

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

MAGPUL INDUSTRIES CORP.,

Plaintiff,

v.

MISSION FIRST TACTICAL, LLC,

Defendant.

Civil Action No. 24-5551-KSM

JOINT STATUS REPORT

Pursuant to the Court's Order [Dkt. 25] Plaintiff Magpul Industries Corporation ("Magpul") and Defendant Mission First Tactical, LLC ("MFT") hereby submit a Joint Status Report.

I. Plaintiff Magpul's Statement

Joint Claim Construction Chart:

A significant issue has developed regarding the Joint Claim Construction Chart (the "JCCC"). The parties have determined that there are substantial errors in Magpul's citations to the intrinsic evidence in support of its proposed constructions. Specifically, many of the citations and parentheticals refer to portions of the record that do not exist or were inaccurately attributed.

MFT's counsel brought this to Magpul's attention on Wednesday, identifying issues with two claim terms. Magpul's counsel, Mr. Mitchell, conducted a comprehensive review of Magpul's portion of the chart and determined that the problem extended more broadly. A revised chart was circulated the following day with the inaccurate citations removed and replaced with accurate citations to the intrinsic record previously submitted to the Court.

Mr. Mitchell takes full responsibility for these errors. The original citations were assembled using automated tools that incorporated the assistance of artificial intelligence. A second AI system was used to cross-check the citations, but that process failed to identify the extent of the problem. Although the proposed constructions themselves were grounded in the claims, specification, figures, and prosecution history, the erroneous citations were not checked against the source documents by Mr. Mitchell as thoroughly as they should have been. That responsibility rests entirely with Mr. Mitchell.

Mr. Mitchell also acknowledges that he did not anticipate the volume of work that this case has generated, and he has taken on more than he can manage on his own. To ensure that this kind of error does not recur, Magpul will be engaging additional counsel to assist going forward. Whether Mr. Mitchell will continue in a co-counsel role or be discharged and replaced entirely by a new firm has not yet been determined by his client.

Mr. Mitchell respectfully requests that, if the Court believes any sanction is appropriate, it be directed solely at him — not Magpul, which played no role in the error and has acted in good faith throughout.

As things stand, Magpul cannot in good faith submit a claim construction brief that relies on the original JCCC. Accordingly, Magpul respectfully requests leave to submit a Joint Claim Construction Statement that will include a revised Joint Claim Construction Chart that removes all erroneous citations and replaces them with accurate, verifiable, citations to the intrinsic record, without altering Magpul's proposed constructions. Magpul proposes submitting this within 5 business days.

Dismissing the '903 Patent and asserting its Reissue:

Magpul has provided MFT with a proposed stipulation dismissing the '903 Patent with prejudice and is prepared to proceed solely on the remaining two asserted patents.

When the PTO granted a reissue of the '903 Patent, Magpul informed MFT and considered whether it would seek leave to assert the reissue. Currently, Magpul does not intend to assert the reissue unless necessary to respond to a motion or argument asserting prejudice from the original assertion of the '903. If that becomes necessary, Magpul would seek to assert only claims that are identical or substantially identical to those previously asserted.

This issue remains open and is the subject of ongoing discussions between the parties.

II. Defendant MFT's Statement

MFT is currently evaluating issues surrounding the JCCC and reserves all rights and remedies.

The Parties conferred by telephone Tuesday, April 15 pursuant to the Court's directive and discussed discovery issues. While complete agreement was not reached, Magpul agreed to provide supplemental responses to some of MFT's interrogatories from MFT's First Set of Interrogatories.

The Parties conferred regarding a stipulated dismissal with prejudice regarding the '903 Patent. The Parties attach a copy of their proposed stipulation hereto.

Respectfully submitted April 18, 2025.

For Plaintiff:

MAGPUL INDUSTRIES CORP.

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For Defendant:

MISSION FIRST TACTICAL, LLC

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EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT FOR THE
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CIVIL ACTION NO. 24-5551-KSM

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE

Plaintiff Magpul Industries Corp. (“Magpul”) and Defendant Mission First Tactical, LLC (“MFT”), by and through their undersigned counsel, hereby stipulate and agree as follows:

1. Magpul voluntarily dismisses with prejudice all claims in this action asserted under U.S. Patent No. 10,072,903 (the “’903 Patent”).
2. This dismissal shall have no effect on any claims, defenses, or counterclaims asserted in this action by either party relating to the remaining asserted patents: U.S. Patent Nos. 8,839,543 and 8,991,086.
3. MFT reserves the right to seek fees, costs, and other remedies associated with Magpul’s assertion of the ’903 Patent.

STIPULATED AND AGREED:

For Plaintiff:

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[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2025, upon consideration of the parties' Stipulation, it is hereby ORDERED that:

1. Magpul's claims in this action relating to U.S. Patent No. 10,072,903 are DISMISSED WITH PREJUDICE.
2. This dismissal shall have no effect on any claims, defenses, or counterclaims asserted in this action by either party relating to the remaining asserted patents: U.S. Patent Nos. 8,839,543 and 8,991,086.
3. MFT reserves the right to seek fees, costs, and other remedies associated with Magpul's assertion of the '903 Patent.

IT IS SO ORDERED.

Hon. Karen Spencer Marston
United States District Judge