

EVOLUTION CONCEPTS, INC. v. JUGGERNAUT TACTICAL, INC., Appeal No. 2021-1987 (Fed. Cir. January 14, 2022). Before Prost, Taranto, and Chen. Appealed from C.D. Cal. (Judge Staton).

Background:

Evolution owns a patent directed to a method and device for converting a firearm with a detachable magazine to a firearm with a fixed magazine. Evolution sued Juggernaut for infringement of the device claims. The parties agreed that whether Juggernaut infringed the claims depended on whether the claimed phrase "magazine catch bar" was construed to include a factory installed (OEM) magazine catch bar. The district court concluded that it did not and granted summary judgment of non-infringement in favor of Juggernaut. Evolution appealed.

Issue/Holding:

Did the district court err in granting summary judgment of non-infringement? Yes, reversed and remanded.

Discussion:

The district court relied solely on intrinsic evidence from the specification in construing the claimed magazine catch bar. The specification states that "The invention is a permanent fixture added to a semi-automatic firearm by removing the standard OEM magazine catch assembly and installing the invention." Because the OEM magazine catch bar was one of the components removed to install the invention, the district court determined that the claimed magazine catch bar cannot be an OEM. Moreover, the unasserted independent method claim required "removing all parts of the factory installed magazine release button assembly" and "installing a magazine catch bar to the lower receiver of the firearm." Based on this, the district court concluded that the magazine catch bar that is installed must be separate and distinct from the OEM catch bar.

The Federal Circuit disagreed finding nothing in the language of the specification or the claims to suggest that "magazine catch bar" excluded one that was factory installed. The Federal Circuit found that the language of the unasserted method claim does not imply any preclusion of reuse of the same bar as one part of the assembly being installed in place of the removed assembly. According to the Federal Circuit, to find otherwise would be to read additional limitations into the claim. In this regard, the claim only requires "removing" a specific type of magazine catch bar (the OEM catch bar) and then installing a magazine catch bar. The Federal Circuit noted that the claim does not require "discarding" the OEM catch bar or installing a "new" or "different" magazine catch bar.

The specification further supported this interpretation in that nowhere does it limit the scope of a "magazine catch bar" to exclude OEM catch bars from the assembly that achieves the fixed-magazine goal. Juggernaut argued, and the parties agreed, that none of the disclosed embodiments illustrated an OEM catch bar. But the Federal Circuit merely cited the principle that claims are not limited to the illustrated embodiments.

Therefore, the Federal Circuit construed the phrase "magazine catch bar" to include an OEM catch bar and reversed the district court's grant of summary judgment.