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LLC *d/b/a* Dead Air Silencers

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

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

Plaintiff,

v.

JARVIS ARMS LLC *d/b/a* MISSION
SILENCERS,

Defendant.

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

JURY TRIAL DEMANDED

**DECLARATORY JUDGMENT PLAINTIFF DEAD AIR ARMAMENT D/B/A DEAD AIR
SILENCER'S ANSWER AND AFFIRMATIVE DEFENSES TO DEFENDANT'S
COUNTERCLAIMS (DKT. 12)**

Plaintiff Dead Air Armament, LLC *d/b/a* Dead Air Silencers (“Plaintiff” or “Dead Air”) hereby files its Answer and Affirmative Defenses to the Counterclaims filed by Defendant Jarvis Arms LLC *d/b/a* Mission Silencers (“Defendant” or “Jarvis”) on October 13, 2025 (Dkt. 12; hereinafter, the “Counterclaims”), as follows:

PARTIES¹

1. Based on public information, Dead Air admits that 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. Dead Air admits that it is a North Carolina limited liability corporation with a principal place of business located at 2206 W. 3000 S, Suite B, Heber City, Utah, 84032.

JURISDICTION AND VENUE

3. Dead Air admits that this Court has subject matter jurisdiction over this matter because one or more of the Counterclaims assert a claim for patent infringement arising under Title 35 of the United States Code.

4. Dead Air admits that its declaratory judgment claim arises under Title 28 of the United States Code.

5. Dead Air does not contest, for the purposes of this action only, that it is subject to personal jurisdiction in this judicial district in this case. Dead Air otherwise denies all remaining allegations in paragraph 5.

6. Dead Air does not contest, for the purposes of this action only, that venue is proper in this judicial district. Dead Air otherwise denies all remaining allegations in

¹ Headings and subheadings are copied from the Counterclaims for ease of reference only. These headings and subheadings do not require any response and do not constitute an admission or denial of any purported fact or allegation. To the extent a response is required to any allegation in the Counterclaims’ headings or subheadings, Dead Air denies those allegations.

paragraph 6.

7. Dead Air admits that Jarvis's Counterclaim asserts direct, literal infringement of U.S. Patent No. 12,018,906 (the "'906 Patent" or "Asserted Patent").

8. Dead Air admits that the face of the '906 Patent reflects a claimed priority date of October 27, 2022. Dead Air otherwise denies all remaining allegations in paragraph 8.

9. Dead Air admits that the face of the '906 Patent indicates that the patent is assigned to Mission silencers. Dead Air otherwise denies all remaining allegations in paragraph 9.

10. Dead Air denies the allegations in paragraph 10.

THE [ALLEGED] INVENTION

11. Dead Air denies the allegations in paragraph 11.

12. Dead Air admits that the '906 Patent discusses aspects of a firearm suppressor, but denies that the aspects discussed in paragraph 12 properly capture the scope of the claimed invention. Dead Air otherwise denies all remaining allegations in paragraph 12.

13. Dead Air denies the allegations in paragraph 13.

THE [ALLEGEDLY] INFRINGING DEVICE

14. Dead Air admits that it manufactures and sells, among other things, high-performance suppressors for rifles and pistols, including but not limited to the RXD22Ti suppressor. Dead Air further admits that the images in paragraph 14 appear to be taken from Dead Air's website. Dead Air denies any remaining allegations in paragraph 14.

15. Dead Air denies the allegations in paragraph 15.

16. Dead Air admits that on June 9, 2025, counsel for Jarvis sent Dead Air a letter identifying its purported ownership of the '906 Patent and claiming infringement. Dead Air denies any remaining allegations in paragraph 14.

17. Dead Air admits that it manufactures and sells the RXD22Ti suppressor. Dead Air denies any remaining allegations in paragraph 14.

18. Dead Air denies the allegations in paragraph 18.

COUNT ONE: [DECLARATORY JUDGMENT]

19. The statement in paragraph 19 appears to be a statement to which no response is needed, but Dead Air otherwise denies the allegations in paragraph 19.

20. Dead Air denies the allegations in paragraph 20.

21. Dead Air admits that on June 9, 2025, counsel for Jarvis sent Dead Air a letter identifying its purported ownership of the '906 Patent and claiming infringement. Dead Air denies any remaining allegations in paragraph 21.

22. Dead Air admits that there is a substantial, immediate, and real case or controversy that exists between Dead Air and Jarvis. Dead Air admits that judicial declaration is necessary to determine the parties' respective rights regarding the '906 Patent. Dead Air denies any remaining allegations in paragraph 22.

23. Dead Air admits that there is a substantial, immediate, and real case or controversy that exists between Dead Air and Jarvis. Dead Air admits that judicial declaration is necessary to determine the parties' respective rights regarding the '906 Patent. Dead Air denies any remaining allegations in paragraph 23.

24. The statement in paragraph 24 appears to be a statement to which no response is needed, but Dead Air otherwise denies the allegations in paragraph 24.

COUNT TWO: [ALLEGED] PATENT INFRINGEMENT

25. The statement in paragraph 25 appears to be a statement to which no response is needed, but Dead Air otherwise denies the allegations in paragraph 25.

26. 35 U.S.C. § 271(a) speaks for itself, but Dead Air admits that the statute is properly quoted. Dead Air denies any remaining allegations in paragraph 26.

27. The '906 Patent speaks for itself, but Dead Air admits that claim 1 is properly quoted. Dead Air denies any remaining allegations in paragraph 27.

28. Dead Air denies the allegations in paragraph 28.

29. Dead Air denies the allegations in paragraph 29.

30. Dead Air denies the allegations in paragraph 30.

31. Dead Air denies the allegations in paragraph 31.

32. Dead Air denies the allegations in paragraph 32.

COUNT THREE: [ALLEGED] WILLFUL INFRINGEMENT

33. The statement in paragraph 33 appears to be a statement to which no response is needed, but Dead Air otherwise denies the allegations in paragraph 33.

34. Dead Air denies the allegations in paragraph 34.

35. Dead Air denies the allegations in paragraph 35.

36. Dead Air denies the allegations in paragraph 36.

37. Dead Air denies the allegations in paragraph 37.

[JARVIS'S] PRAYER FOR RELIEF

38. To the extent that a response is required to Jarvis's prayer for relief, Dead Air denies that Jarvis is entitled to any judgment against Dead Air and denies that Jarvis is entitled to an order granting relief in any of the forms requested in parts 1–8.

[JARVIS'] JURY DEMAND

39. Dead Air is not required to respond to Jarvis's demand for a jury trial.

AFFIRMATIVE DEFENSES

Upon information and belief, and subject to its responses above, Dead Air alleges and asserts the following defenses in response to the allegations of the Counterclaims, without admitting or acknowledging that Dead Air bears the burden of proof as to any of them or that any must be pleaded as defenses. Regardless of how such defenses are listed herein, Dead Air undertakes the burden of proof only as to those defenses that are deemed affirmative defenses as a matter of law. Dead Air expressly reserves the right to amend or raise additional defenses pursuant to any docket control order as additional information becomes available through further investigation and discovery.

FIRST DEFENSE
(Non-Infringement)

Dead Air does not infringe and has not infringed the Asserted Patent directly, indirectly, literally, or under the doctrine of equivalents, or in any other manner, and is not liable for infringement of any valid and enforceable claim of the Asserted Patent.

SECOND DEFENSE
(Limitations on Equivalents)

To the extent that Jarvis asserts infringement of any Asserted Patent under the doctrine of equivalents, such doctrine is barred by prosecution history estoppel, the *Festo* bar, ensnarement, and/or claim vitiation.

THIRD DEFENSE
(Invalidity)

The claims of the Asserted Patent are invalid for failure to comply with the requirements of Title 35 of the United States Code, including, without limitation, 35 U.S.C. §§ 101, 102, 103,

112, and/or 116.

FOURTH DEFENSE
(Statutory Limit on Damages)

Jarvis's claim for damages, equitable relief, and/or costs is statutorily limited by 35 U.S.C. §§ 252, 286, 287, and/or 288.

FIFTH DEFENSE
(No Willful Infringement)

Jarvis is not entitled to enhanced or increased damages for willful infringement because Dead Air has not engaged in any conduct that meets the applicable standard for willful infringement.

SIXTH DEFENSE
(No Exceptional Case)

Jarvis cannot prove that this is an exceptional case justifying award of attorney's fees against Dead Air pursuant to 35 U.S.C. § 285.

SEVENTH DEFENSE
(Waiver, Equitable Estoppel, Acquiescence, Unclean Hands)

Jarvis's claims are barred, in whole or in part, or its remedies limited, by the doctrines of waiver, implied waiver, equitable estoppel, acquiescence, and/or unclean hands.

EIGHTH DEFENSE
(Prosecution History Estoppel)

Jarvis's claims for relief are barred in whole or in part by prosecution history estoppel and/or prosecution history disclaimer based on amendments, statements, admission, omissions, representations, disclaimers, and/or disavowals made by the applicants for the Asserted Patent.

NINTH DEFENSE
(Statutory Limitation)

To the extent certain products accused of infringing the Asserted Patent are used by and/or manufactured for the United States Government and/or the public good, Jarvis's claims involving

Dead Air may not be pursued in this Court and are subject to other limitations pursuant to 28 U.S.C. § 1498.

TENTH DEFENSE
(No Injunctive Relief)

Jarvis's claims for relief are barred in whole or in part because Jarvis is not entitled to injunctive relief. Any alleged injury to Jarvis is not immediate or irreparable and Jarvis has an adequate remedy at law.

Dated: November 3, 2025

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Dated: November 3, 2025

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document have been served on November 3, 2025 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

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/s/ Tyler J. Anderson _____
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