

## Paintball Gun Cos. Reach Deal To End Patent Fight

By **Adam Lidgett**

Law360 (May 5, 2022, 8:41 PM EDT) -- Next Gen Manufacturing Inc. has agreed to stop selling various paintball gun part products as part of a deal to end a patent infringement suit from paintball gun part maker Pressure Specialist.

In a **joint motion**, plaintiff Pressure Specialist Inc. and defendant Next Gen on Wednesday asked an Illinois federal judge to approve a consent judgment they came up with in the case.

The move came after U.S. District Judge Matthew F. Kennelly in February **granted** Pressure Specialist's motion for summary judgment on liability in the suit, which had alleged that Next Gen's GEN II paintball gun air pressure regulator infringes U.S. Patent No. 7,059,343.

As part of the would-be consent judgment, Next Gen agreed to an **injunction** blocking it from selling various regulators, according to court documents.

Pressure Specialist filed an initial lawsuit years ago claiming an earlier version of Next Gen's regulator — called the GEN I — infringed U.S. Patent No. 7,059,343, and that initial case ended in a settlement, according to court records.

That settlement, however, was followed by the newer suit, which accused the GEN II of infringing the same patent, according to court documents, even though the GEN II was discontinued. Next Gen then started selling its HAYMKR regulator product, according to the judge.

Pressure Specialist had argued that Next Gen made several legally binding admissions and actually admitted to infringement allegations relating to the GEN II product, but Next Gen argued that those statements weren't "judicial admissions," according to court documents.

Next Gen had tried to argue that those statements were just to arrive at a settlement agreement in another case and were superseded by a second amended complaint, but the judge said those arguments didn't carry water.

Counsel for Pressure Specialist declined to comment to Law360 on Thursday.

Counsel for Next Gen did not immediately respond to requests for comment.

The patent-in-suit is U.S. Patent No. 7,059,343.

Next Gen is represented by Roy Olson.

Pressure Specialist is represented by Dean D. Niro, Arthur A. Gasey and Patrick F. Solon of Vitale Vickrey Niro Solon & Gasey LLP and Gary I. Blackman and Jason B. Hirsh of Levenfeld Pearlstein LLC.

The case is Pressure Specialist v. Next Gen Manufacturing Inc., case number 1:18-cv-07013, in the U.S. District Court for the Northern District of Illinois.

--Editing by Rich Mills.