

1 Scott D. Swanson (ISB #8156)  
2 Shaver and Swanson, LLP  
3 1087 W. River St. Suite 310  
4 Boise, ID 83702  
5 P.O. Box 877  
6 Boise, ID 83701  
7 Tel: (208) 345-1122  
8 *swanson@shaverswanson.com*

9 Brian E. Mitchell (Pro hac vice to be requested)  
10 MITCHELL + COMPANY  
11 575 Market Street, 4th Floor  
12 San Francisco, CA 94105  
13 Tel: (415) 860-5382  
14 *brian.mitchell@mcolawoffices.com*

15 Attorneys for Plaintiff,  
16 MAGPUL INDUSTRIES CORP.

17 UNITED STATES DISTRICT COURT  
18 FOR THE DISTRICT OF IDAHO

19 MAGPUL INDUSTRIES CORP.,

20 Plaintiff,

21 v.

22 AMEND2, LLC,

23 Defendant.

Case No.:

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

24 Plaintiff Magpul Industries Corp. (“Plaintiff” or “Magpul”) complains as follows:

25 **NATURE OF ACTION**

26 1. This is an action for patent infringement arising under the patent laws of the United  
27 States, Title 35, United States Code, against Defendant Amend2, LLC (“Defendant” or “Amend2”).  
28 Magpul alleges that Defendant infringes U.S. Patent No. 8,839,543 and U.S. Patent No. 8,635,796,

1 owned by Magpul, by making, using, offering to sell, and selling certain polymer ammunition  
2 magazines.

3 **THE PARTIES**

4 2. Magpul is a corporation organized and existing under the laws of the State of  
5 Delaware, with its principal place of business at 5408 US Highway 290 West, Austin, TX 78735.

6 3. Magpul is a leading designer and manufacturer of high-quality consumer and  
7 military-grade products relating to firearms and firearms accessories. Magpul is an influential  
8 lifestyle brand in the firearms industry. Its products are featured in movies and on television, and  
9 they are recognized by customers around the world. Among other things, Magpul is world renowned  
10 for its innovative design for its patented PMAG® polymer ammunition magazines.

11 4. Upon information and belief, Defendant is an active limited liability company  
12 organized under the laws of the State of Idaho, with its principal place of business at 2184 Channing  
13 Way #129, Idaho Falls, ID 83404.

14 **JURISDICTION AND VENUE**

15 5. This action arises under the patent laws of the United States, Title 35, United States  
16 Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

17 6. This Court has personal jurisdiction over Defendant because Defendant resides in  
18 this District, and the acts of infringement have been committed within this District.

19 7. Venue is proper in this judicial district under 28 U.S.C. § 1400(b) because Defendant  
20 has a regular and established place of business in this District and has committed acts of  
21 infringement within this District.

22 **PATENTS-IN-SUIT**

23 8. Magpul is the owner by assignment of U.S. Patent No. 8,839,543 (the “543 Patent”)  
24 entitled Ammunition Magazine, issued on September 23, 2014.

25 9. Magpul is also the owner by assignment of U.S. Patent No. 8,635,796 (the “796  
26 Patent”) entitled Ammunition Magazine, issued on January 28, 2014.

1 10. Copies of the '543 Patent and the '796 Patent are attached as Exhibits A and B,  
2 respectively.

3 **FIRST CLAIM FOR RELIEF**

4 **(INFRINGEMENT OF U.S. PATENT NO. 8,839,543)**

5 11. Plaintiff incorporates by reference and realleges each of the allegations set forth  
6 above.

7 12. Defendant, without authority, has made, used, sold, and offered to sell, and continues  
8 to make, use, sell, and offer to sell, 30rd 5.56x45mm NATO/.223 Remington polymer ammunition  
9 magazines that infringe on one or more of the '543 Patent's claims including, but not necessarily  
10 limited to, (1) all Mod-2 and Mod-3 models, in all colors and patterns, including "novelty" colors  
11 and patterns like "Tiger Stripe," "Sprinkle Donut," and "Banana," (2) all translucent polymer "Mod-  
12 C" model magazines in all colors and patterns, including red, orange, blue, "Translucent Smoke,"  
13 and "Glow-In-The-Dark," and (3) all "Restricted State Compliant" versions of the Mod-2, Mod-3  
14 and Mod-C, which use a rivet to limit these 30rd magazines to only 10 rounds.

15 13. Defendant infringes on Magpul's exclusive patent rights because these magazines  
16 use the patented interior magazine architecture that is described and claimed by the '543 Patent,  
17 including a magazine casing with a constant internal curve, two internal guide rails, and a follower  
18 with two tines, wherein at least one of the tines interfaces with the guide rails.

19 **SECOND CLAIM FOR RELIEF**

20 **(INFRINGEMENT OF U.S. PATENT NO. 8,635,796)**

21  
22 14. Magpul incorporates by reference and realleges each of the allegations set forth in  
23 paragraphs 1-10 above.

24 15. Defendant, without authority, has made, used, sold, and offered to sell, and continues  
25 to make, use, sell, and offer to sell, 30rd 5.56x45mm NATO/.223 Remington polymer ammunition  
26 magazines that infringe on one or more of the '796 Patent's claims including, but not limited to (1)  
27 all Mod-2 30rd 5.56x45mm polymer magazines before a recent design change (that removed the  
28

1 magazine's center ridge), (2) all Mod-3 30rd 5.56x45mm polymer magazines, in all colors and  
2 patterns, including "novelty" colors and patterns like "Tiger Stripe," "Flecktarn," and "Chocolate  
3 Chip," and (3) all "Restricted State Compliant" versions of these Mod-2 and Mod-3 magazines,  
4 which use a rivet to limit these 30rd magazines to only 10 rounds.

5 16. Defendant infringes on Magpul's exclusive patent rights because these magazines  
6 use the patented interior magazine architecture that is described and claimed by the '796 Patent,  
7 including a magazine casing with a constant internal curve, an internal center ridge, and a follower  
8 with two opposing tines, wherein the tines limit rotation of the follower within the casing.

9 **PRAYER FOR RELIEF**

10 Therefore, Plaintiff prays for judgment:

- 11 1. That Defendant has infringed the '543 and '796 Patents;
- 12 2. That Plaintiff be awarded damages from patent infringement according to proof and  
13 ordering that such damages be multiplied up to treble their amount pursuant to 35 U.S.C. §285;
- 14 3. Preliminarily and permanently enjoining Defendant and all others acting in concert  
15 with Defendant from making, using, selling, or offering to sell the infringing ammunition magazines  
16 without permission or license from Plaintiff;
- 17 4. That Defendant be ordered to deliver up to Plaintiff all ammunition magazines  
18 infringing the '543 and '796 Patents that are within its ownership, possession, or control for  
19 destruction by Plaintiff;
- 20 5. That the Court declare this to be an exceptional case pursuant to 35 U.S.C. §285, and  
21 award reasonable attorney's fees;
- 22 6. That Plaintiff be awarded its costs of suit, and pre- and post-judgment interest on any  
23 money judgment;
- 24 7. For such other relief as the Court deems just and proper.

25 **JURY DEMAND**

26 Magpul demands a jury trial on all claims as to which it has a right to a jury.  
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1 Dated: October 18, 2024

Respectfully submitted,

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/s/  
Scott D. Swanson (ISB #8156)  
Shaver and Swanson, LLP  
1087 W. River St. Suite 310  
Boise, ID 83702  
P.O. Box 877  
Boise, ID 83701

Brian E. Mitchell (pro hac vice to be  
requested)  
MITCHELL + COMPANY  
575 Market Street, 4th Floor  
San Francisco, CA 94105

Attorneys for Plaintiff,  
MAGPUL INDUSTRIES CORP.