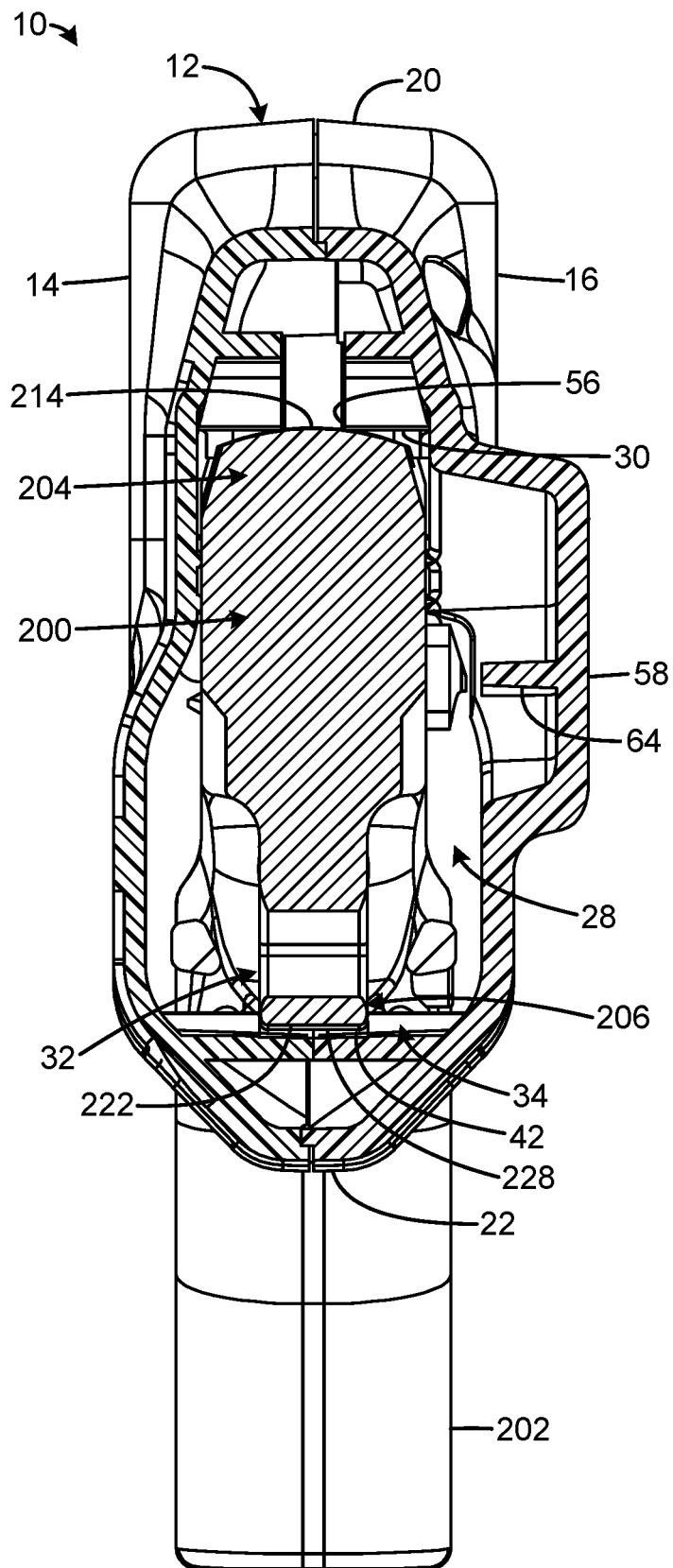
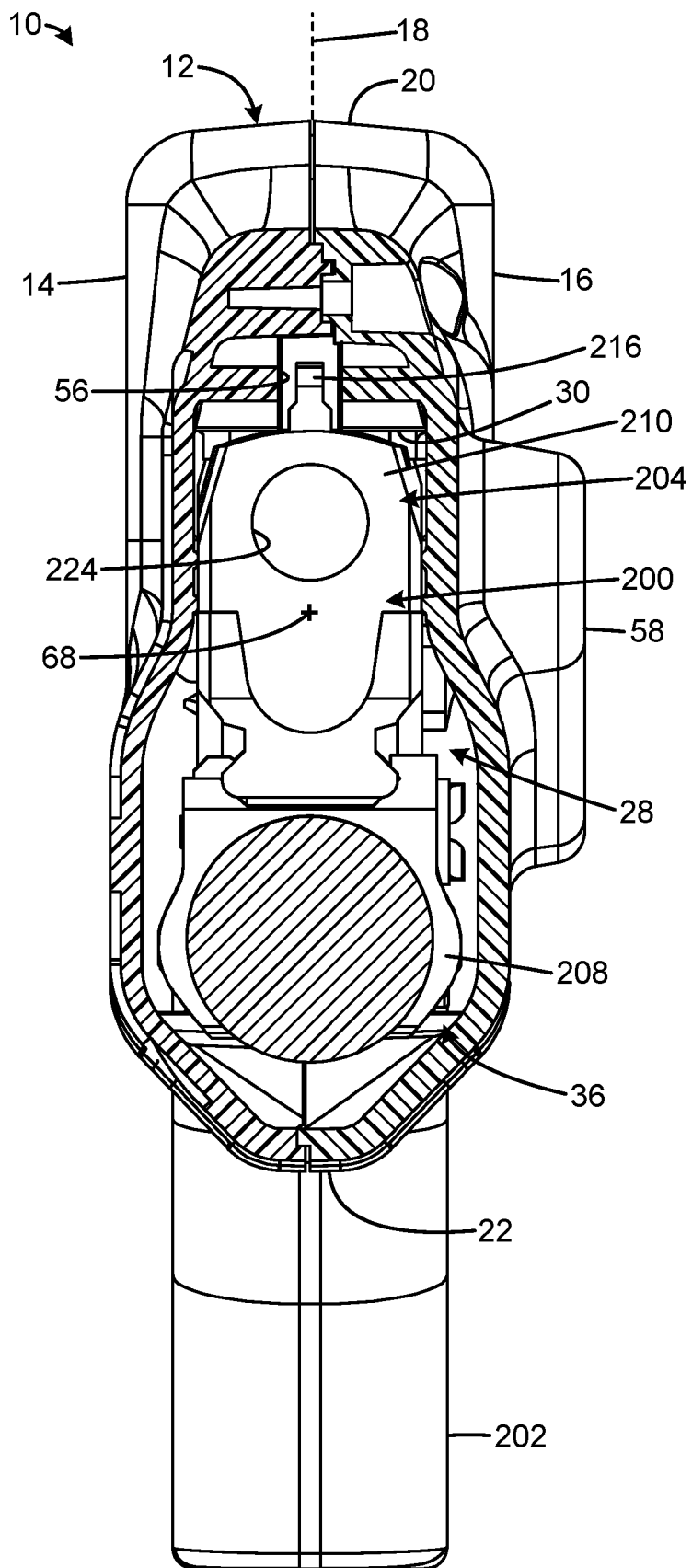




FIG. 6



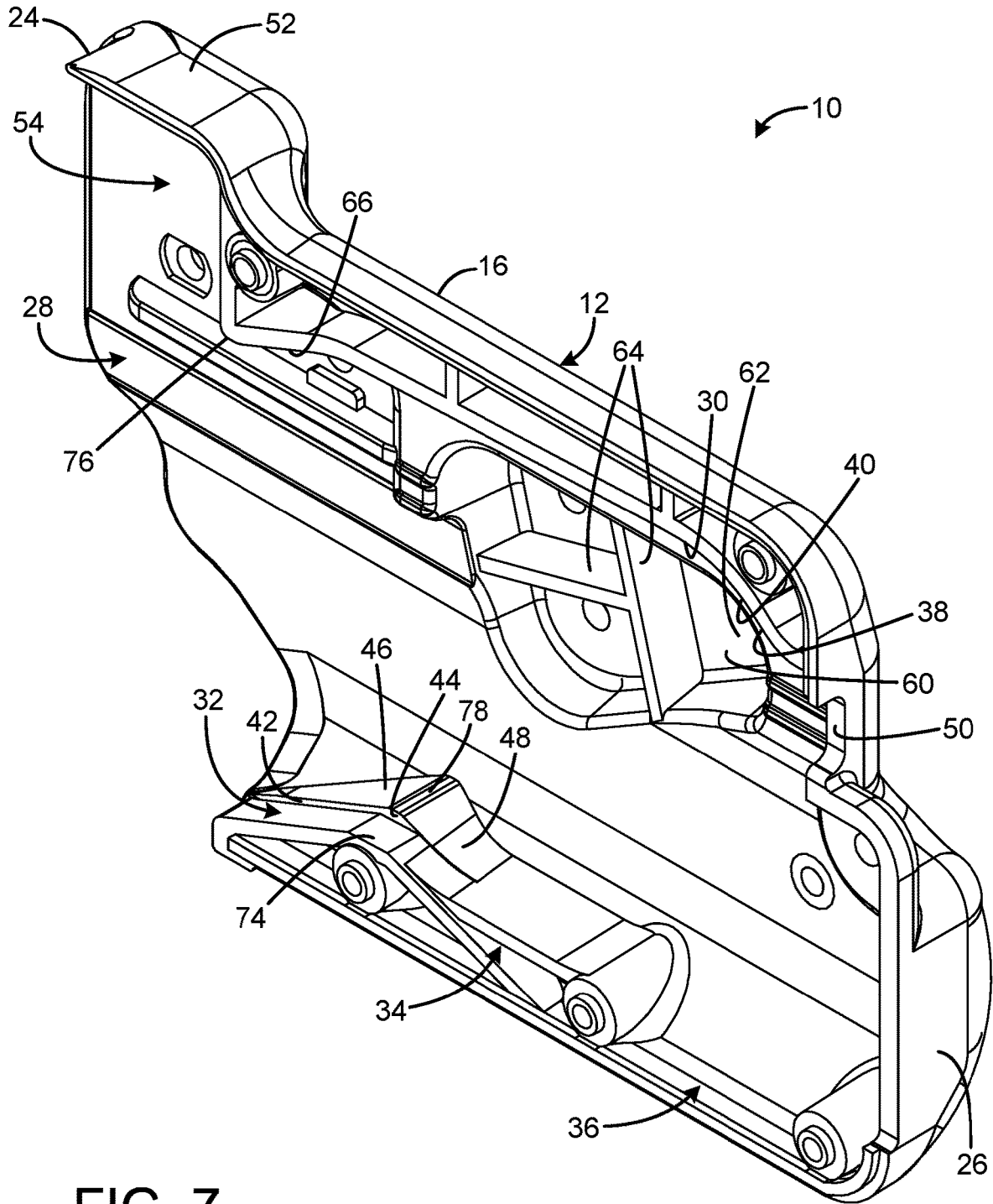


FIG. 7

FIG. 8

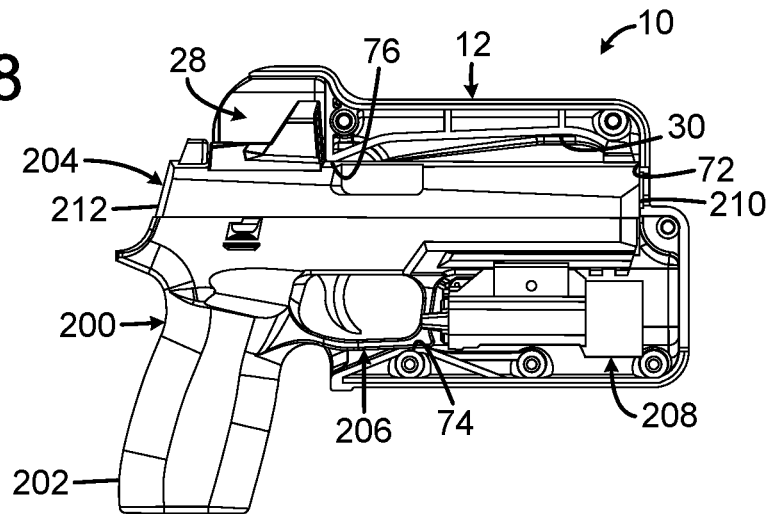


FIG. 9

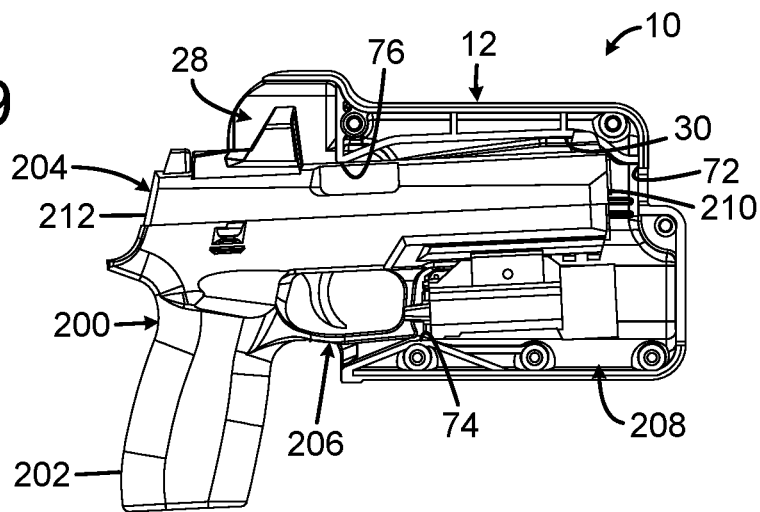
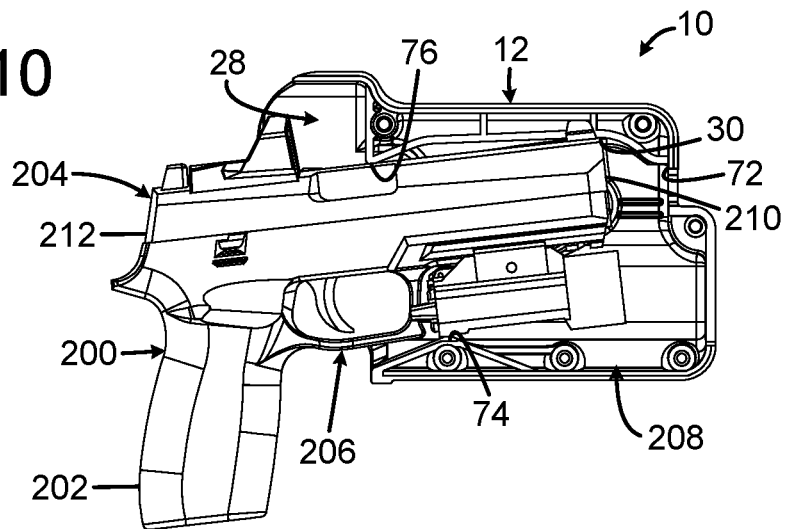


FIG. 10





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**HOLSTER FOR A PISTOL**

## FIELD OF THE INVENTION

The present invention relates to firearms, and more particularly to a holster for a pistol that enables a pistol with an attached flashlight to be holstered and drawn easily.

## BACKGROUND OF THE INVENTION

In many pistol applications, including law enforcement and self-defense, it is desirable to have a flashlight attached to the pistol for use in dark interiors and at night. Most pistol holsters are designed to hold a pistol without any attachments. While specialized holsters exist that accommodate both a pistol and an attached accessory such as a flashlight, they lack interior features that ensure the pistol can be holstered and drawn easily without the flashlight accessory snagging.

Therefore, a need exists for a new and improved holster for a pistol that enables a pistol with an attached flashlight to be holstered and drawn easily. In this regard, the various embodiments of the present invention substantially fulfill at least some of these needs. In this respect, the holster for a pistol according to the present invention substantially departs from the conventional concepts and designs of the prior art, and in doing so provides an apparatus primarily developed for the purpose of providing a holster that enables a pistol with an attached flashlight to be holstered and drawn easily.

## SUMMARY OF THE INVENTION

The present invention provides an improved holster for a pistol, and overcomes the above-mentioned disadvantages and drawbacks of the prior art. As such, the general purpose of the present invention, which will be described subsequently in greater detail, is to provide an improved holster for a pistol that has all the advantages of the prior art mentioned above.

To attain this, the preferred embodiment of the present invention essentially comprises a body defining a receptacle configured to removably receive in a holstered condition a pistol having a grip, a slide, a muzzle end and a trigger guard, and an illuminator device connected below the muzzle end of the pistol and forward of the trigger guard, the body when oriented for use having an open upper end from which the grip extends when in the holstered condition, the receptacle having a forward surface associated with a top surface of the slide, the receptacle having a trigger guard space configured to receive the trigger guard and defined by a trigger guard support portion of the body, the receptacle having an illuminator space below the trigger guard and aft of a lower portion of the forward surface and configured to receive the illuminator device, and the forward surface of the receptacle having a relief space configured to receive the top surface of the slide adjacent to the muzzle end when the pistol is rotated while moved between an unholstered condition and the holstered condition such that the illuminator device clears the trigger guard support portion. There are, of course, additional features of the invention that will be described hereinafter and which will form the subject matter of the claims attached.

There has thus been outlined, rather broadly, the more important features of the invention in order that the detailed

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description thereof that follows may be better understood and in order that the present contribution to the art may be better appreciated.

## BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a top isometric view of the current embodiment of a holster for a pistol constructed in accordance with the principles of the present invention in use with a pistol in the holstered condition.

FIG. 2 is a top view of the holster for a pistol of FIG. 1 without the pistol.

FIG. 3 is a top isometric cutaway view of the holster for a pistol of FIG. 1 without the pistol.

FIG. 4 is a top isometric cutaway view of the holster for a pistol of FIG. 1 with the pistol in the holstered condition.

FIG. 5 is a bottom sectional view of the holster for a pistol taken along line 5-5 of FIG. 1.

FIG. 6 is a bottom sectional view of the holster for a pistol taken along line 6-6 of FIG. 1.

FIG. 7 is a bottom isometric cutaway view of the holster for a pistol of FIG. 1 without the pistol.

FIG. 8 is a side sectional view of the holster for a pistol of FIG. 1 with the pistol in the holstered condition.

FIG. 9 is a side sectional view of the holster for a pistol of FIG. 1 with the pistol in the initial stage of being drawn from the holster.

FIG. 10 is a side sectional view of the holster for a pistol of FIG. 1 with the pistol being further drawn from the holster relative to FIG. 9.

FIG. 11 is a side sectional view of the holster for a pistol of FIG. 1 with the pistol being further drawn from the holster relative to FIG. 10.

FIG. 12 is a side sectional view of the holster for a pistol of FIG. 1 with the pistol being further drawn from the holster relative to FIG. 11.

The same reference numerals refer to the same parts throughout the various figures.

## DESCRIPTION OF THE CURRENT EMBODIMENT

An embodiment of the holster for a pistol of the present invention is shown and generally designated by the reference numeral 10.

FIGS. 1-7 illustrate the improved holster for a pistol 10 of the present invention. More particularly, FIGS. 1 and 4-6 show the holster with a pistol 200 in the holstered condition, and FIGS. 2, 3, and 7 show the holster without the pistol. The holster has a body 12 having a right half 14 and a left half 16. The right half and left half are shells formed of plastic in the current embodiment. Each is an integral unitary element. The forward portion of the pistol and any attached accessories are captured between the right and left halves. The left and right halves are held together by retaining screws and/or retaining pins (not shown) such that the right and left halves separably contact each other at a medial plane 18. Although many of the features of the holster that will be described result from the mating of the right half with the left half, the features of the holster will be described as if the holster were of unitary construction.

The body 12 of the holster 10 has a front 20, rear 22, open upper end 24, and bottom 26. The body defines a receptacle 28 configured to removably received in a holstered condition the pistol 200. The pistol has a grip 202, slide 204, trigger guard 206, and illuminator device 208. The slide has a muzzle end 210, a rear end 212, and a top surface 214. A

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front sight blade **216** extends upwardly from the top surface at the muzzle end of the slide. A rear sight **218** extends upwardly from the top surface adjacent to the rear end of the slide. The illuminator device is releasably connected to a Picatinny rail **220** located below the muzzle end of the slide and forward of the trigger guard.

When the body **12** is oriented for use, the grip **202** extends from the open upper end **24** when the pistol **200** is in the holstered condition. The receptacle **28** has a forward surface **30** associated with the top surface **214** of the slide **204**. In the current embodiment, the muzzle end of the slide contacts the forward surface when the pistol is in the holstered condition. The receptacle has a trigger guard space **32** configured to receive the trigger guard **206** and defined by a trigger guard support portion **34** of the body. The receptacle has an illuminator space **36** below the trigger guard and aft of a lower portion **38** of the forward surface **30** and configured to receive the illuminator device **208**. The forward surface of the receptacle has a relief space **40** configured to receive the top surface of the slide adjacent to the muzzle end when the pistol is rotated while being moved between an unholstered condition and the holstered condition such that the illuminator device clears the trigger guard support portion. The pistol rotation process to holster and unholster the pistol will be described in more detail in the discussion of FIGS. **8-12**.

In the current embodiment, the illuminator space **36** extends aft of the trigger guard space **32**. The relief space **40** is concave rearward and extends from proximate the muzzle end **210** of the slide **204** of the pistol **200** in the holstered condition to a level registered with the trigger guard **206**. The illuminator space **36** is spaced apart from the illuminator device **208** such that any of a plurality of different shaped and sized illuminator devices may be accommodated. The illuminator space is wider than the receptacle **28** forward of the illuminator space and associated with the muzzle end of the slide of the pistol.

The trigger guard support portion **34** of the body **12** defines a trigger guard channel **42** configured to closely receive a portion of the trigger guard **206**. In the current embodiment, the trigger guard channel includes opposed sidewalls **44** spaced apart to receive a lower portion **222** of the trigger guard. The trigger guard support portion also includes an upper ramp **46** and a lower ramp **48** that guide the illuminator device **208** into and out of the receptacle **28** as the pistol **200** is holstered and unholstered.

The bottom **26** of the body **12** defines a bottom opening **50**, at least a portion of which exposes at least a portion of the muzzle **224** of the pistol **200**. The portion of the body adjacent to the open upper end **24** forms an enlarged rear sight hood **52** that defines a rear sight space **54**. The rear sight **218** of the pistol is received within the rear sight space and protected by the rear sight hood when the pistol is in the holstered condition. The forward surface **30** is bisected by a front sight blade channel **56**. The front sight blade channel prevents the forward surface from obstructing the front sight blade **216** as the pistol is holstered and unholstered. A mounting surface **58** protrudes outwardly from the left half **16**. The underside of the mounting surface **60** defines a recess **62** and is supported by support ribs **64** located within the recess. The mounting surface enables the holstered **10** to be releasably attached to a bracket on a wearer's belt (not shown).

The portion of the forward surface **30** closest to the open upper end **24** of the body **12** has an upper ramp **66**. The upper ramp **66** is sloped at the same angle relative to the vertical axis **68** of the body as the upper ramp **46** of the trigger guard support portion **54**. The spacing **70** between

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the two upper ramps is determined by the distance between the top surface **214** of the slide **204** and the lower surface **226** of the illuminator device **208**. The spacing must be sufficiently wide so that the muzzle end **210** of the pistol **200** with the attached illuminator device can slide between the two upper ramps as the pistol is holstered and unholstered.

It should be appreciated that when the pistol **200** is in the holstered condition, the pistol only contacts the holster **10** at three locations: the muzzle contact point **72**, the trigger guard contact point **74**, and the slide contact point **76**. The trigger guard contact point is parallel to the bottom **228** of the trigger guard. The intersection of the upper ramp **46** and lower ramp **48** of the trigger guard support portion **34** on the opposed sidewalls **44** has a radiused portion **78** to guide the illuminator device **208** and the pistol up and over the trigger guard support portion as the pistol is holstered and unholstered. The trigger guard channel **42** prevents lateral movement of the pistol within the holster.

FIGS. **8-12** illustrate the improved holster for a pistol **10** of the present invention. More particularly, the pistol rotation process to unholster the pistol **200** is shown. FIG. **8** shows the pistol in the holstered condition. FIG. **9** shows the pistol at the point of initiation of the unholster in process with the pistol rotating counterclockwise as the trigger guard **206** is disengaged from the trigger guard contact point **74**. The counterclockwise rotation of the pistol is guided by contact between the forward surface **30** of the holster and the top surface **214** of the slide **204**. FIG. **10** shows the pistol further withdrawn from the holster relative to FIG. **9** with the pistol rotating further counterclockwise as the radiused portion **78** of the trigger guard support portion **34** guides the illuminator device **208** up and over the trigger guard support portion. The counterclockwise rotation of the pistol is also guided by contact between the forward surface of the holster and the top surface of the slide. FIG. **11** shows the pistol further withdrawn from the holster relative to FIG. **10** with the pistol rotating further counterclockwise as the illuminator device continues to ride up and over the trigger guard support portion. The counterclockwise rotation of the pistol is also guided by contact between the forward surface of the holster and the top surface of the slide. FIG. **12** shows the pistol further withdrawn from the holster relative to FIG. **11** with the pistol rotating further counterclockwise as the illuminator device continues to ride up and over the trigger guard support portion. The counterclockwise rotation of the pistol is also guided by contact between the forward surface of the holster and the top surface of the slide. In FIG. **12**, the top surface **214** of the slide **204** is parallel to the upper ramp **66** on the forward surface **30**, and the lower surface **226** of the illuminator device **208** is parallel to the upper ramp **46** of the trigger guard support portion. In the orientation shown in FIG. **12**, the pistol can be fully unholstered by continuing to pull the pistol upward at an angle relative to the vertical axis **68** parallel to the angle of the two upper ramps. To holster the pistol, the process is reversed.

While a current embodiment of a holster for a pistol has been described in detail, it should be apparent that modifications and variations thereto are possible, all of which fall within the true spirit and scope of the invention. With respect to the above description then, it is to be realized that the optimum dimensional relationships for the parts of the invention, to include variations in size, materials, shape, form, function and manner of operation, assembly and use, are deemed readily apparent and obvious to one skilled in the art, and all equivalent relationships to those illustrated in the drawings and described in the specification are intended to be encompassed by the present invention.

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Therefore, the foregoing is considered as illustrative only of the principles of the invention. Further, since numerous modifications and changes will readily occur to those skilled in the art, it is not desired to limit the invention to the exact construction and operation shown and described, and accordingly, all suitable modifications and equivalents may be resorted to, falling within the scope of the invention.

I claim:

1. A holster for a pistol comprising: a body defining a receptacle configured to removably receive in a holstered condition a pistol having a grip, a slide, a muzzle end and a trigger guard, and an illuminator device connected below the muzzle end of the pistol and forward of the trigger guard; the body when oriented for use having an open upper end from which the grip extends when in the holstered condition; the receptacle having a forward surface associated with a top surface of the slide and defining a reference plane; the body defining an aft direction away from the forward surface; the receptacle having a trigger guard space configured to receive the trigger guard and defined by a trigger guard support portion of the body; the trigger guard support providing a ramp with a trigger guard contact point for the pistol; the receptacle having an illuminator space below the trigger guard and aft of a lower portion of the forward surface and configured to receive the illuminator device; the forward surface of the receptacle having a relief space configured to receive the top surface of the slide adjacent to the muzzle end when the pistol is rotated while moved between an unholstered condition and the holstered condition such that the illuminator device clears the trigger guard support portion; the forward surface having an upper portion providing a second ramp with slide contact point for the pistol; the slide contact point being at a level closer to the upper end of

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the body than the trigger guard contact point is to the upper end of the body; the distance between the trigger guard contact point and the slide contact point of support being greater than the lateral separation between the trigger guard contact point and the slide contact point in a direction perpendicular to the reference plane; the relief space being forward of the slide contact point; and the trigger guard support portion of the body being immovable to prevent extraction of the pistol except upon such rotation of the pistol, and remaining unmoved upon such rotation that bypasses the trigger guard support portion without requiring flexure of any portion of the body.

2. The holster of claim 1 wherein the illuminator space extends aft of the trigger guard space.

3. The holster of claim 1 wherein the relief space is concave rearward.

4. The holster of claim 1 wherein the relief space extends from proximate the muzzle end of the pistol in the holstered condition to a level registered with the trigger guard.

5. The holster of claim 1 wherein the illuminator space is spaced apart from the illuminator device such that any of a plurality of different shaped and sized illuminator devices may be accommodated.

6. The holster of claim 1 wherein the illuminator space is wider than the receptacle forward of the illuminator space and associated with the muzzle end of the pistol.

7. The holster of claim 1 wherein the trigger guard support portion defines a channel configured to closely receive a portion of the trigger guard.

8. The holster of claim 7 wherein the channel includes opposed side walls spaced apart to receive a lower portion of the trigger guard.

\* \* \* \* \*