

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CZECHPOINT, INC.

Plaintiff,

v.

SOUTHERN TACTICAL, LLC,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff CzechPoint, Inc. (“CzechPoint”) files this Complaint for patent infringement against Defendant Southern Tactical, LLC (“Southern Tactical”), and in support thereof alleges the following:

NATURE OF THE ACTION

1. This is an action for infringement of United States Patent No. 7,895,933 (“the ‘933 Patent”), which arises under the Patent Laws of the United States, Title 35, United States Code, §§ 100 *et seq.*, including 35 U.S.C. §§ 271 and 281.

2. As set forth in detail below, this action for patent infringement arises as a result of Southern Tactical’s unauthorized and unlicensed practice of claims of the ‘933 Patent through at least the making, using, offering for sale, and/or selling within the United States, as well as importing into the United States, at least its VZ 61 Pistol in .32 ACP and VZ 61 Skorpion Pistol (collectively the “Infringing Products”).

PARTIES

3. CzechPoint is a corporation organized and existing under the laws of the State of Tennessee, with a principal place of business at 5005 Chapman Highway, Suite B, Knoxville, Tennessee 37920.

4. On information and belief, Southern Tactical is limited liability company organized and existing under the laws of the Commonwealth of Virginia, with a principal place of business at 4482 Country Walk Lane, Mechanicsville, VA 23111.

JURISDICTION AND VENUE

5. This Court has exclusive subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a) because the Complaint concerns a federal question arising under the Patent Laws of the United States, including, without limitation, 35 U.S.C. §§ 271 and 281.

6. This Court has personal jurisdiction over Southern Tactical because it is a company organized and existing under the laws of the Commonwealth of Virginia and this judicial district.

7. This Court also has personal jurisdiction over Southern Tactical because it conducts business in Virginia and has committed acts of patent infringement in Virginia through the manufacture, use, offering for sale, and/or sale of Infringing Products in Virginia.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because Southern Tactical resides in this judicial district.

BACKGROUND

A. CzechPoint, Inc.

9. CzechPoint was founded in October 2008 and is a direct partner with Czech Small Arms, a firearms manufacturer located in Jablunka, Czech Republic. CzechPoint is the sole

importer and primary distributor for several Czech Small Arms manufactured firearms, including the Sa vz. 61 Pistol (example shown below).



<https://www.czechpoint-usa.com/vz-61-pistol-765-br-chrome-lined-barrel/product>

10. CzechPoint marks its Sa vz. 61 Pistols with the '933 Patent.



<https://www.czechpoint-usa.com/vz-61-pistol-765-br-chrome-lined-barrel/product>

11. CzechPoint is the holder of Federal Firearms Licenses for Type 7 – Manufacturer of Firearms and Type 8 – Importer of Firearms.

B. U.S. Patent No. 7,895,933

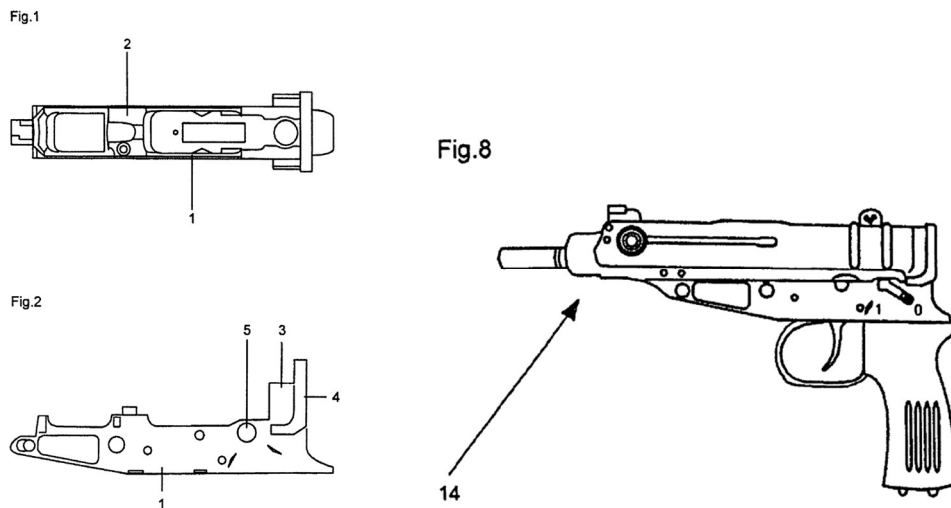
12. The ‘933 Patent, titled “Pistol Conversion From An Automatic Weapon,” was issued by the United States Patent and Trademark Office (“USPTO”) on March 1, 2011. A true and correct copy of the ‘933 Patent is attached to this Complaint as **Exhibit A**.

13. The application that resulted in the issuance of the ‘933 Patent, U.S. Patent Application No. 11/783,151, was filed on April 6, 2007.

14. The ‘933 Patent is assigned to CzechPoint.

15. CzechPoint, as assignee, owns the entire right, title, and interest in the ‘933 Patent.

16. The ‘933 Patent is generally directed to a semi-automatic pistol that is created by the modification of a fully automatic sub-machine gun. More specifically, a Czech model Sa vz. 61 fully automatic submachine gun is modified to be only a semi-automatic weapon, incapable of reverting to fully automatic use. Exemplary embodiments of parts of the claimed invention are illustrated in at least figures 1-2 and 8 of the ‘933 Patent, shown below:



17. As an example, claim 1 of the '933 Patent recites the following limitations:

A semi-automatic pistol comprising a barrel, receiver, trigger, trigger lever and pistol grip, and further comprising:

a frame having right and left hand side walls and a bridge extending between said side walls and having a generally planar upper surface that is continuous and uninterrupted on the right hand side of said bridge in the direction of fire, and a hole in at least one of said right and left hand side walls;

said frame further including a rear stop adjacent a rear wall which extends between said right and left sidewalls, said rear stop being monolithic and imperforated, said rear wall having a planar rear surface extending from the top of the frame, most of the way towards the bottom of the frame, that is smooth, continuous and uninterrupted.

C. Southern Tactical's Infringing Products

18. Southern Tactical makes, uses, sells, and/or offers to sell in the United States, and/or imports into the United States, the Infringing Products, including, but not limited to, the VZ 61 Pistol in .32 ACP and VZ 61 Skorpion Pistol.

19. Southern Tactical offers for sale and sells on its website, the VZ 61 Pistol in .32 ACP (shown below):



<https://www.southerntactical.com/firearms/pistols/vz-61-pistol-in-32-acp>

20. Southern Tactical likewise offers for sale and sells on its website the VZ 61 Skorpion Pistol (shown below):



<https://www.southern-tactical.com/firearms/pistols/vz-61-scorpion-pistol>

COUNT ONE

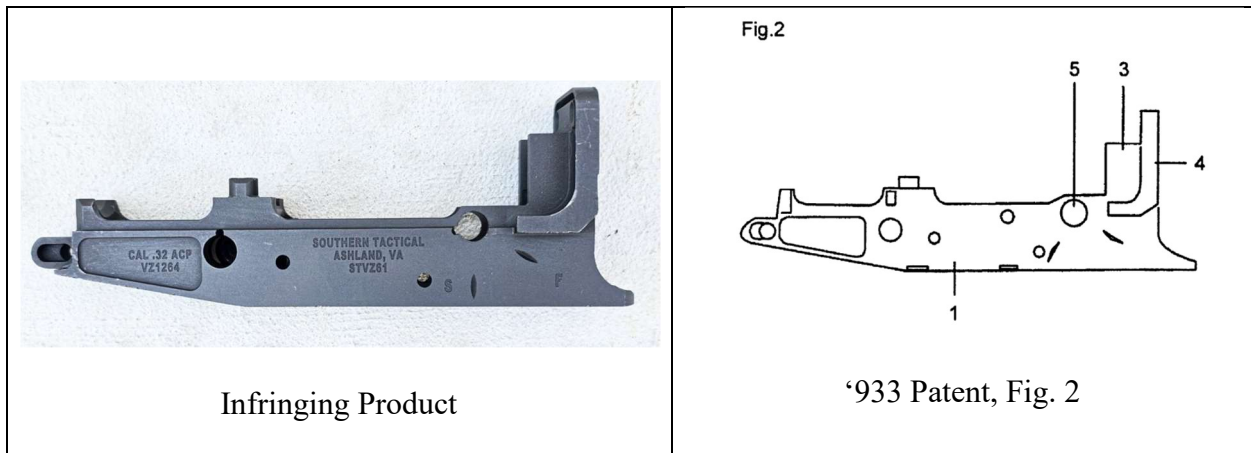
(Direct Infringement of the '933 Patent under 35 U.S.C. § 271(a))

21. CzechPoint realleges and incorporates the preceding paragraphs as set forth above.

22. Southern Tactical has been and is directly infringing at least claim 1 of the '933 Patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States, the Infringing Products.

23. By way of example, the Infringing Products infringe at least claim 1 of the '933 Patent because they contain each and every limitation of this claim.

24. The Infringing Products are in part characterized by a frame that is identical to the frame disclosed and claimed by the '933 Patent:



25. The Infringing Products are semi-automatic pistols “comprising a barrel, receiver, trigger, trigger lever and pistol grip”:

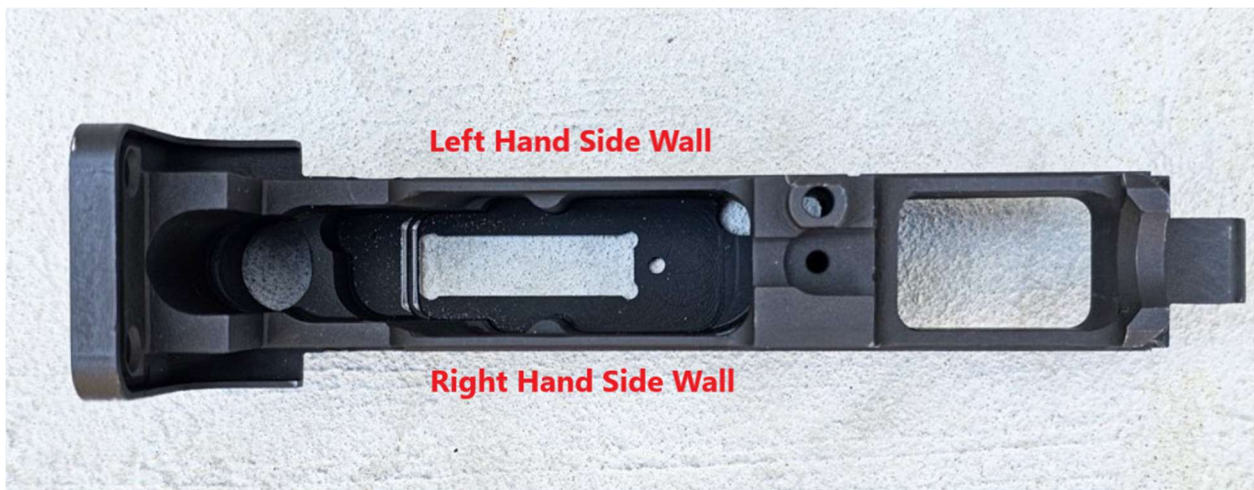
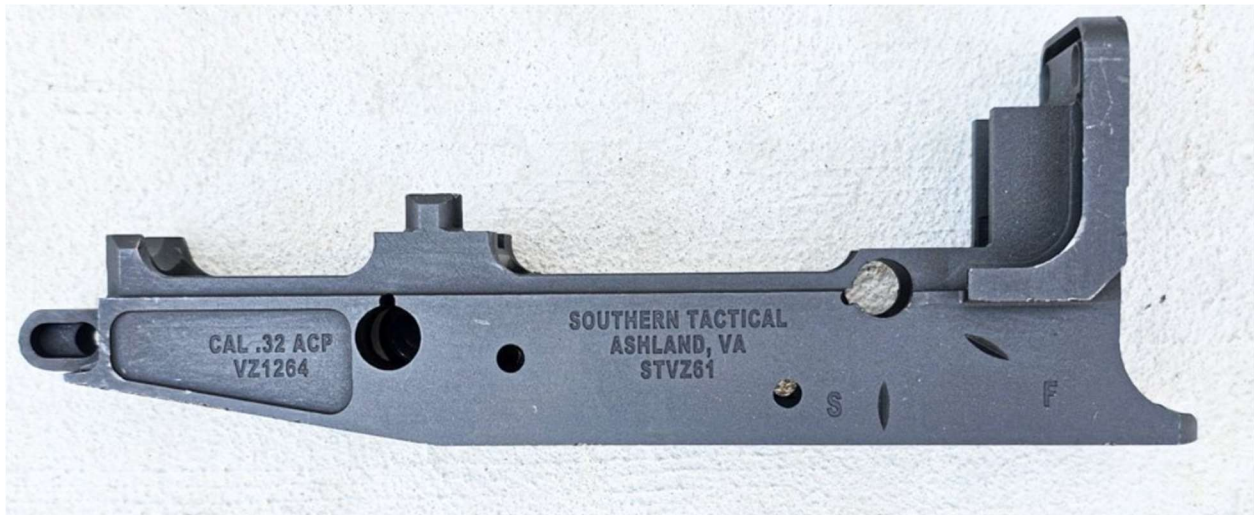


Southern Tactical VZ 61 Pistol in .32 ACP

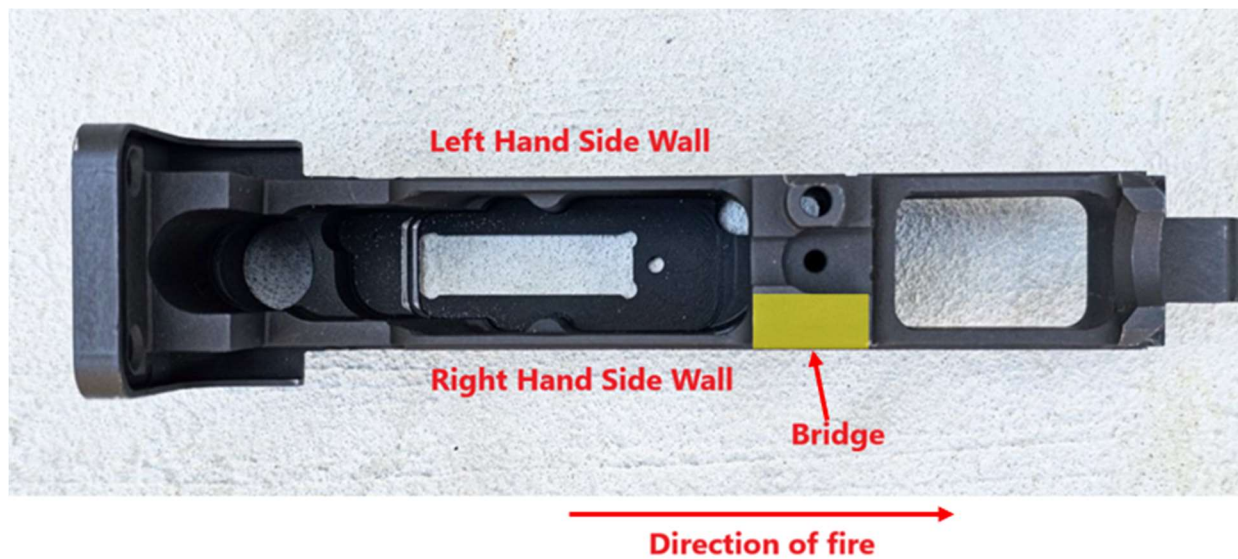


Southern Tactical VZ 61 Skorpion Pistol

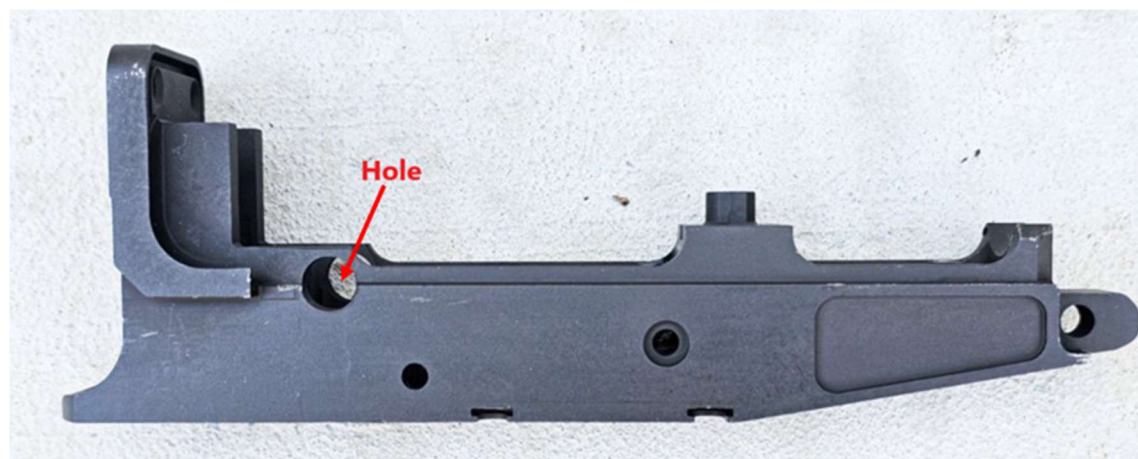
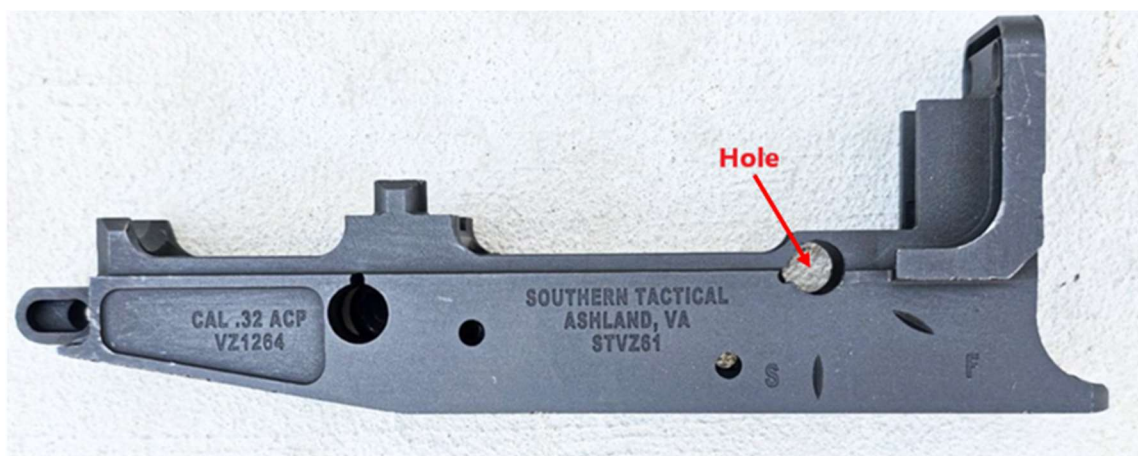
26. The Infringing Products further include “a frame having right and left hand side walls”:



27. The Infringing Products also include a frame having “a bridge extending between said side walls and having a generally planar upper surface that is continuous and uninterrupted on the right hand side of said bridge in the direction of fire”:



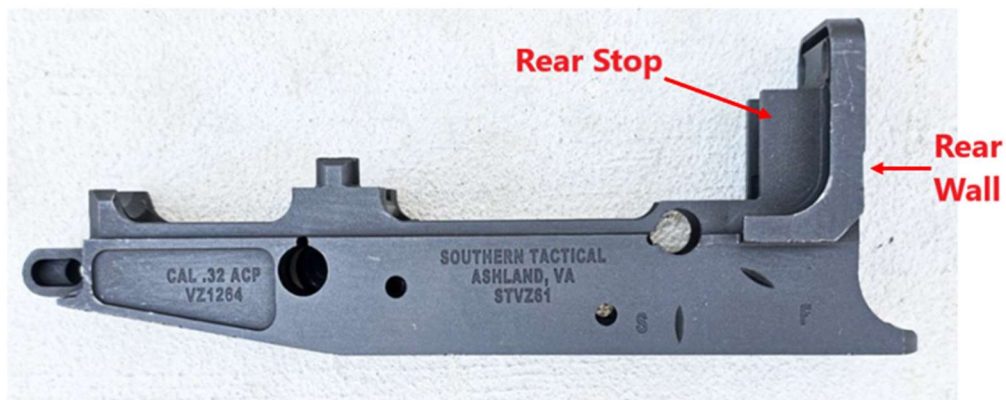
28. The Infringing Products likewise contain a frame having “a hole in at least one of said right and left hand side walls”:



29. The Infringing Products include a frame “said frame further including a rear stop adjacent a rear wall which extends between said right and left sidewalls”:



30. The Infringing Products also include a rear stop “said rear stop being monolithic and imperforated”:



31. The Infringing Products also include a rear wall “said rear wall having a planar rear surface extending from the top of the frame, most of the way towards the bottom of the frame, that is smooth, continuous and uninterrupted”:



32. Southern Tactical does not have a license or other permission to practice the technology claimed by the ‘933 Patent. Southern Tactical does not have any other authority to practice the technology claimed by the ‘933 Patent.

33. As a result of Southern Tactical’s infringement of the ‘933 Patent, CzechPoint has suffered, and will continue to suffer, damage including, but not limited to, monetary damages.

CzechPoint is entitled to recover from Southern Tactical damages adequate to compensate it for such infringement, which has yet to be determined.

34. This is an exceptional case, and CzechPoint is entitled to an award of its attorneys' fees pursuant to 35 U.S.C. § 285.

35. As a result of Southern Tactical's infringement of the '933 Patent, CzechPoint has suffered, and will continue to suffer, immediate, substantial, and irreparable harm. CzechPoint is entitled to relief in the form of a preliminary and permanent injunction.

JURY TRIAL DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, CzechPoint hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, CzechPoint respectfully requests that this Court enter judgment and provide relief as follows:

- a. Entering judgment that Southern Tactical has infringed one or more claims of the '933 Patent, in violation of 35 U.S.C. § 271;
- b. Awarding damages adequate to compensate CzechPoint for Southern Tactical's infringement of the '933 Patent, together with pre-judgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284;
- c. Declaring that this is an exceptional case under 35 U.S.C. § 285, and awarding CzechPoint its reasonable attorneys' fees and costs incurred in this action;
- d. Ordering that Southern Tactical account for additional damages for any and all periods of infringement not included in the damages awarded by this Court or jury, including any post-verdict infringement;

e. Entering a preliminary and permanent injunction against Southern Tactical, barring and enjoining Southern Tactical, and its respective offers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them directly or indirectly, from making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, the Infringing Products and any other products that infringe the Asserted Patents prior to the expiration of those patents, including any extensions thereof; and

f. Awarding CzechPoint such other equitable or legal relief as the Court may deem just and proper.

Respectfully submitted this 17th day of April 2024.

/s/ R. Braxton Hill, IV

R. Braxton Hill, IV (VSB 41539)
MERRITHILL, PLLC
919 East Main Street, Suite 1000
Richmond, Virginia 23219
Telephone: (804) 916-1600
bhill@merrittfirm.com

John W. Harbin (*pro hac vice* forthcoming)
Georgia State Bar No. 324130
Robert J. Leonard (*pro hac vice* forthcoming)
Georgia State Bar No. 303694
MEUNIER CARLIN & CURFMAN LLC
999 Peachtree Street N.E., Suite 1300
Atlanta, Georgia 30309
Telephone: (404) 645-7700
Facsimile: (404) 645-7707
jharbin@mcciplaw.com
rleonard@mcciplaw.com

Attorneys for CzechPoint, Inc.