

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No. 13-cv-01984-RBJ

MAGPUL INDUSTRIES, CORP.,

Plaintiff,

v.

PLINKER ARMS, LLC,
dba PLINKER TACTICAL,

Defendant.

ORDER

The defendant, Plinker Arms, LLC, *dba* Plinker Tactical, moves to dismiss the complaint for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2) and for improper venue pursuant to Fed. R. Civ. P. 12(b)(3). An unrelated but similar case is also pending before this Court. *Magpul Industries, Inc. v. Big Rock Sports, LLC*, No. 13-cv-01982-RBJ. In both cases, Magpul alleges patent infringement, and the defendant moves to dismiss for lack of personal jurisdiction and improper venue. The defendants in both cases, represented by the same counsel, make nearly identical arguments in support of their motions. In turn, Magpul responds with the same arguments in favor of maintaining the case in Colorado: primarily that the defendants sold the accused products to Colorado residents, and in doing so subjected themselves to the personal jurisdiction of this court.

The Court has today issued its order denying the motion to dismiss in the *Big Rock* case. [ECF No. 29]. That order is incorporated here by reference. For the same reasons, and without repeating them unnecessarily in this order, the Court denies the motion to dismiss [ECF No. 23]

in this case. The Court directs the parties to contact chambers and set a scheduling conference within fourteen (14) days of this filing.

DATED this 11th day of April, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", with a long, sweeping horizontal stroke extending to the right.

R. Brooke Jackson
United States District Judge