

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD (PTAB)

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

v.

JARVIS ARMS LLC d/b/a MISSION SILENCERS,
Patent Owner

Case: IPR2026-00013
U.S. Patent No. 12,018,906

**PATENT OWNER'S PRELIMINARY SUR-REPLY TO
PETITIONER'S PRELIMINARY REPLY**

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Patent Trial and Appeal Board
US Patent and Trademark Office
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ARGUMENT

I. The Agreement that No Formal Construction Is Necessary Does Not Aid Petitioner.

Petitioner leads with Mr. Spurrier's statement at ¶ 28 that "there are no claim limitations which need to be construed." *See* Ex. 2005 ¶ 28. Petitioner treats this as a concession that the claim terms carry no substantive content. Spurrier's point, read in context, is that the ordinary and customary meaning of the claim terms, informed by the specification, is sufficiently clear to resolve this dispute without resort to specialized construction. That ordinary meaning is what Patent Owner articulated in its Preliminary Response: a "channel" is a continuous, unbroken, annular path capable of longitudinal gas propagation. *See* Ex. 2005 ¶ 31. Agreeing that the Board need not adopt a special gloss on the claim language is not the same as agreeing that "channel" encompasses any annular void, incidental gap, or discrete expansion chamber in the prior art.

Petitioner's own Reply proves the point. If construction were truly at issue, Petitioner would not have devoted its brief to arguing that Patent Owner's reading of the claim terms is "overly limiting." Paper 12 p. 3. The dispute is whether the claim terms bear their specification-informed ordinary meaning or are stripped of all structural content.

II. The Threading in Figures 2 – 3 Does Not Undermine "Equalizes Pressure."

Petitioner asserts that threading 124 shown in Figures 2 – 3 between the first and second ends is inconsistent with Patent Owner’s construction of “equalizes pressure.” Paper 12 p. 2. But threading 124 is at the interface where the end cap couples to the housing, not within the annular channel between the core’s outer surface and the housing’s inner surface. The channel 142 occupies a distinct spatial region from the threaded interface. Petitioner conflates two different structural zones of the suppressor. The threading secures the end cap; the channel equalizes pressure. These are separate features serving separate functions, and nothing about the end cap threading interrupts the channel’s continuity along its operative length here.

III. “Circumscribes” Requires 360-Degree Encirclement, Not Full Axial Length.

Petitioner argues that Patent Owner’s construction fails because “the channel clearly does not continue the full length of the core.” Paper 12 p. 3. This conflates two axes. Patent Owner’s construction requires circumferential completeness: the channel must form a 360-degree ring around the core at any given cross-section along its operative length. The claim says the channel “circumscribes the outer surface of the core,” which is a geometric statement about encirclement, not about axial extent.

IV. The Claim Language Itself Requires Apertures that Feed a Channel.

Petitioner contends that Patent Owner impermissibly narrows “plurality of core apertures on an outer surface” by requiring the apertures to “open directly into”

the channel. Paper 12 p. 3. But the claim itself supplies this requirement. Claim 1 recites apertures that “allow gas passing from a projectile and cartridge to pass to a channel.” If the apertures open into isolated expansion chambers rather than a continuous channel, gas does not “pass to a channel”; it passes to a chamber. This functional relationship is written into the claim, not imported by Patent Owner. Petitioner’s attempt to divorce the apertures from the channel ignores the claim’s own operative language, and Petitioner cites no intrinsic or extrinsic evidence that a POSITA would read these elements in isolation from one another.

Dated: March 5, 2026

Respectfully submitted,

/steven rinehart/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e), the undersigned hereby certifies that true and correct copies of the above-captioned PATENT OWNER'S PRELIMINARY SUR-REPLY TO PETITIONER'S PRELIMINARY REPLY were served in their entirety on March 5, 2026 via filing through the Patent Trial and Appeal Case Tracking System (P-TACTS) and electronic mail on the following counsel of record for Petitioner:

Christopher TL Douglas
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As well as via email to: christopher.douglas@alston.com

Date: March 5, 2026

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