

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:23-cv-00270

CK MANUFACTURING, LLC,

Plaintiff,

v.

DEMAND FOR JURY TRIAL

FSAAP, LLC,

Defendant.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff CK Manufacturing, LLC, for its Complaint against Defendant FSAAP, LLC, alleges on its own knowledge and on information and belief as follows:

NATURE OF THE CASE

1. This action seeks damages and injunctive relief for patent infringement (“Action”).

PARTIES

2. Plaintiff CK Manufacturing, LLC, is a limited liability company duly organized and existing under the laws of the State of Colorado, with its principal place of business in Rifle, Colorado.

3. On information and belief, Defendant FSAAP, LLC is a limited liability company duly organized and existing under the laws of the State of Arkansas, having a principal place of business and/or headquarters at 5730 North 6th Street, Fort Smith, AR 72904.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant due to Defendant’s continuous, systematic, and substantial contacts within the State of Colorado including: (i) at least a portion of the infringement alleged herein occurs in Colorado; (ii) Defendant is marketing, distributing, and selling its products in the United States including Colorado throughout the relevant time period; and (iii) Defendant is regularly doing or soliciting

business in Colorado, engaging in other persistent courses of conduct in Colorado, and/or deriving substantial revenue from goods and services provided to individuals in Colorado. For example, Defendant is selling its products including infringing configurable ammunition packaging apparatuses on its online store at <https://fsaap.com/tray-loading-machine/>, which touts shipment of these products to addresses throughout the United States (<https://fsaap.com/terms-and-conditions/>).

7. Venue is appropriate in this District pursuant to 28 U.S.C. §§ 1391(b) and (c). Upon information and belief, Defendant has committed acts of patent infringement in this District.

FACTUAL BACKGROUND

8. Recognizing a long-felt market need for the same, CK Manufacturing, LLC owner, Gordon P. Chicoine, sought to invent a relatively low-cost ammunition packaging apparatus whose innovative characteristics would enable purchasers of such apparatuses to compete with much larger ammunition packagers. CK Manufacturing, LLC was successful in that effort, obtaining a patent on the invention (the '186 Patent, discussed below). This invention has been instrumental in boosting Plaintiff's sales and success in its market niche, a niche carved out in large part as a result of the '186 Patent.

9. Plaintiff became aware of Defendant's infringing conduct and moved apace to halt it. Plaintiff first attempted to do so through good-faith, informal entreaties urging Defendant to refrain from offering the infringing product for sale. However, Defendant's continuing, obdurate refusals ultimately impelled CK Manufacturing, LLC to file this Complaint.

10. CK Manufacturing, LLC has invested significant resources to protect its

innovations, including pursuing patent protection.

THE PATENT-IN-SUIT

11. CK Manufacturing, LLC is the assignee of all rights, title and interest to U.S. Patent No. US 11,226,186 (the “’186 Patent”), titled, “Configurable Ammunition Packaging Apparatus”, issued on January 18, 2022. A copy of the ’186 Patent is attached as **Exhibit 1**.

12. CK Manufacturing, LLC has the sole and exclusive right to prosecute this Action, enforce the ’186 Patent against infringers including Defendant, and to collect damages on the ’186 Patent for all relevant times.

13. CK Manufacturing, LLC has complied with any applicable marking requirements under 35 U.S.C. § 287 for the ’186 Patent.

14. The ’186 Patent is also referred to as the “Asserted Patent.”

DEFENDANT’S INFRINGING CONDUCT

15. On information and belief, Defendant sells configurable ammunition packaging apparatuses (which product Defendant terms, variously, an “ammunition tray loading machine”; a “tray packing machine”; or a “tray loading machine”) in the United States.

16. Specifically, Defendant uses, offers to sell and sells within the United States certain infringing configurable ammunition packaging apparatuses (hereinafter, “the Accused Products”).

17. As an example, Defendant is selling its products including infringing configurable ammunition packaging apparatuses on its online store at <https://fsaap.com/tray-loading-machine/>, which touts shipment of these products to

addresses throughout the United States (<https://fsaap.com/terms-and-conditions/>).

18. Defendant advertises the Accused Products under its own FSAAP brand name.

COUNT 1 – INFRINGEMENT OF THE '186 PATENT

19. CK Manufacturing, LLC restates and incorporates by reference the paragraphs above as if stated fully herein.

20. On information and belief, in violation of 35 U.S.C. § 271(a), Defendant has, literally and under the doctrine of equivalents, directly infringed at least claim 1 of the '186 Patent by, among other things, making, using, offering for sale, and/or selling within the United States, the Accused Products as described *supra*, and will continue to do so unless such infringing activities are enjoined by this Court.

21. Specific claim charts demonstrating Defendant's infringement of the '186 Patent for the Accused Products are attached at **Exhibit 2**.¹

22. CK Manufacturing, LLC has suffered, and continues to suffer, damages and irreparable harm as a result of Defendant's past and ongoing infringement.

23. Unless Defendant's infringement is enjoined, CK Manufacturing, LLC will continue to be damaged and irreparably harmed.

24. Defendant has had knowledge of the '186 Patent since at least June 2022.

25. Upon information and belief, Defendant's ongoing infringement of the '186 Patent has been willful and deliberate, making this an exceptional case and entitling CK Manufacturing, LLC to recover enhanced trebled damages and attorneys' fees pursuant

¹ All attached claim charts are for pleading purposes only and shall neither preclude nor be deemed replacements of CK Manufacturing, LLC's infringement contentions to be served at a later date, as set by the Court in its Scheduling Order.

to 35 U.S.C. §§ 284, 285.

DEMAND FOR JURY TRIAL

26. Pursuant to Fed. R. Civ. P. 38, Plaintiff demands a trial by jury of all issues triable of right to a jury and raised by the pleadings in this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff CK Manufacturing, LLC requests that this Court enter the following orders and judgments:

a. Awarding damages no less than a reasonable royalty together with interests and costs;

b. Preliminary and permanently enjoining Defendant and its parents, subsidiaries, divisions, officers, directors, agents, dealers, representatives, servants, employees, successors, assigns, and all parties acting in concert or participation with them, from infringing the Asserted Patent;

c. Finding Defendant's infringement of the Asserted Patent to be willful under 35 U.S.C. § 284 and trebling damages, accordingly;

d. Finding this to be an exceptional case and awarding CK Manufacturing, LLC attorney fees under 35 U.S.C. § 285; and

e. Awarding CK Manufacturing, LLC such other and further relief as the Court deems just and proper.

Respectfully Submitted,

Dated: January 30, 2023

By: /s/ Christopher L. Limpus
Christopher L. Limpus, Esq.
Jack F. Stuart II, Esq.
MARTENSEN IP
30 East Kiowa Street, Suite 101
Colorado Springs, Colorado 80903
Tele: 719-358-2561
chris@martensenip.com
jack@martensenip.com

Attorneys for Plaintiff CK Manufacturing, LLC