

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

**PETITIONER'S PRELIMINARY REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

TABLE OF CONTENTS

TABLE OF CONTENTS ii

TABLE OF EXHIBITS iii

TABLE OF AUTHORITIES v

I. “Channel” 1

II. “Equalizes pressure that begins at the first end . . .” 2

III. “Circumscribes the outer surface of the core” 3

IV. “Plurality of core apertures on an outer surface” 3

TABLE OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 12,018,906 B2 (“the ’906 patent”)
1002	Prosecution History of U.S. Patent No. 10,616,932 B2 (“’906 pros history”)
1003	U.S. Patent Pub. No. 2021/0207916 A1 (“Belykov”)
1004	U.S. Patent No. 11,268,776 (“Noonan”)
1005	U.S. Patent Pub. No. 2022/0276015 A1 (“Muceus”)
1006	U.S. Patent Pub. No. 2021/0381793 (“Slack”)
1007	U.S. Patent Pub. No 2015/0285575 (“Sclafani”)
1008	Declaration of Robert S. Silvers (“Silvers Declaration”)
1009	<i>Curriculum Vitae</i> of Robert S. Silvers
1010	National Firearms Act Handbook, ATF, April 2009, available at https://www.atf.gov/firearms/docs/guide/atf-national-firearms-act-handbook-atf-p-53208/download
1011	Letter dated June 9, 2025 from Brian D. Batt on behalf of Jarvis Arms LLC dba Mission Silencers
1012	Complaint for Declaratory Judgment of Non-Infringement, <i>Dead Air Armament, LLC d/b/a Dead Air Silencers v. Jarvis Arms LLC d/b/a Mission Silencers</i> , 4:25-CV-00497-BLW-DKG (DID Aug. 29, 2025).
1013	Memorandum in Support of Defendant’s Unopposed Motion to Stay Proceedings Pending Inter Partes Review
1014	Scheduling Order

Exhibit	Description
1015	Dictionary Definition of “Channel”
1016	Dictionary Definition of “Equalize”

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005)	1

The POPR gives extensive and specific narrowing definitions of terms or phrases that read additional limitations into the terms, are not supported by the '906 disclosure, and are a transparent attempt to rewrite the claims to avoid the prior art. Amazingly, Patent Owner's *own expert* disagrees with Patent Owner's attempt to construe the claims, and states that "I agree with petitioner's expert Robert Silvers that there are no claim limitations which need to be construed." EX2005, ¶28.

As discussed in the Petition and explained below, the proper construction of each term or phrase is its plain and ordinary meaning. Regardless, the references cited in the respective Petition Grounds include the recited claim features under either Patent Owner's erroneous definition or under the proper definitions.

I. "Channel"

Patent Owner's construction of "channel" is "a continuous, unbroken, annular path capable of longitudinal gas propagation." Paper 9 p. 7. Patent Owner does not cite to anything in the specification for this proposition. Instead, Patent Owner merely cites to the declaration of its expert who expressly opines that there "are no claim limitations which need to be construed." EX2005, ¶28. Patent Owner's claim construction logic is the exact opposite of what the Federal Circuit laid out in *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005).

In any event, Claim 1 provides the characteristics of the channel, namely it (1) is located "between the inner surface of the housing and an outer surface of the core";

(2) it circumscribes the outer surface of the core; and (3) equalizes pressure that begins at the first end of the housing and terminates at the second end of the housing. Second, Patent Owner's own disclosure includes several versions of "channel" that are inconsistent with its definition. For example, the "channels" 226A-226B of the '906 patent spiral around the core (*see* EX1001 col. 8, ll. 54-63, Fig. 7) and the "cap closure channel" 508 extends radially into the end cap 502 and intersects a "pressure channel" 506 at a right angle, and their combined fluid flow path is at least partially obstructed by a closure member 512 and a spring loaded key 514 (*see* EX1001 col. 10, ll. 12-29, Fig. 15). At best, "channels" are passages or conduits. EX1015 p. 1-2.

II. "Equalizes pressure that begins at the first end . . ."

Patent Owner appears to construe this term to be "[a] function performed by a continuous circumferential channel in which expanding gases may move longitudinally along the suppressor such that pressure gradients between the front and rear ends are reduced." Paper 9 p. 9. To support this construction, Patent Owner cites to the declaration of its expert where he discusses *the prior art* (after having declared that no constructions are necessary). *Id*; and *see* EX2005 ¶¶37-42. Moreover, Patent Owner's Figs. 2-3 show threading 124 between the first end and the second end where channel 142 is allegedly present, meaning that the specification is inconsistent with Patent Owner's proposed construction. No construction is needed and the plain and ordinary meaning applies. EX1016 p. 1.

III. “Circumscribes the outer surface of the core”

Patent Owner’s construction is overly limiting and inconsistent with the original disclosure of the ’906 Patent. *See* EX1001, col. 7, ll. 45-49. At best, “circumscribes the outer surface of the core” refers to a direction that is circumferential around the core in at least a two dimensional ring. Nothing further should be read into the claims especially the unclear requirement that “that the channel forms a complete ring around the core *along its longitudinal axis*” as the channel clearly does not continue the full length of the core. *C.f.* POPR p. 10 *with* EX1001 Fig. 1 (core 112). Again, the Director should decline to rewrite the claims.

IV. “Plurality of core apertures on an outer surface”

Patent Owner alleges that the claim requires “[m]ultiple apertures positioned on the outer surface of the core *that open directly into the continuous channel*” (Paper 9 p. 11); however, the plain and ordinary meaning does not require the core apertures to open directly into anything or further narrow the continuity of the channel. Patent Owner’s narrower construction finds no support in the specification and it is inconsistent with the claim itself given that the only requirement is to “allow gas. . . to pass to a channel.” Patent Owner is impermissibly rewriting the claim.

Dated: March 2, 2026

Respectfully submitted,

By: /Christopher TL Douglas/
Christopher TL Douglas
Reg. No. 56,950

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 **PETITIONER’S PRELIMINARY REPLY TO PATENT OWNER’S PRELIMINARY RESPONSE AND DEAD AIR EXHIBITS 1015-1016** were served in their entirety on March 2, 2026 via filing through the Patent Trial and Appeal Case Tracking System (P-TACTS) and electronic mail on the following counsel of record for Patent Owner:

Steven Rinehart
steve@utahpatentattorneys.com

Kessler Baker
kbaker@beardstclair.com

With a copy sent to the following addresses listed in Patent Owner’s mandatory notices (Paper 5, 1-2):

stevenrinehart13@gmail.com
ljarvis@beardstclair.com

Date: March 2, 2026

By: / Christopher TL Douglas /
Christopher TL Douglas