

Recently the Army has issued a press release concerning its infringement of our patented Vortex® flash hider. The press release contains several misleading and inaccurate statements. The following statement addresses the issues raised by the Army and is supported by documents from various US Military sources in SEI's possession.

Contrary to its statements, the Army, and several units within the Military have not only tested our Vortex® flash hider but used it in combat. The overall performance of our Vortex® flash hider is so superior to that of the issue birdcage that elements within the US Military purchase it and even individual soldiers buy our Vortex® flash hider using their own personal funds when their units cannot afford to do so.

The Army's statement also refers to a preliminary informal test conducted by the USMC. That test was performed in 2002 at the request of SEI to determine what, if any, modifications the military would like to see in our product. This test was a preliminary evaluation and is clearly marked on Page 1 "Destroy this document when no longer needed." This test evaluated an early model of our Vortex® flash hider. All concerns raised by this test have been subsequently addressed. SEI is unaware of any tests of its Vortex® flash hider that were performed at ARDEC and welcomes the disclosure of those reports to SEI.

Despite installing the Vortex® flash hider incorrectly, the Aberdeen report did find that our Vortex® flash hider effectively hid the muzzle flash from observers in single shots. While the report stated that muzzle flash was noticed when firing bursts with tracers, the report did concede that it is "very difficult to determine if the flash was from the flash or tracer."

The Army goes on to claim that the flash increased as the barrel heated up under sustained firing. The Aberdeen test incorrectly installed the Vortex® flash hider. SEI believes that the incorrect installation of the Vortex® flash hider caused an increased flash signature during sustained firing. The reports from soldiers in combat in Iraq and Afghanistan do not indicate any indication of increased flash signature during sustained fire when equipped with properly installed Vortex® flash hidere. Indeed, when the US Navy SEALs tested our Vortex® on their M2s, the universal response was overwhelmingly positive. A similar test was conducted by an Airborne unit that involved the firing of over 10,000 rounds and showed no negative results at all. All participants in these tests were universal in their praise of our Vortex® flash hider. Additionally, fielded elements have tested our Vortex and observers placed down range simply could not detect the muzzle flash from a Vortex equipped weapon whereas muzzle flash was detectible when the weapons were equipped with the standard flash hider. Finally, there is simply no evidence at all that the Army ever conducted its own tests of our Vortex® flash hider, but simply relied on this very preliminary USMC test document of an earlier model of our Vortex flash hider.

The Army then claims that there is a metallic pinging sound produced by the Vortex® flash hider. It strains the imagination that any sound caused by the flash hider can be heard when compared to the metallic noises produced by cycling the action of the weapon, let alone during the firing of the weapon. Obviously, whoever is making such a claim and never fired live ammunition.

The Army also states that the SEI Vortex® flash hider is not compatible with the fielded blank firing adapter. While this is correct, SEI has developed a BFA that is not only compatible with the GI birdcage flash hider, but also eliminates the need for separate flash hidere for the M16, M4, and M249 weapon systems.

Finally, the Army claims that the SEI's Vortex® flash hider's open prong design is rejected because the prongs can bend. One has to ask "Why, if the open ended design is not good enough to buy is it good enough to steal." In fact, SEI has significantly improved its Vortex flash hider in response to the Aberdeen tests and there is no evidence at all to indicate that the prongs are susceptible to bending under combat conditions.

The Army claims that it did not ask any company to copy our Vortex® flash hider. In fact, it was the Picatinny Arsenal that copied the design and then ordered FN to make it. That is why the infringing flash hider National Stock Number and CAGE code list Picatinny as the maker. It is hard to believe the Army when it says that it developed their infringing product independent of SEI when the Army specifically requested SEI (in 2002) to participate in the program to develop new items including flash hidere. Additionally, Ft. Belvoir ordered 50 Vortex® flash hidere right after Desert Storm. Picatinny purchased several of our Vortex® flash hidere for these tests. This was long before Picatinny Arsenal came out with their infringing flash hider.

While the Army claims that it has no higher priority than the Soldier protection, that statement is refuted by the facts. There are several instances where soldiers' have lost their lives because of the flash signature produced by their weapons, including instances where rescue helicopters have been shot down due to the enemy locating the flash signature. The SEI Vortex flash hider has been available to the Military Operation Desert Storm (1990). When the cost to the military of the SEI Vortex® flash hider is less than a body bag, it is clear that the Army is more interested in cutting costs than protecting the lives of its Soldiers.

Finally, the Army stated that it settled our suit because it was more cost effective to settle than pursue the matter in court. This is simply not true. When the government litigates infringement cases, it uses government lawyers who are paid whether the case goes to trial or settles. Settlement strategies for the government are based on what the settlement offer is compared to what the government would have to pay if the judge sets a settlement after trial. It is simply not a consideration to the government what the cost of trial is, rather a case is settled because otherwise the damages set by the judge may be higher.

Ron Smith, President

Smith Enterprise, Inc.

*The Army did not consider the Smith Enterprise Vortex flash suppressor as superior to the standard suppressor. Smith Enterprise, Inc. flash eliminators have been evaluated numerous times and extensively tested by both the Army and the USMC. The summary of these tests were consistent.*

*There was interest in this type of device which worked well eliminating flash under various conditions. However, the flash increased significantly as the barrel heated during sustained firing, as well as, when the total number of rounds fired through the suppressor increased, even if the barrel was not heated. The Smith Vortex also had an additional acoustic signature, described as a metal pinging sound. This product was also not compatible with fielded blank firing adaptors and the open prong design allows the prong to bend, which could result in bullet obstruction during firing.*

*The Army did not ask any companies to copy the Vortex design. There were numerous deficiencies with the Smith design which prevented the Army from choosing to undergo qualification testing with this design. As a result, government personnel (completely independent of the Smith Enterprise design and the testing of this item) developed a flash suppressor capable of meeting the program requirements. Once the Government design was tested and evaluated, the technical data package (TDP -drawings and specifications and all the technical data required to build the suppressor) was provided to Fabrique Nationale Manufacturing (the prime contractor for the M240H machine gun) for production.*

*There is no higher priority for the Army than Soldier protection. We take this business seriously and personally. Therefore we support and challenge vendors every day to produce better equipment to meet the need. The flash suppressors our Soldiers deployed with were effective, reliable, tested and compatible with the blank adapter. The current suppressors used today have been further improved and no longer resemble the Smith suppressor and are the best available that consistently perform in combat.*

*LTC Martin Downie*

*US Army - Media Relations Division*