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UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

DEAD AIR ARMAMENT, LLC d/b/a
DEAD AIR SILENCERS,

Plaintiff/Counterdefendant,

vs.

JARVIS ARMS LLC d/b/a MISSION
SILENCERS,

Defendant/Counterclaimant.

Case No. 4:25-CV-00497-DKG

**ANSWER TO COMPLAINT FOR
DECLARATORY JUDGMENT OF
NON-INFRINGEMENT AND
COUNTERCLAIM**

Defendant/Counterclaimant, Jarvis Arms LLC d/b/a Mission Silencers (“Mission Silencers”), by and through its counsel of record, Beard St. Clair Gaffney PA, respectfully answers the *Complaint for Declaratory Judgment of Non-Infringement*. All paragraphs not expressly admitted are hereby denied.

ANSWER TO COMPLAINT

1. Mission Silencers states that paragraph 1 makes no allegations and requires no response.
2. Mission Silencers admits that Exhibit A is a true and correct copy of U.S. Patent No. 12,018,906 (the “’906 Patent”).

3. Mission Silencers admits paragraph 3.

4. Mission Silencers admits paragraph 4.

5. Mission Silencers denies paragraph 5.

6. Mission Silencers admits that a real and substantial controversy exists regarding whether Dead Air Armament, LLC d/b/a Dead Air Silencers (“Dead Air”) infringes the ‘906 Patent and that this controversy warrants the issuance of a declaratory judgment. Mission Silencers denies the remaining allegations of paragraph 6.

7. Mission Silencers states that paragraph 7 makes no allegations and requires no response but denies any allegations contained therein.

8. Mission Silencers is without sufficient information to admit or deny the allegations of paragraph 8 and therefore, on that basis, denies the allegations.

9. Mission Silencers admits that Dead Air manufactures and sells the RXD22Ti suppressor and is without sufficient information to admit or deny the remaining allegations of paragraph 9 and therefore, on that basis, denies the remaining allegations of paragraph 9.

10. Mission Silencers admits paragraph 10.

11. Mission Silencers admits paragraph 11.

12. Mission Silencers admits paragraph 12.

13. Mission Silencers admits paragraph 13.

14. Mission Silencers admits paragraph 14.

15. Mission Silencers admits paragraph 15.

16. Mission Silencers admits paragraph 16.

17. Mission Silencers admits paragraph 17.

18. Mission Silencers states that Exhibit B speaks for itself and denies any other allegations of paragraph 18.

19. Mission Silencers states that Exhibit B speaks for itself and denies any other allegations of paragraph 19.

20. Mission Silencers admits that a real and substantial controversy exists regarding whether Dead Air infringes the '906 Patent and that this controversy warrants the issuance of a declaratory judgment. Mission Silencers denies the remaining allegations of paragraph 20.

21. Mission Silencers admits that a real and substantial controversy exists regarding whether Dead Air infringes the '906 Patent and that this controversy warrants the issuance of a declaratory judgment. Mission Silencers denies the remaining allegations of paragraph 21.

22. Mission Silencers incorporates by reference its admissions and denials in the above paragraphs as if fully set forth herein.

23. Mission Silencers denies paragraph 23.

24. Mission Silencers admits paragraph 24.

25. Mission Silencers denies paragraph 25.

26. Mission Silencers denies paragraph 26.

27. Mission Silencers denies paragraph 27.

28. Mission Silencers denies paragraph 28.

29. Mission Silencers denies paragraph 29.

30. Mission Silencers denies paragraph 30.

31. Mission Silencers denies paragraph 31.

32. Mission Silencers denies paragraph 32.

33. Mission Silencers states that Exhibit B speaks for itself and denies any other allegations of paragraph 33.

34. Mission Silencers admits that a real and substantial controversy exists regarding whether Dead Air infringes the '906 Patent and that this controversy warrants the issuance of a declaratory judgment. Mission Silencers denies the remaining allegations of paragraph 34.

AFFIRMATIVE DEFENSES

1. Dead Air infringes the claims of the '906 Patent by manufacturing, using, offering to sell, selling, and importing the RXD22Ti suppressor.

2. Dead Air's claims are barred based on the Counterclaim.

3. Mission Silencers reserves the right to assert additional affirmative defenses.

COUNTERCLAIM

Mission Silencers hereby adopts all responses and allegations of the Answer above as if set out in full and, in addition, alleges and counterclaims as follows:

Parties

1. Mission Silencers is an Idaho limited liability company with its principal place of business located at 1075 S Desert Rock Road, Rexburg, ID 83440.

2. On information and belief, Dead Air is a North Carolina limited liability corporation with a principal place of business located at 2206 W 3000 S, Suite B, Heber City, UT 84032.

Jurisdiction and Venue

3. This Court has subject matter jurisdiction over this Counterclaim pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this Counterclaim involves claims arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

4. This Counterclaim also arises under the Federal Judgment Act, 28 U.S.C. §§ 2201 and 2202 because of the declaratory judgment that Mission Silencers seeks against Dead Air.

5. This Court has personal jurisdiction over Dead Air with respect to this Counterclaim because the Counterclaim arises out of the same transaction or occurrence as the Complaint that Dead Air filed with the Court.

6. Venue is proper in this district because the Counterclaim arises out of the same transaction or occurrence as the Complaint.

General Allegations — Background

7. This Counterclaim asserts literal and direct infringement of U.S. Patent No. 12,018,906. A true and correct copy of the ‘906 Patent is attached to the Complaint as Exhibit A.

8. The ‘906 Patent was lawfully and properly issued by the United States Patent and Trademark Office on June 25, 2024. The application from which the ‘906 Patent issued claimed a priority date of October 27, 2022.

9. Mission Silencers is the owner of all right, title, and interest in and to the ‘906 Patent.

10. Dead Air has committed acts of literal and direct patent infringement, which are described in more detail below. These acts are in violation of 35 U.S.C. § 271(a) and should be considered willful.

The Invention

11. The ‘906 Patent provides a novel mono-core suppressor for firearms that reduces flash, noise, recoil, and back gassing from the firearm while also increasing the firearm’s accuracy. Other firearm suppressors on the market attempt to reduce noise, flash, recoil, or back gassing but often only succeed in mitigating the effects of one or two of these side effects. In

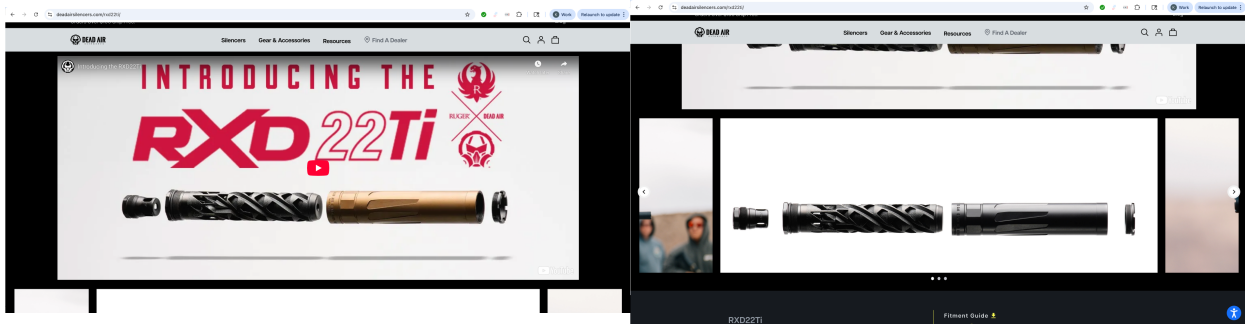
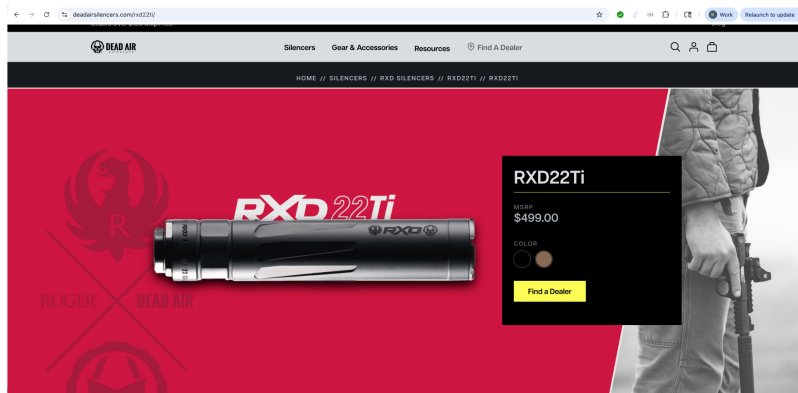
contrast, the suppressor taught by the '906 Patent effectively reduces each of these side effects while increasing the accuracy of the firearm through the combination of its novel mono-core with apertures, housing, channel between the mono-core and housing, and end cap, which end cap may be removable from the housing or integrated into the core.

12. The '906 Patent teaches a mono-core that is removably attachable to a housing and positioned therein, which core comprises a plurality of core apertures on an outer surface that allow gas passing from a projectile and cartridge to pass to a channel between the inner surface of the housing and the outer surface of the core. This channel circumscribes the outer surface of the core.

13. The channel between the housing and the core allows the incoming high pressure passing from a projectile and cartridge to enter into the core, immediately flow into the channel between the housing and the core and proceed down the entire length of the firearm suppressor. This equalizes the high-pressure gas through the entire suppressor rapidly so that high pressure is converted to low pressure, which means that the operating system of the firearm is not affected as it typically would be with high pressure, resulting in an increase in the firearm's accuracy and a reduction in recoil and noise. The presence of this channel between the core and the housing also reduces or eliminates gases that would otherwise travel back through the gun's operating system and into the user's face.

The Infringing Device

14. Dead Air manufactures, uses, offers for sale, and sells suppressors for firearms, including the RXD22Ti suppressor. Dead Air sells or offers for sale the RXD22Ti suppressor via its website: <https://deadairsilencers.com/rxd22ti/>. Photographs displaying the suppressor on sale on Dead Air's website are included below:



15. For the reasons explained in more specificity below, each and every limitation recited in Claim 1 of the '906 Patent is found in the RXD22Ti suppressor. The suppressor thus infringes Claim 1 of the '906 Patent, and, as a result, Dead Air is liable for direct patent infringement pursuant to 35 U.S.C. § 271(a).

16. On June 9, 2025, counsel for Mission Silencers sent Dead Air a demand letter in which it informed Dead Air that its manufacture and sale of the RXD22Ti suppressor infringed Claim 1 of the '906 Patent and demanded that Dead Air either agree to a licensing arrangement

or cease its manufacture and sale of the RXD22Ti. A true and correct copy of this letter is included as Exhibit B of the Complaint.

17. Notwithstanding this letter, Dead Air has continued to manufacture and sell the RXD22Ti suppressor. Given Dead Air's continued infringement after having received Mission Silencers' demand letter, Dead Air's infringement of the '906 Patent is willful.

18. On information and belief, even prior to the Mission Silencers' demand letter, Dead Air knew of the '906 Patent and yet proceeded to engage in intentional and deliberate infringement of the '906 Patent. For this additional reason, Dead Air's infringement of the '906 Patent is willful.

Count One: Declaratory Judgment

19. Mission Silencers incorporates by reference the previous paragraphs as if fully set forth herein.

20. Dead Air's manufacture, use, offers to sell, sale, and importation of the RXD22Ti suppressor directly infringes Claim 1 of the '906 Patent. As set forth in the claim chart below, each and every limitation found in Claim 1 of the Jarvis Patent is found in the RXD22Ti suppressor.

21. On June 9, 2025, Mission Silencers demanded that Dead Air either agree to a licensing arrangement for its manufacture and sale of the RXD22Ti suppressor or cease its manufacture and sale of the suppressor. Notwithstanding this letter, Dead Air has continued to manufacture and sell the RXD22Ti suppressor.

22. Accordingly, Dead Air's continued manufacture, use, offers to sell, sale, and importation of the RXD22Ti suppressor has created a substantial, immediate, and real case or controversy between Dead Air and Mission Silencers regarding whether Dead Air's activities

infringe on Claim 1 of the '906 Patent. The two parties have adverse interests of immediacy and reality to warrant the issuance of a declaratory judgment.

23. As such, a judicial declaration is necessary to determine the parties' respective rights regarding the '906 Patent.

24. Mission Silencers requests a declaration from the Court that the '906 Patent is a valid patent and that Dead Air's manufacture and sale of the RXD22Ti suppressor infringes on Claim 1 of the '906 Patent.

Count Two: Patent Infringement

25. Mission Silencers incorporates by reference the previous paragraphs as if fully set forth herein.

26. 35 U.S.C.A. § 271(a) provides that "whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent."

27. Claim 1 of the '906 Patent is directed to:

A firearm suppression system comprising:
a housing comprising a first end and a second end, the housing comprising:
a first aperture at the first end,
a second aperture at the second end;
an inner compartment interposed between the first aperture and the second aperture, the inner compartment being substantially the same circumference from the first end to the second end;
an end cap with a projectile aperture;
and a core removably attachable to the housing and positioned therein, wherein the core comprises a plurality of core apertures on an outer surface that allow gas passing from a projectile and cartridge to pass to a channel between the inner surface of the housing and an outer surface of the core, the channel circumscribes the outer surface of the core and equalizes pressure that begins at the first end of the housing and terminates at the second end of the housing.

28. As set forth in the claim chart below, each and every limitation found in Claim 1 of the Jarvis Patent is found in the RXD22Ti suppressor.

<u>Claim Chart</u> Dead Air's RXD22Ti Suppressor (photos taken from https://deadairsilencers.com/rxd22ti/)	
Limitation from '906 Patent Independent Claim 1	
A firearm suppression system comprising:	



a **housing** comprising a **first end** and a **second end**, the housing comprising:
 a **first aperture** at the first end, a **second aperture** at the second end;
 an **inner compartment** interposed between the first aperture and the second aperture, the inner compartment being substantially the same circumference from the first end to the second end;



Dead Air's RXD22Ti suppressor includes a housing (green) with first and second ends (blue arrows), which housing comprises first and second apertures on the housing (red arrows) and an inner compartment (purple arrow).

an **end cap** with a **projectile aperture**; and



Dead Air's RXD22Ti suppressor includes an end cap (red circles), which end cap is integrated into the core, with a projectile aperture (green arrows). Notably, Claim 1 of the '906 Patent does not specify where on the suppressor the end cap must be located. In addition to the end cap with a projectile aperture that is integrated into the core, the RXD22Ti suppressor also has an "front end cap ring" that could also function or be defined as an end cap with a projectile aperture (orange circle with blue arrow). Thus, regardless of how the Court defines "end cap," the RXD22Ti suppressor has an end cap with a projectile aperture.

a **core** removably attachable to the housing and positioned therein, wherein the core comprises a **plurality of core apertures** on an outer surface that allow gas passing from a projectile and cartridge to pass to a **channel** between the inner surface of the housing and an outer surface of the core, the channel circumscribes the outer surface of the core and equalizes pressure that begins at the first end of the housing and terminates at the second end of the housing.



Dead Air's RXD22Ti suppressor includes a core (blue), a plurality of core apertures (green arrows), and a channel (red arrow). While difficult to see in this image, the channel surrounds the core and allows the core to slide into the housing. As such, the channel is positioned between an outer surface of the core and an inner surface of the housing.

29. Accordingly, Dead Air's manufacture, use, offers to sell, sale, and importation of the RXD22Ti suppressor literally and directly infringes Claim 1 of the '906 Patent under 35 U.S.C. 271(a).

30. In the alternative, Dead Air infringes Claim 1 of the '906 Patent under the doctrine of equivalents. Any distinctions between the RXD22Ti suppressor and the recited

limitations of Claim 1 of the '906 Patent are insubstantial or perform substantially the same function, in substantially the same way, to achieve substantially the same result.

31. Dead Air's manufacture, use, offers to sell, sales, and importation of the RXD22Ti suppressor has substantially harmed Mission Silencers and Mission Silencers is entitled to damages adequate to compensate for the infringement, in no event less than a reasonable royalty, plus treble damages and attorneys' fees.

32. Pursuant to 35 U.S.C.A. § 283, Mission Silencers is entitled to injunctive relief that enjoins Dead Air from manufacturing, using, offering to sell, selling, or importing the RXD22Ti suppressor.

Count Three: Willful Infringement

33. Mission Silencers incorporates by reference the previous paragraphs as if fully set forth herein.

34. Throughout the period in which Dead Air has manufactured, used, offered to sell, sold, and imported the RXD22Ti suppressor, Dead Air has known of the '906 Patent and has deliberately and intentionally infringed Claim 1 of the '906 Patent.

35. Dead Air has manufactured and sold the RXD22Ti suppressor with the specific intent to infringe Claim 1 of the '906 Patent.

36. Dead Air's acts of infringement are willful and for no other purpose than to deliberately and irreparably harm Mission Silencers' business, sales, reputation, and good-will.

37. Accordingly, Mission Silencers is entitled to treble damages for Dead Air's infringement of the '906 Patent.

PRAYER FOR RELIEF

WHEREFORE, Mission Silencers prays for the following relief:

1. Entry of judgment in favor of Mission Silencers and against Dead Air;
2. Dismissal of Dead Air's claims with prejudice;
3. A judgment declaring that the '906 Patent is a valid patent and that Dead Air infringes the claims of the '906 Patent by manufacturing, using, offering to sell, selling, and importing the RXD22Ti suppressor;
4. A preliminary injunction enjoining Dead Air from infringement of the '906 Patent during the pendency of this case, or other such equitable relief as the Court determines is warranted;
5. A permanent injunction enjoining Dead Air from infringement of the '906 Patent or other such equitable relief as the Court determines is warranted;
6. A judgment and order requiring Dead Air to pay to Mission Silencers its damages, costs, expenses, and prejudgment and post-judgment interest for Dead Air's infringement of the '906 Patent as provided under 35 U.S.C. § 284, and an accounting of any ongoing post-judgment infringement;
7. If the facts demonstrate that the case is exceptional within the meaning of 35 U.S.C. § 285, an award to Mission Silencers of its reasonable attorneys' fees, expenses, and costs associated with this case; and
8. An award of any other remedy or relief that the Court deems just, proper, and equitable under the circumstances.

JURY DEMAND

Mission Silencers demands a trial by jury on all issues so triable and makes such demand in accordance with Rule 38(b) of the Federal Rules of Civil Procedure.

DATED: October 13, 2025.

/s/ Jeffrey D. Brunson
Jeffrey D. Brunson
Of Beard St. Clair Gaffney PA
Attorneys for Defendant/Counterclaimant

CERTIFICATE OF SERVICE

I certify that I am licensed attorney in the state of Idaho and that on October 13, 2025, I served a true and correct copy of the foregoing *Answer to Complaint for Declaratory Judgment of Non-Infringement and Counterclaim*, upon the foregoing by electronic means:

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