

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

MICROTECH KNIVES, INC.,

Plaintiff,

vs.

GUNNER GEAR, LLC,

Defendant.

**CASE NO.**

**COMPLAINT**  
**JURY TRIAL DEMANDED**  
**(INJUNCTIVE RELIEF**  
**REQUESTED)**

**COMPLAINT**

Plaintiff Microtech Knives Inc. (“Plaintiff” or “Microtech”) files this Complaint for patent infringement against Defendant Gunner Gear, LLC (“Defendant” or “Gunner Gear”) and alleges as follows:

1. Microtech brings this action pursuant to the United States Patent Act, 35 U.S.C. § 100, *et seq.* Gunner Gear has infringed and, upon information and belief, continues to infringe one or more claims of U.S. Patent No. 11,607,818 (the ‘818 patent or the “patent-in-suit”).

2. Gunner Gear has committed, and/or continues to commit, acts of direct infringement of the patent-in-suit.

**THE PARTIES**

3. Microtech Knives, Inc. is a corporation formed under the laws of Pennsylvania with a principal place of business at 321 Fanning Fields Road, Mills River, North Carolina 28759.

4. Gunner Gear, LLC is a corporation formed under the laws of Florida with, upon information and belief, a principal place of business at 2608 Tradewinds Trail, Orlando, Florida 32805. Defendant maintains a mailing address with the Florida Division of Corporations at 4300 S US Hwy 1 203-291, Jupiter, Florida 33477, which upon information and belief, is a mailbox located within a third-party shipping or mailbox services store.

### **JURISDICTION**

5. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the United States Patent Act, 35 U.S.C. § 100, *et seq.*

6. Upon information and belief, pursuant to the U.S. Constitution and Fla. Stat. Ann. § 48.193, this Court has personal jurisdiction over Gunner Gear because Defendant has its principal place of business in this District and has engaged in substantial activities within this state, including engaging in infringing acts in the State of Florida and within this District.

7. Venue is proper in the Court pursuant to 28 U.S.C. §§ 1391(b) and 1400 because Gunner Gear reside in this District and/or Gunner Gear has a regular and established place of business in this District, Gunner Gear has committed acts of infringement in this District, and Gunner Gear is subject to personal jurisdiction here.

**Patent-in-Suit**

8. On March 21, 2023, the United States Patent and Trademark Office duly and legally issued the '818 patent, entitled "Pocket Knife," a true and accurate copy of which is attached as **Exhibit A**.

9. The patent-in-suit describes a pocket knife, including in certain embodiments, a chassis with a left outer surface opposed to a right outer surface and a top outer surface between said left and right outer surfaces. The pocket knife can include a cavity between the left and right outer surfaces, and a blade with a cutting edge. The blade can have a retracted position where the cutting edge is inside the cavity and a deployed position where cutting edge is outside of said cavity. The pocket knife can also include a slider inside the cavity. The slider has a rear position that moves the blade to the retracted position and a front position that moves the blade to said deployed position. The pocket knife can also have a tab that extends from the slider and an actuator that is in sliding contact with the chassis and engaged with the tab so that the actuator and slider move together. The top side of the actuator extends beyond the top outer surface of the chassis. Additionally, the left side of the actuator can extend beyond the left outer surface of the chassis, or the right side of the actuator can extend beyond the right outer surface of the chassis. Various embodiments with additional or different features are also described.

10. Microtech is the owner of all rights, title, and interest in the patent-in-suit including the right to bring this suit for injunctive relief and damages, including past damages.

11. Microtech has not authorized Gunner Gear to manufacture, offer to sell, sell, use, or import any product covered by the patent-in-suit.

**Defendant's Infringing Activities**

12. Gunner Gear advertises, advertised, offers to sell, offered to sell, sells and/or sold in the United States products that practice the invention disclosed in the patent-in-suit. Gunner Gear has used various names for these products including, without limitation the "Silverback", and "Silverback OTF Knife", or other names for pocket knives that include similar features or functions to that described in Paragraph 14 ("Accused Products") and/or as shown in **Exhibit B**.

13. Upon information and belief, Gunner Gear has infringed, and, upon information and belief, continues to infringe, the patent-in-suit by using, offering for sale, selling, and/or importing the Accused Products in the United States. For example, as shown in Exhibit B, Gunner Gear infringed the '818 patent by offering to sell and selling the Accused Products in the United States through its website at [www.gunnergear.com](http://www.gunnergear.com).

14. The Accused Products are pocket knives that include, by way of example and not limitation, features meeting all the limitations of at least one claim of the '818 (e.g., claim 6), such as the following:

- a. A chassis, the chassis defines a left outer surface opposed to a right outer surface, a top outer surface between the left and right outer surfaces, and a cavity between the left and right outer surfaces.

b. A blade having a cutting edge, wherein the blade has a retracted position in which the cutting edge is inside the cavity and a deployed position in which the cutting edge is outside of said cavity.

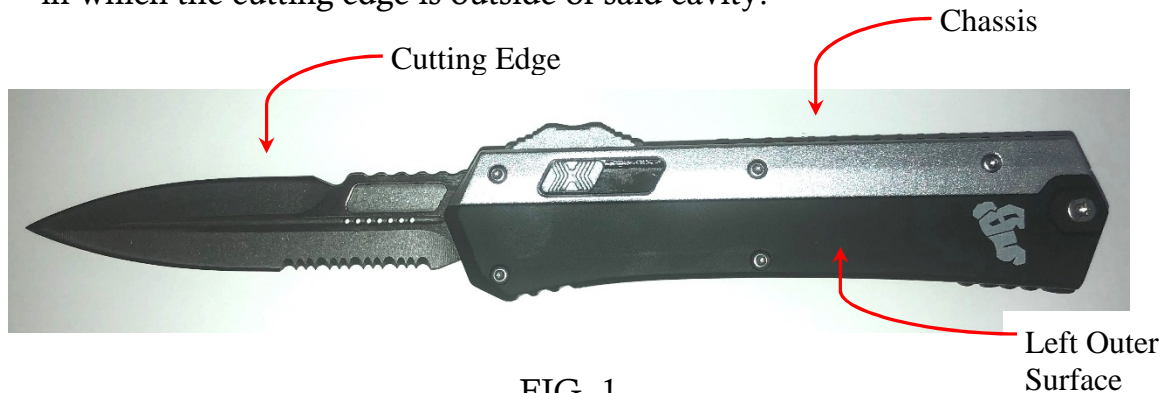


FIG. 1  
(Accused Product in Deployed Position)



FIG. 2  
(Accused Product in Deployed Position)



FIG. 3  
(Accused Product - Cutting Edge Inside Cavity)



FIG. 4  
(Accused Product in Retracted Position)

c. A slider inside the cavity. The slider has a rear position that moves the blade to a retracted position and a front position that moves the blade to a deployed position.

d. A tab that extends from the slider.

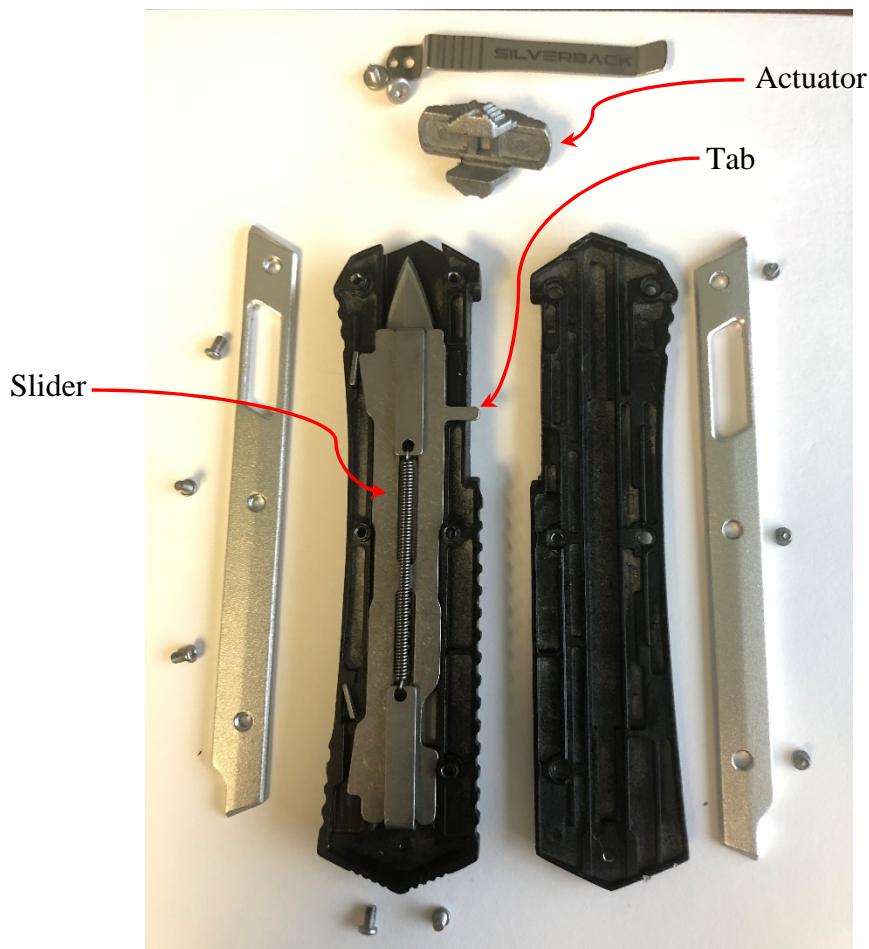


FIG. 5

e. An actuator in sliding contact with the chassis and engaged with the tab so that the actuator and the slider move together. At least one of the left side of the actuator of the one or more Accused Products extends beyond the left outer surface of the chassis or a right side of the actuator extends beyond the right outer surface of the chassis. The one or more Accused Products also includes a top side of the actuator that extends beyond the top outer surface of the chassis.

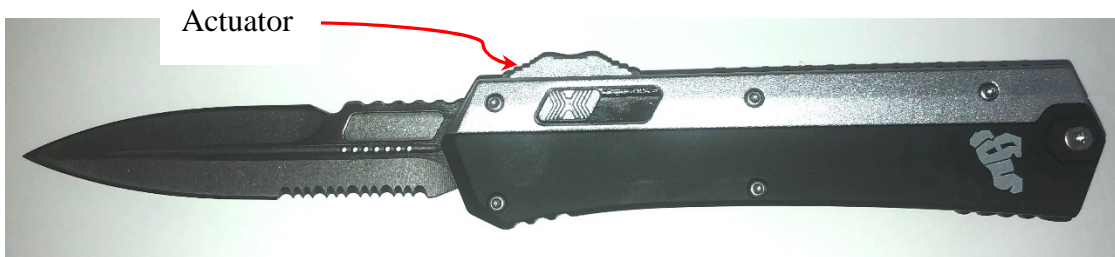


FIG. 6

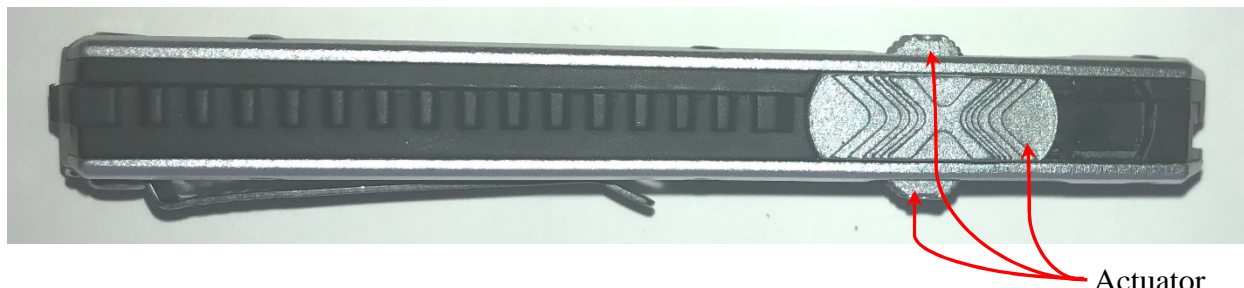


FIG. 7

15. The Accused Products and use of the Accused Products by Gunner Gear embodies and practices the invention claimed in the patent-in-suit.

16. Before the filing of the present suit, Microtech, through its counsel, contacted Gunner Gear regarding the '818 patent and certain acts of infringement described herein. Microtech requested, *inter alia*, that Gunner Gear provide information concerning its inventory of the Accused Products and provide an accounting of its infringing activity. Gunner Gear failed to respond to Microtech.

17. At the time Gunner Gear was contacted regarding the '818 patent and Defendant's acts of infringement, Gunner Gear's website located at [www.gunnergear.com](http://www.gunnergear.com) indicated that Defendant was in possession of numerous units of the Accused Products. Upon information and belief, Gunner Gear continued to



sell, offer for sale, or use the Accused Products after having knowledge of the '818 patent.

**COUNT 1**

**First Cause of Action: Direct Infringement of U.S. Patent No. 11,607,818**

18. Microtech incorporates by reference the allegations of the preceding paragraphs as if fully set forth herein.

19. Gunner Gear's offer for sale, sale, importation, and/or use of the Accused Products in the United States directly infringes the '818 patent.

20. Gunner Gear's offer for sale, sale, importation, and/or use of the Accused Products infringes, for example, at least claim 6 of the '818 patent.

21. One or more of the Accused Products is a pocket knife including, for example, a chassis. The chassis defines a left outer surface opposed to a right outer surface, a top outer surface between the left and right outer surfaces, and a cavity between the left and right outer surfaces. The one or more Accused Products also includes a blade having a cutting edge, wherein the blade has a retracted position in which the cutting edge is inside the cavity and a deployed position in which the cutting edge is outside of said cavity. The one or more Accused Products has a slider inside the cavity. The slider has a rear position that moves the blade to a retracted position and a front position that moves the blade to a deployed position. A tab that extends from the slider of the Accused Products. The one or more Accused Products also has an actuator in sliding contact with the chassis and engaged with the tab so that the actuator and the slider move together. The left side of the actuator of the

one or more Accused Products extends beyond the left outer surface of the chassis, or a right side of the actuator extends beyond the right outer surface of the chassis. The one or more Accused Products also includes a top side of the actuator that extends beyond the top outer surface of the chassis. *See also* ¶ 14.

22. Gunner Gear's direct infringement of the '818 patent has caused and continues to cause financial damages to Microtech, including for example, lost sales revenue caused by Gunner Gear's sales of the Accused Products.

23. Gunner Gear's direct infringement of the '818 patent irreparably damages Microtech, including for example, violating Microtech's right to exclude others from making, using, selling, or offering to sell products embodying the invention patented in the '818 patent.

24. Gunner Gear's direct infringement of the '818 patent will continue unless enjoined by the Court under 35 U.S.C. § 283 and/or the equitable powers of the Court.

25. Gunner Gear has had actual knowledge of the '818 patent at least since being contacted by counsel for Microtech on or about December 5, 2023.

26. Gunner Gear's continuing direct infringement of the '818 patent, at least after receipt of the December 5, 2023 correspondence, constitutes willful infringement because such continued despite an objectively high likelihood that Gunner Gear's conduct infringes valid claims of the '818 patent, and this likelihood is either known to Gunner Gear or is so obvious that Gunner Gear should have known that its conduct infringed valid claims of the '818 patent.

**Request for Relief**

Wherefore, Microtech respectfully requests entry of judgment against Defendant Gunner Gear and its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation, providing the following relief:

A. Finding that Defendant Gunner Gear has directly infringed, either literally or by doctrine of equivalents, one or more claims of the patent-in-suit and finding that such infringement has been willful;

B. Entering a permanent injunction, under 35 U.S.C. § 283 and the equitable powers of the Court, against Defendant Gunner Gear and all those in active concert or participation with Defendant Gunner Gear, to prevent further infringement of the patent-in-suit;

C. Awarding Plaintiff Microtech damages in an amount that will be proved at trial and that will adequately compensate Plaintiff Microtech for the infringement but in no amount less than a reasonable royalty as authorized by 35 U.S.C. § 284;

D. Increasing the damages awarded to Plaintiff Microtech up to three times the amount of Plaintiff's actual damages as authorized by 35 U.S.C. § 284;

E. Finding that this is an exceptional case and award Plaintiff Microtech its attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285 and/or other applicable laws;

F. Awarding Plaintiff Microtech prejudgment interest and costs under 35 U.S.C. § 284 and/or other applicable laws;

G. Granting such other legal and equitable relief and the Court may deem just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues triable to a jury.

This the 29th day of May, 2024.

Respectfully submitted,

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