

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

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|------------------------|---|------------------------------|
| MCP IP, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | COMPLAINT AND |
| |) | DEMAND FOR JURY TRIAL |
| v. |) | |
| |) | |
| |) | |
| |) | Case No.: |
| THE OUTDOOR GROUP, LLC |) | |
| |) | |
| Defendant. |) | |

Plaintiff MCP IP, LLC (“MCP”), for its Complaint against defendant The Outdoor Group, LLC (“Outdoor Group”), states and alleges as follows:

PARTIES

1. Plaintiff MCP is a limited liability company organized and existing under the laws of the state of South Dakota, with a principal place of business location at 919 River Road, Sparta, Wisconsin 54656.

2. Outdoor Group is a Delaware Limited Liability Company in the business of designing, developing, manufacturing, marketing, and selling archery equipment including archery bow products and accessories for recreational, hunting, and archery-related activities under a variety of brands, including Elite Archery. Outdoor Group has a business location in this District at 1325 John St. West Henrietta, NY 14586.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising out of at least Outdoor Group's unauthorized manufacturing, offering for sale, and/or selling of vertical bows in violation of MCP's patent rights. Because this action arises under the patent laws of the United States, 35 U.S.C. § 271, et seq., this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Outdoor Group because it regularly transacts business in the State of New York through the operations of its brand Elite Archery's operations in this District and has committed acts of infringement in this District by making, using, offering for sale, and selling infringing products within this District.

5. Venue is proper in the Western District of New York pursuant to 28 U.S.C. §§ 1391 and 1400 because Outdoor Group has a place of business in this District and therefore resides in this District. Further, Outdoor Group has committed acts of infringement within this District.

PATENT-IN-SUIT

6. On September 3, 2024, the U.S Patent and Trademark Office duly and legally issued U.S. Patent No. 12,078,446 ("the '446 Patent"), titled "Archery Bow With Sling Mount." A true and accurate copy of the '446 Patent is attached hereto as Exhibit 1. MCP is the assignee of the '446 Patent.

OUTDOOR GROUP'S INFRINGING BOWS

7. Outdoor Group is a manufacturer and seller of numerous vertical bow models. All infringing Outdoor Group bows include a riser, limbs, limb assemblies, limb cups, a limb bolt, and a bowstring. The limb cup in the accused products further include a sling mount attached to a limb cup and where the sling mount is not attached to the infringing bow by the limb bolt.

8. The Elite Archery ARTUS, EON, EXALT 35, & EXALT LD bows, sold by Outdoor Group, that are compatible with and/or in combination with the Elite RAC accessories, i.e., Elite RAC Bi-Pod Stand, Elite RAC Bow Hoist, and the Elite RAC Bow Sling, infringe at least claim 1 of the '446 Patent assigned to MCP IP, LLC.

9. Counsel for MCP notified Outdoor Group of its infringement of the '446 Patent via letter on or about October 22, 2024 to counsel for Outdoor Group.

Count I: Infringement of the '446 Patent

10. The allegations of paragraphs 1-9 are incorporated as if fully set forth herein.

11. Outdoor Group infringes, literally and/or under the doctrine of equivalents, one or more claims of the '446 Patent by making, using, offering to sell, and/or selling at least the Elite Archery ARTUS, EON, EXALT 35, & EXALT LD bows that are compatible with and/or in combination with the Elite RAC accessories, i.e., Elite RAC Bi-Pod Stand, Elite RAC Bow Hoist, and the Elite RAC Bow Sling. Outdoor Group's infringement is in violation of 35 U.S.C. §271. An exemplary chart illustrating Outdoor Group's infringement is attached as Exhibit 2.

12. On information and belief, Outdoor Group will continue to infringe the '446 Patent unless and until Outdoor Group is enjoined by this Court.

13. Outdoor Group's acts of infringement have caused and continue to cause damage to MCP, and MCP is entitled to recover from Outdoor Group the damages sustained by MCP in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, MCP respectfully requests that this Court enter judgment in its favor and against Outdoor Group, as follows:

A. To enter judgment that Outdoor Group has infringed the '446 Patent in violation of 35 U.S.C. §271;

B. To enter orders preliminarily and permanently enjoining Outdoor Group and its officers, agents, directors, servants, employees, attorneys, representatives, parents, subsidiaries, affiliates, and all of those in active concert, privity or participation with them and their successors and assigns, from infringing the '446 Patent;

C. Enter judgment that Outdoor Group's acts of infringement have been willful and deliberate;

D. To award MCP its damages in an amount adequate to compensate MCP for Outdoor Group's infringement of the '446 Patent consistent with 35 U.S.C. § 284, up to and including treble the amount of actual damages assessed, together with costs, and prejudgment and post-judgment interest;

E. To declare this case to be "exceptional" under 35 U.S.C. § 285 and to award MCP its attorneys' fees, expenses, and costs incurred in this action; and

F. To award MCP such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, MCP respectfully requests a trial by jury of any and all issues on which a trial by jury is available under applicable law.

Dated: November 20, 2024

Respectfully submitted,

Hodgson Russ, LLP

/s/ Jason E. Markel

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