

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MASCHIO GASPARDO S.p.A.

Plaintiff,

v.

PRECISION PLANTING LLC,

Defendant.

C.A. No. [_____]

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Maschio Gaspardo S.p.A. (“Plaintiff”), for its Complaint against Defendant Precision Planting, LLC (“Defendant”) alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 et seq.

THE PARTIES

2. Plaintiff is an entity organized under the laws of Italy with a principal place of business at N. 73, Via Marcello, 35011 Campodarsego (PD) Italy.

3. Plaintiff is an international leader in the production of equipment for tillage, seeding and planting, fertilization, crop protection, green maintenance and haymaking, and has been since 1964.

4. But Plaintiff’s roots in quality seeding equipment and haymaking equipment reach back to the 1800’s. In 1993, Plaintiff acquired Gaspardo Seminatrici S.p.A., an historic company founded in 1834 and known all over the world for the precision and reliability of its seeders. In 2014 it acquired Feraboli, also founded in the 1800s, specializing in the design and production of round balers, fundamental equipment in the haymaking sector.

5. Today, Plaintiff has 1,900 employees worldwide, eight production plants and twelve commercial branches, all producing 70,000 pieces of equipment as of 2021.

6. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 23207 Townline Road, Trenton, IL 61568.

7. Defendant maintains a registered agent for service of process in Delaware at Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808. Upon information and belief, Defendant sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that enter into the stream of commerce and that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

9. This court has subject matter jurisdiction under 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patent Law).

10. This Court has personal jurisdiction over Defendant, because Defendant has sufficient minimum contacts within the State of Delaware and this District, pursuant to due process and/or the Del. Code. Ann. Tit. 3, § 3104, as Defendant has purposefully availed itself of the privileges of conducting business in the State of Delaware by regularly conducting and soliciting business within the State of Delaware and within this District, and because Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of Delaware and this District. Further, this Court has personal jurisdiction over Defendant, because

it is incorporated in the State of Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

11. Venue is proper in this judicial district under 28 U.S.C. § 1400(b). Defendant is organized under the laws of the State of Delaware and therefore resides in the District. In addition, on information and belief, Defendant has committed acts of infringement in this District.

ACCUSED INSTRUMENTALITIES

12. Defendant makes, uses sells and offers for sale, provides and causes to be used, now and within the past six years, the vSet, vSet Select, vSet-2, and vDrive, among other similar products. (“Accused Instrumentalities”).

PATENTS IN SUIT

13. Plaintiff is the owner by assignment of U.S. Patent No 8,770,121 (“the ’121 patent”). The ’121 patent was assigned to Plaintiff on July 23, 2012.

14. Plaintiff is the rightful owner of the ’121 patent and holds the entire right, title and interest in the ’121 patent.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,770,121

15. The allegations set forth in the foregoing paragraphs 1 through 14 are incorporated into this Claim for Relief.

16. On July 8, 2014, the ’121 patent entitled “Seed Distribution Element for Precision Seed Drills, Seed Drill Including Said Element” was duly and legally issued from U.S. Patent Application No. 13/521,896 with PCT filing on November 10, 2011. A true and correct copy of the ’121 patent is attached as Exhibit 1.

17. Plaintiff is the assignee and owner of the right, title and interests in and to the ’121 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

18. Upon information and belief, Defendant has and continues to directly infringe at least claim 1 of the '121 patent by making, using, selling, importing, offering for sale, providing, practicing, and causing to be used the Accused Instrumentality that infringe the patented methods as explained in attached Exhibit 2.

19. Defendant was made aware of the '121 patent and its infringement thereof by correspondence on October 22, 2014.

20. Since October 22, 2014, when it first was made aware of the '121 patent, Defendant's infringement has been, and continues to be willful.

21. As just one example of Defendant's willful infringement, Defendant has advertised the compatibility of its infringing vSet devices with seed meters manufactured by Plaintiff and provided instructions for retrofitting Plaintiff's seed meters with infringing vSet devices since receiving notice of the '121 patent.

22. Upon information and belief, the Accused Instrumentality are used, marketed, provided to, and/or used by or for the Defendant's partners, clients, and customers across the country and in this District.

23. Upon information and belief, Defendant has induced and continues to induce others to infringe at least claim 1 of the '121 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including, but not limited to Defendant's partners, clients and customers, whose use of the Accused Instrumentality constitutes direct infringement of at least claim 1 of the '121 patent.

24. In particular, the Defendant's actions that aid and abet others such as its partners, clients and customers to infringe include advertising and distributing the Accused Instrumentality and providing instruction materials and services regarding the Accused Instrumentality.

25. Any party, including Defendant's partners, clients and customers using the Accused Instrumentalities necessarily infringes the '121 patent. Defendant thus induces others to infringe the '121 patent. Defendant has knowingly induced infringement since at least October 22, 2014, when it first was made aware of the '121 patent.

26. Upon information and belief, the Defendant is liable as a contributory infringer of the '121 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Accused Instrumentality that infringe the patented methods, to be especially made or adapted for use in an infringement of the '121 patent. Each of the Accused Instrumentality is a material component for use in practicing the '121 patent and is not a staple article or commodity of commerce suitable for substantial non-infringing use.

27. Plaintiff has been harmed by Defendant's Infringing activities.

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '121 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for Defendant's past infringement of the '121 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and

D. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

Dated: October 24, 2022

/s/ Timothy Devlin

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EXHIBIT 1



US008770121B2

(12) **United States Patent**
Bragatto

(10) **Patent No.:** **US 8,770,121 B2**
(45) **Date of Patent:** **Jul. 8, 2014**

(54) **SEED DISTRIBUTION ELEMENT FOR
PRECISION SEED DRILLS, SEED DRILL
INCLUDING SAID ELEMENT**

(75) Inventor: **Enrico Bragatto**, Caorle (IT)

(73) Assignee: **Maschio Gaspardo S.p.A.**,
Campodarsego (PD) (IT)

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.

(21) Appl. No.: **13/521,896**

(22) PCT Filed: **Nov. 10, 2011**

(86) PCT No.: **PCT/EP2011/069875**

§ 371 (c)(1),
(2), (4) Date: **Oct. 8, 2012**

(87) PCT Pub. No.: **WO2012/062876**

PCT Pub. Date: **May 18, 2012**

(65) **Prior Publication Data**

US 2013/0019788 A1 Jan. 24, 2013

(30) **Foreign Application Priority Data**

Nov. 12, 2010 (IT) PD2010A0338

(51) **Int. Cl.**
A01C 7/04 (2006.01)

(52) **U.S. Cl.**
USPC **111/185**

(58) **Field of Classification Search**
USPC 111/170, 174–185
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

7,228,807 B1 6/2007 Ven Huizen

FOREIGN PATENT DOCUMENTS

EP 0536543 A1 4/1993

OTHER PUBLICATIONS

International Search Report and Written Opinion in parent applica-
tion PCT/EP2011/069875.

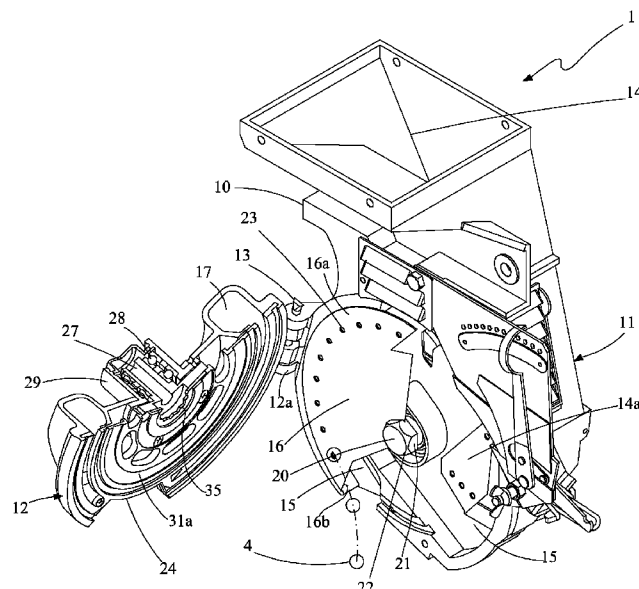
Primary Examiner — Christopher J Novosad

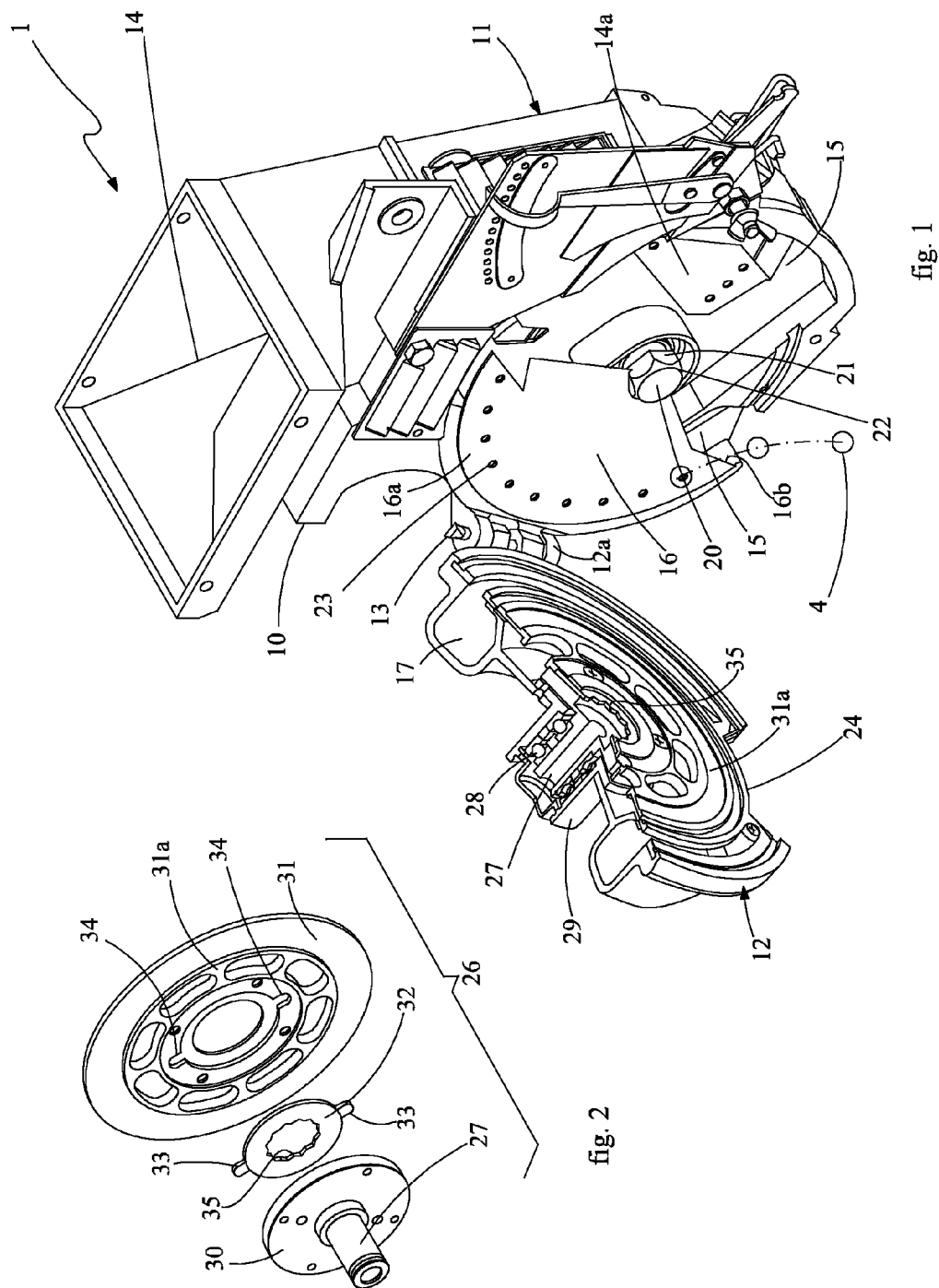
(74) *Attorney, Agent, or Firm* — Kristina Castellano;
Castellano PLLC

(57) **ABSTRACT**

A seed distribution element (1) includes: —a sowing disc (16) rotated by a motor-driven transmission shaft (20) —a housing (10) with a fixed portion (11) in which the shaft (20) is supported and a portion (12) movable relative to the fixed portion and can be closed against it, with a seed collection chamber (15) in the fixed portion (11) and a pneumatic suction chamber (17) in the movable portion (12), —the sowing disc (16) being interposed between the portions (11, 12) and having opposed surfaces (16a, 16b) delimiting the chambers, and provided with a ring of selector holes (23) extending between the opposed surfaces structure for producing a pressure differential between the opposed surfaces in the region of a circumferential segment of the ring of holes, including the pneumatic suction chamber, and —a seal (24) on the movable portion (12) capable of sliding contact with the facing surface (16a) of the disc (16) when the portions are closed against one another,—a thrust-bearing element (26) of the sowing disc (16), supported rotatably in the movable portion (12), to withstand the axial load produced by the disc (16) on the seal (24).

16 Claims, 2 Drawing Sheets



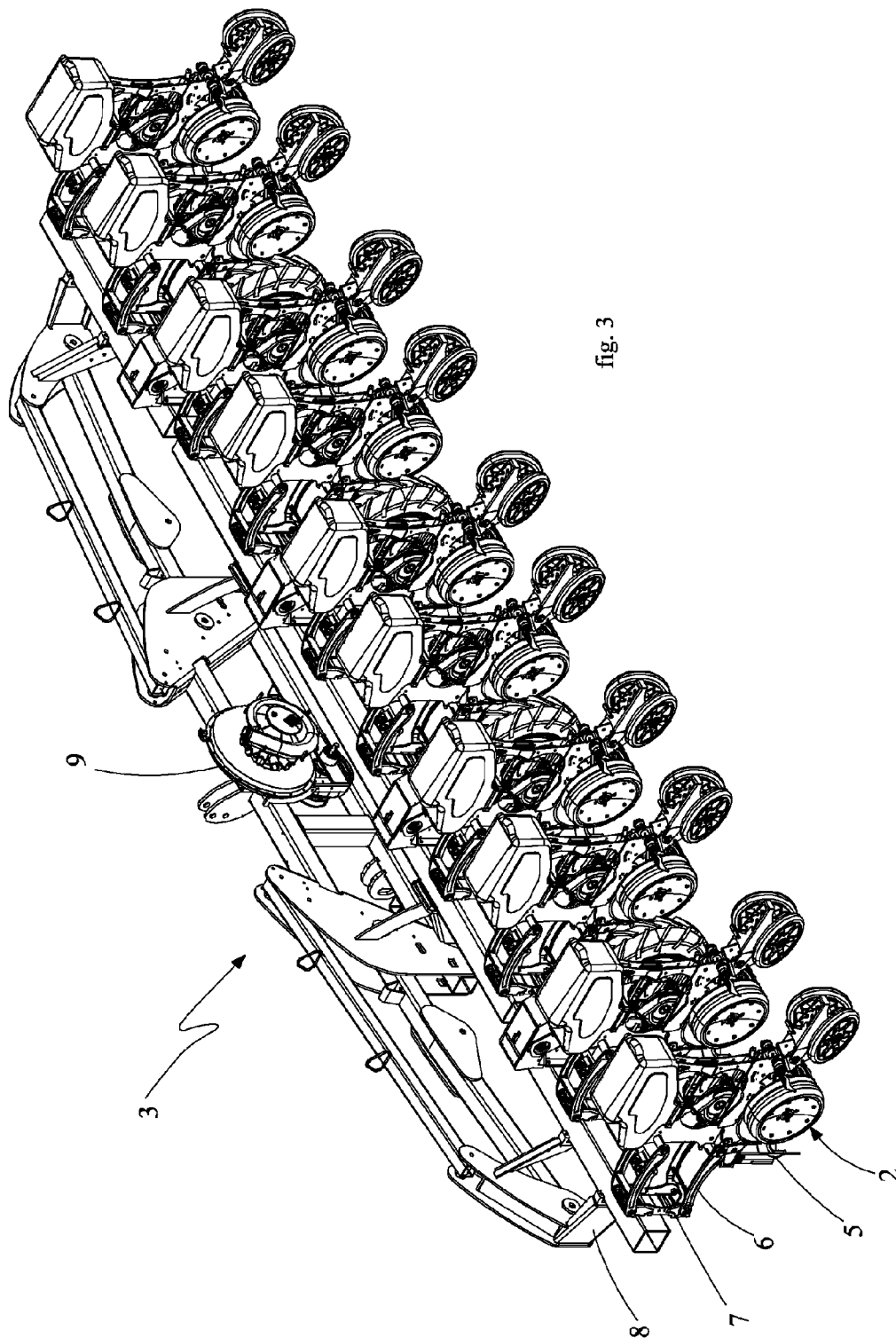


U.S. Patent

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SEED DISTRIBUTION ELEMENT FOR PRECISION SEED DRILLS, SEED DRILL INCLUDING SAID ELEMENT

CLAIM FOR PRIORITY

This application is a U.S. National Stage Application of PCT/EP2011/069875 filed on Nov. 10, 2011, claiming priority to Italian application PD2010A000338 filed Nov. 12, 2010, the contents of both of which are incorporated herein by reference.

DESCRIPTION

The subject of the present invention is a seed distribution element for precision pneumatic seed drills, a sowing element for such machines and a seed drill including a plurality of such sowing elements.

In precision pneumatic seed drills it is known to use sowing elements which are each equipped with a seed distribution element (hereinafter, in brief, distributor) for distributing one seed at a time in a controlled delivery while the sowing element moves along a sowing track.

It is equally known to use seed distributors which use an air pressure differential between opposed faces of a sowing disc (or selector) provided with one or more rings of through holes. The operating principle is based on the fact that, as a result of the pressure differential between the opposed faces of the disc, a seed adheres to each hole and is then transported by the rotation of the sowing disc from the seed selection zone to the point at which the pressure differential ceases and the seed is released to drop through a sowing pipe into the furrow or sowing track. In practice, on one of the faces of the disc a strong air suction is exerted which retains the seeds on the opposite face in the region of the respective holes. An example of such devices is disclosed in U.S. Pat. No. 7,228, 807.

For the correct functioning of such distributors it is necessary to ensure an effective pneumatic seal between the face of the disc that is subjected to suction and a seal which delimits the pneumatic suction chamber. The suction effect itself effects a substantial compression of the disc against the seal. If on the one hand this ensures adequate adherence of the seal to the disc surface which is subjected to negative pressure, on the other hand it involves severe abrasion of the seal which limits the effective service life thereof. It is therefore necessary periodically to replace the seal in order to prevent sowing errors arising from insufficient depressurization of the suction chamber.

On the other hand, even if replacing the seal is a simple operation, in each case it entails an unwanted machine stoppage, besides the cost of the spare part itself.

In order to remedy this drawback, seed drills have been developed which are equipped with a thrust-bearing element which relieves the heavy load on the seal. In all cases, however, the thrust-bearing element, which must be rotated with the disc, is mounted on the fixed portion of the housing, that is to say, that portion which is fixed to the framework of the sowing elements. This means that the disc must be attached to the thrust-bearing element; therefore an attachment system must be provided which in the stage of replacement of the disc must be removed, consequently lengthening the operation. This is inevitable in the known machines since it is obligatory to mount on the fixed portion the transmission which drives in rotation the motor-driven shaft which rotates the disc.

However, positioning the thrust-bearing element on the fixed portion entails the pneumatic suction chamber being

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provided on the fixed portion, or on the same side at which the thrust-bearing element is placed, while the seed collection chamber must be provided in the movable portion. This is the source of numerous drawbacks, including the fact that the opening of the housing necessarily involves the removal of the portion containing the seed collection chamber from the hopper type store located above, which must necessarily be fixed to the framework of the sowing element.

Furthermore, for the replacement of the sowing disc it is necessary to remove some parts of the distributor, such as the adjustable seed selector, and the seed ejector, where provided.

The problem underlying the present invention is that of providing a seed distribution element structurally and functionally designed to make it possible to remedy all the drawbacks mentioned with reference to the prior art cited.

This problem is solved by the invention by means of a seed distribution element produced in accordance with one or more of the attached claims.

The features and advantages of the invention will become clearer from the following detailed description of a preferred exemplary embodiment thereof, illustrated by way of non-limiting example with reference to the appended drawings, in which:

FIG. 1 is a perspective view of a seed distribution element produced according to the present invention;

FIG. 2 is an exploded perspective view of a detail of the element of FIG. 1;

FIG. 3 is a perspective view of a seed drill equipped with sowing elements with a seed distribution element according to the invention.

In the drawings the reference 1 indicates as a whole a seed distribution element intended for equipping a sowing element 2 of a precision pneumatic seed drill 3.

The distribution element 1 is the device intended to deposit one seed 4 at a time at a predetermined adjustable spacing in a sowing furrow opened by a coulter 5. The sowing element 2, besides the distribution element 1, comprises a frame 6 and a seed store or hopper 7, besides other devices which are known per se and not necessary for the understanding of the present invention. The seed drill 3 itself comprises a bearing structure 8 on which a plurality of sowing elements 2 are mounted, all connected to a pneumatic suction device 9.

The sowing element 1 itself comprises a housing 10 with a fixed portion 11 fixed in a stable manner on the frame 6 and a movable portion 12 hinged in the region of a hinge 12a on the fixed portion 11 by means of a removable hinge pin 13. The fixed portion includes a throat 14 by means of which it is connected below an outflow mouth of the store or hopper 7 in such a way as to be fed directly by the latter.

From the throat 14 the seed flows through a gate 14a through which the seed flows into a seed collection chamber 15.

A sowing disc 16 separates the seed collection chamber 15 from a suction chamber 17 provided in the movable portion 12. A suction device 18 mounted on the bearing structure 8 is connected to the suction chamber 17 by means of pipes 19 for producing a pressure differential between the opposed surfaces 16a, 16b of the selector disc 16.

The sowing disc 16 is removably mounted on a motor-driven drive shaft 20, supported in the fixed portion 11 and driven in rotation at predetermined adjustable speeds by a transmission which is not shown.

The presence of the transmission requires the shaft 20 to be mounted on the fixed portion 11 of the housing 10. The keying between the shaft 20 and the disc 16 is obtained by means of a polygonal profile 21 at the free end of the shaft 20 which

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protrudes beyond the disc **16** and preferably has chamfers **22** which serve to facilitate the functions explained hereinafter.

At the periphery of the disc **16** is/are provided one (or several) ring(s) of holes **23** passing between the opposed faces of the sowing disc **16**.

A seal **24** is fitted in the suction chamber **17** and is placed in sliding contact with the facing surface of the disc **16**, when the movable portion **11** is closed on the fixed portion **12**, to delimit a circumferential segment in which the holes **23** are subjected to the aforesaid pressure differential.

The circumferential segment extends between the seed collection chamber **15** and a seed fall pipe **25** in which the seeds are released one at a time into the furrow formed by the coulter **5**.

By reason of the pressure differential between the two opposed surfaces of the sowing disc, the seeds **4** are held, one to each hole **23**, when the holes pass in the seed collection chamber **15**, and are released in the region of the pipe **25** when the pneumatic effect of the pressure differential ceases or owing to the presence of a seed ejector (not shown).

In order to limit the wear on the seal **24** resulting from sliding against the surface of the disc **16**, a thrust-bearing element indicated as a whole by **26** is mounted on the movable portion.

The thrust-bearing element **26** comprises a shaft **27** rotatably mounted by means of bearings **28** in a seat **29** of the movable portion **12**. The shaft **27** has flanging **30** by means of which it is fixed to a thrust-bearing plate **31** which can bear on that surface of the disc which faces the seal **24** in a zone radially inside the ring of holes **23** in order to withstand at least some of the axial load produced by the disc **16** on the seal **24**.

The bearing between the thrust-bearing plate **31** and the disc **16** takes place in the region of a ring **31a** in relief on the surface of the plate which faces the disc **16**.

The thrust-bearing element **26** is driven in rotation with the sowing disc **16** when the fixed and movable portions **11**, **12** are closed against one another by means of a drive element **32** which comprises a coupling device constrained for rotation with the thrust-bearing plate but with radial and/or circumferential clearance in such a way as to be self-centred in the rotational coupling with the drive shaft of the disc **16**. For this purpose, in the present form of embodiment, the drive element **32** is coupled with limited radial and/or circumferential clearance to the element **26** by means of one (or more) appendage(s) **33** protruding radially towards the outside and fitted into corresponding seats **34** of the plate.

The drive element **32** is coupled by means of an internal polygonal profile **35** (similar to that adopted for box-end wrenches) to the polygonal profile **21** of the free end of the shaft **20**, the chamfers **22** of which serve to facilitate the centring of the two profiles and the respective engagement.

The drive element **32** is thus self-centring relative to the drive shaft **20** by which it is driven. The positioning between seal **24** and plate **31** is such that the rotation of the latter will not be hindered by the presence of the seal **24** and, at the same time, both will be kept bearing against the disc **16**.

Provision is also made for the thrust-bearing element **26** to be made idle and not driven in rotation by the shaft **20**.

The whole of the movable portion **12** complete with thrust-bearing element **26** and seal **24** lends itself advantageously to the production of a kit for the retrofitting of existing seed drills. It is sufficient in this case to separate the old type of movable portion by removing the hinge pin **13** and replacing the old movable portion with the aforesaid kit. By reconnecting the pneumatic pipes previously disconnected, the seed drill becomes ready for use.

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Among the principal advantages of the distribution element according to the invention is the fact that the wear on the seal resulting from the sliding contact with the seed selector disc is substantially reduced, if not eliminated; the thrust-bearing element is self-centring, thereby allowing easy opening and closing of the movable portion on the fixed portion of the housing; the system additionally lends itself to easy retrofitting, all without removing movable parts and/or operations of disconnecting the sowing disc.

The invention claimed is:

1. A seed distribution element for precision pneumatic seed drills, comprising:

a sowing disc which is rotated by a motor-driven transmission drive shaft at controlled speed,

a housing with a fixed portion and a portion which is movable relative to the fixed portion and can be closed against the fixed portion,

a seed collection chamber being defined in the fixed portion,

a pneumatic suction chamber being defined in the movable portion,

the sowing disc being interposed between the fixed and movable portions and having opposed surfaces delimiting the chambers,

the sowing disc having at least one ring of selector holes extending between the opposed surfaces, and

a seal which is arranged on the movable portion and is capable of sliding contact with the facing surface of the disc when the fixed and movable portions are closed against one another,

wherein a pressure differential is provided between the opposed surfaces in the region of a circumferential segment of the ring of holes,

wherein the seed distribution element further comprises a thrust-bearing element of the sowing disc, which thrust-bearing element is supported rotatably in the movable portion in order to withstand at least some of the axial load produced by the disc on the seal.

2. The seed distribution element according to claim **1**, wherein the thrust-bearing element is rotated with the disc when the fixed and movable portions are closed against one another.

3. The seed distribution element according to claim **1**, wherein the thrust-bearing element comprises a thrust-bearing plate which can bear on that surface of the sowing disc which faces the seal, in a zone radially inside of the ring of holes.

4. The seed distribution element according to claim **3**, wherein the thrust-bearing element comprises a drive element which is fixed for rotation with the plate and can be coupled with the drive shaft of the disc when the fixed and movable portions are closed against one another.

5. The seed distribution element according to claim **4**, wherein the drive element is self-centring relative to the drive shaft.

6. The seed distribution element according to claim **4**, wherein the drive element comprises a coupling member which rotates jointly with the thrust-bearing plate but has radial and/or circumferential clearance so as to be self-centred during rotational coupling with the drive shaft of the disc.

7. The seed distribution element according to claim **1**, wherein the movable portion is hinged to the fixed portion.

8. A sowing element for precision seed drills comprising a frame on which a seed distribution element according to claim **1** is mounted.

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9. A seed drill comprising a supporting structure on which a plurality of sowing elements according to claim 8 are mounted.

10. A kit for the retrofitting of seed distribution elements of precision pneumatic seed drills wherein the distribution elements are of the type including:

a sowing disc which is rotated by a motor-driven transmission drive shaft at controlled speed,

a housing with a fixed portion and a portion which is movable relative to the fixed portion and can be closed against the fixed portion,

a seed collection chamber being defined in the fixed portion,

a pneumatic suction chamber being defined in the movable portion,

the sowing disc being interposed between the fixed and movable portions and having opposed surfaces delimiting the chambers,

the sowing disc having at least one ring of selector holes extending between the opposed surfaces, and

a seal which is arranged on the movable portion and is capable of sliding contact with the facing surface of the disc when the portions are closed against one another, wherein a pressure differential is provided between the opposed surfaces in the region of a circumferential segment of the ring of holes,

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wherein the kit comprises:

the movable portion pre-assembled with: a thrust-bearing element of the sowing disc, which thrust-bearing element is supported rotatably in the movable portion in order to withstand at least some of the axial load produced by the disc on the seal.

11. The kit according to claim 10 wherein the movable portion and the thrust-bearing element comprise at least one feature according to claim 2.

12. The kit according to claim 10 wherein the movable portion and the thrust-bearing element comprise at least one feature according to claim 3.

13. The kit according to claim 10 wherein the movable portion and the thrust-bearing element comprise at least one feature according to claim 4.

14. The kit according to claim 10 wherein the movable portion and the thrust-bearing element comprise at least one feature according to claim 5.

15. The kit according to claim 10 wherein the movable portion and the thrust-bearing element comprise at least one feature according to claim 6.

16. The kit according to claim 10 wherein the movable portion and the thrust-bearing element comprise at least one feature according to claim 7.

* * * * *

EXHIBIT 2

U.S. Patent No. 8,770,121 – Precision Planting LLC

Claims 1-4, 8, 10-16

Maschio Gaspardo S.p.A. (“Plaintiff”) provides evidence of infringement of claims 1-3, 8, and 10-12 of U.S. Patent No. 8,770,121 (hereinafter “the ’121 patent”) by Precision Planting LLC (“Defendant”). In support thereof, Maschio provides the following claim charts.

“Accused Instrumentalities” as used herein refers to at least seed drill products including, but not limited to Defendant’s vSet, vSet Select, vSet-2 and vDrive products. These claim charts demonstrate Defendant’s infringement by comparing each element of the asserted claims to corresponding components, aspects, and/or features of the Accused Instrumentalities. These claim charts are not intended to constitute an expert report on infringement. These claim charts include information provided by way of example, and not by way of limitation.

The analysis set forth below is based only upon information from publicly available resources regarding the Accused Instrumentalities, as Defendant has not yet provided any non-public information. An analysis of Defendant’s (or other third parties’) technical documentation may assist in fully identify all infringing features and functionality. Accordingly, Plaintiff reserves the right to supplement this infringement analysis once such information is made available to Plaintiff. Furthermore, Plaintiff reserves the right to revise this infringement analysis, as appropriate, upon issuance of a court order construing any terms recited in the asserted claims.

Plaintiff provides this evidence of infringement and related analysis without the benefit of claim construction or expert reports or discovery. Plaintiff reserves the right to supplement, amend or otherwise modify this analysis and/or evidence based on any such claim construction or expert reports or discovery.

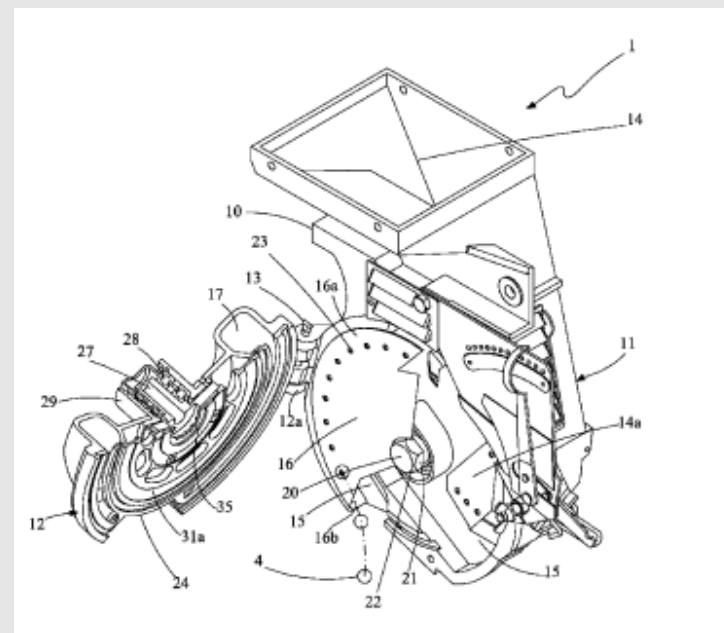
Unless otherwise noted, Plaintiff contends that Defendant directly infringes the ’121 patent in violation of 35 U.S.C. § 271(a) by selling, offering to sell, making, using, and/or importing the Accused Instrumentalities. The following exemplary analysis demonstrates that infringement. Unless otherwise noted, Plaintiff further contends that the evidence below supports a finding of indirect infringement under 35 U.S.C. §§ 271(b) and/or (c), in conjunction with other evidence of liability under one or more of those subsections. Defendant makes, uses, sells, imports, or offers for sale in the United States, or has made, used, sold, imported, or offered for sale in the past, without authority, or induces others to make, use, sell, import, or offer for sale in the United States, or has induced others to make, use, sell, import, or offer for sale in the past, without authority products, equipment, or services that infringe claims 1-3, 8, and 10-12 of the ’121 patent, including without limitation, the Accused Instrumentalities.

Unless otherwise noted, Plaintiff believes and contends that each element of each claim asserted herein is literally met through Defendant’s provision of the Accused Instrumentalities. However, to the extent that Defendant attempts to allege that any asserted claim element is not literally met, Plaintiff believes and contends that such elements are met under the doctrine of equivalents. More specifically, in its investigation and analysis of the Accused Instrumentalities, Plaintiff did not identify any substantial differences between the elements of the patent claims and the corresponding features of the Accused Instrumentalities, as set forth herein. In each instance, the identified feature of the Accused Instrumentalities performs at least substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim element.

To the extent the chart of an asserted claim relies on evidence about certain specifically-identified Accused Instrumentalities, Plaintiff asserts that, on information and belief, any similarly-functioning instrumentalities also infringes the charted claim. Plaintiff reserves the right to amend this infringement analysis based on other products made, used, sold, imported, or offered for sale by Defendant. Plaintiff also reserves the right to amend this infringement analysis by citing

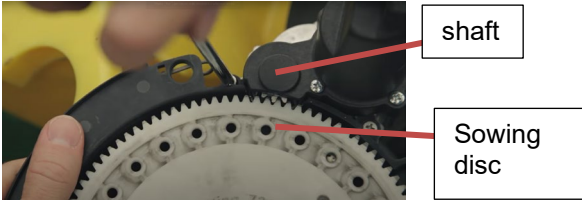
other claims of the '121 patent, not listed in the claim chart, that are infringed by the Accused Instrumentalities. Plaintiff further reserves the right to amend this infringement analysis by adding, subtracting, or otherwise modifying content in the "Accused Instrumentalities" column of each chart.

U.S. Patent No. 8,770,121	
Orig. Assignee:	Maschio Gaspardo S.p.A.
Title:	Seed distribution element for precision seed drills, seed drill including said element
Filing Date:	2011-11-10
Publication Date:	2014-07-08
Inventor:	Bragatto, Enrico
Earliest Priority:	2010-11-12 to ITPD2010A000338
Fee Status:	Active
Legal Status (PAIR):	Granted
Abstract:	A seed distribution element (1) includes: —a sowing disc (16) rotated by a motor-driven transmission shaft (20) —a housing (10) with a fixed portion (11) in which the shaft (20) is supported and a portion (12) movable relative to the fixed portion and can be closed against it, with a seed collection chamber (15) in the fixed portion (11) and a pneumatic suction chamber (17) in the movable portion (12), —the sowing disc (16) being interposed between the portions (11, 12) and having opposed surfaces (16a, 16b) delimiting the chambers, and provided with a ring of selector holes (23) extending between the opposed surfaces structure for producing a pressure differential between the opposed surfaces in the region of a circumferential segment of the ring of holes, including the pneumatic suction chamber, and —a seal (24) on the movable portion (12) capable of sliding contact with the facing



surface (16a) of the disc (16) when the portions are closed against one another,—a thrust-bearing element (26) of the sowing disc (16), supported rotatably in the movable portion (12), to withstand the axial load produced by the disc (16) on the seal (24).

Claim	Claim Element	Comparison with Accused Instrumentalities
1	A seed distribution element for precision pneumatic seed drills, comprising:	The Accused Instrumentalities include a seed distribution element for precision pneumatic seed drills. For example, the device shown below is a seed distribution element for precision pneumatic seed drills. 

a sowing disc which is rotated by a motor-driven transmission drive shaft at controlled speed,	The Accused Instrumentalities include a a sowing disc which is rotated by a motor-driven transmission drive shaft at controlled speed. For example, in the Accused Instrumentalities, the sowing disc is rotated by the motor-driven drive transmission drive shaft at a controlled speed, as shown below:  As another example, the vDrive device, which is designed to be used with vSet, is “a maintenance free electric drive system,” as shown below.
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vDrive

Mechanical drive systems require costly and time-consuming maintenance. vDrive is a maintenance-free electric drive system that lets you breeze through planting without the headaches of a mechanical drive system.

Equipped for



Beans



Corn



Cotton



Peanuts



Sugarbeets



Sunflowers

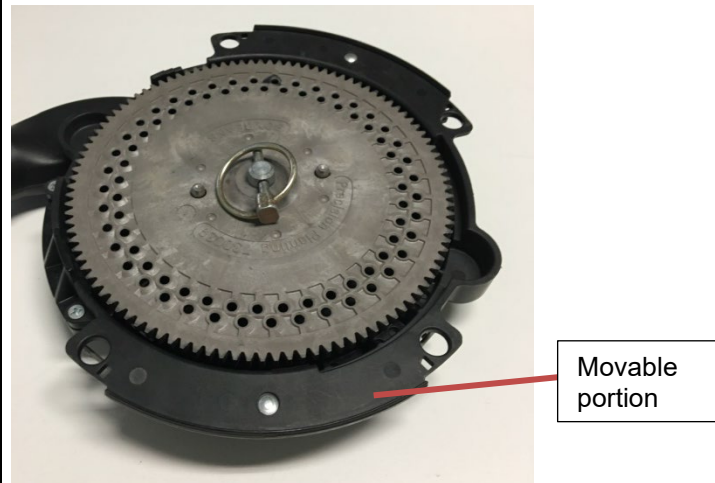
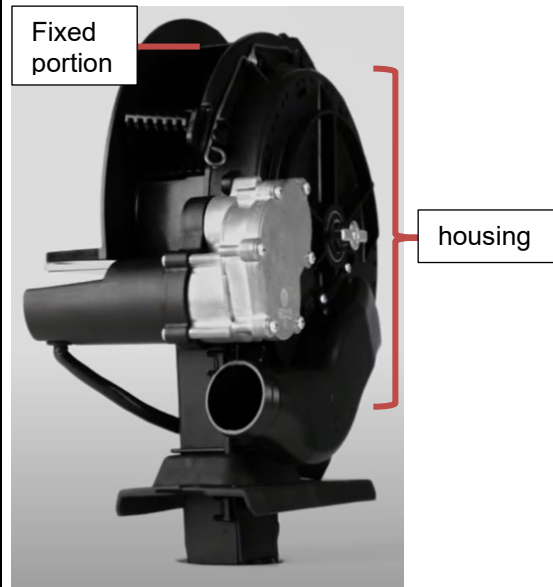


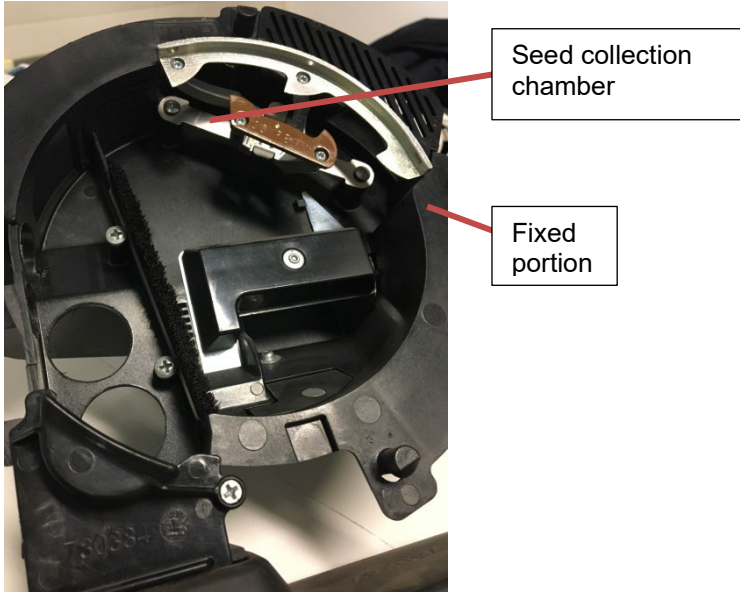
Maintenance-free electric drive system

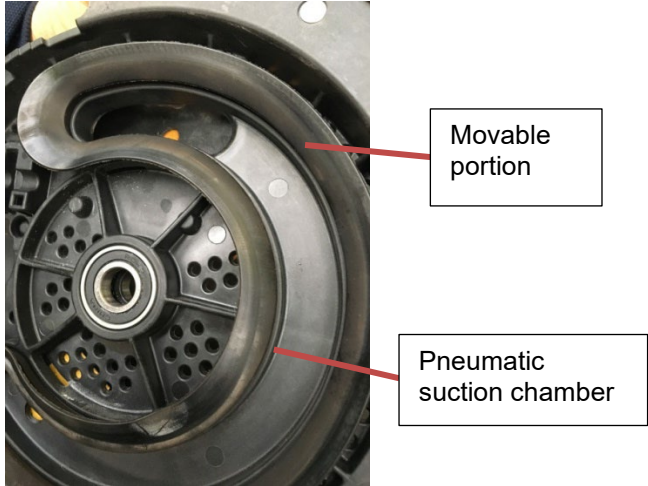
a housing with a fixed portion and a portion which is movable relative to the fixed portion and can be closed against the fixed portion,

The Accused Instrumentalities include a housing with a fixed portion and a portion which is movable relative to the fixed portion and can be closed against the fixed portion

For example, in the Accused Instrumentalities, the “movable” portion is movable relative to the fixed portion and they close against one another, as shown below.



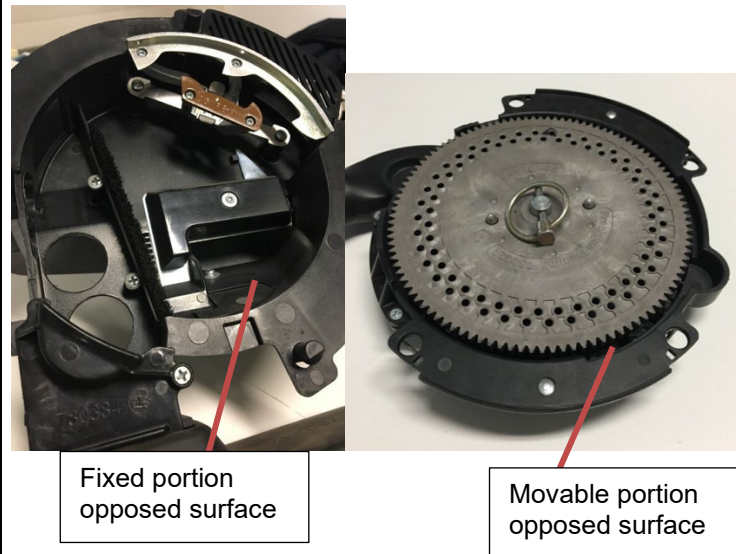
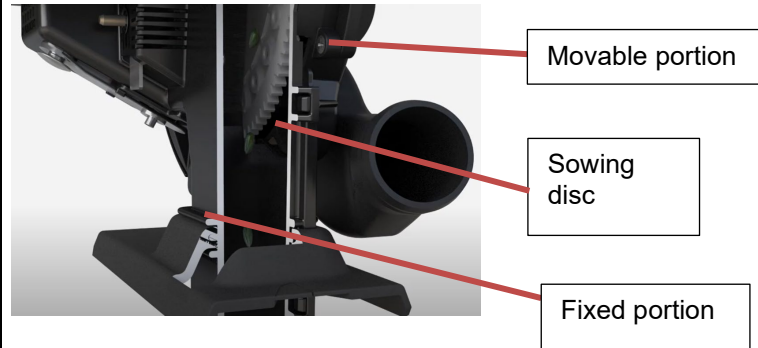
Claim	Claim Element	Comparison with Accused Instrumentalities
	a seed collection chamber being defined in the fixed portion,	The Accused Instrumentalities include a seed collection chamber being defined in the fixed portion For example, in the Accused Instrumentalities, the seed collection chamber is defined in the fixed portion, as shown below:  The photograph shows a cross-section of a mechanical device. A curved, metallic, semi-circular component is labeled 'Seed collection chamber'. This component is mounted on a larger, dark-colored, circular base labeled 'Fixed portion'. The base has various internal components, including a gear-like structure and a central rectangular block. The entire assembly is shown in a disassembled or partially disassembled state to reveal internal parts.

Claim	Claim Element	Comparison with Accused Instrumentalities
	a pneumatic suction chamber being defined in the movable portion,	The Accused Instrumentalities include a pneumatic suction chamber being defined in the movable portion. For example, in the Accused Instrumentalities the pneumatic suction chamber is defined in the movable portion, as shown below:  Movable portion Pneumatic suction chamber

the sowing disc being interposed between the fixed and movable portions and having opposed surfaces delimiting the chambers,

The Accused instrumentalities include the sowing disc being interposed between the fixed and movable portions and having opposed surfaces delimiting the chambers.

For example, the Accused Instrumentalities include a sowing disc interposed between the fixed and movable portions as shown below:



As an additional example, the position of the sowing disc may be raised or lowered with respect to the fixed and movable portions of the Accused Instrumentalities through the use of shims, as shown below:

Parts List:

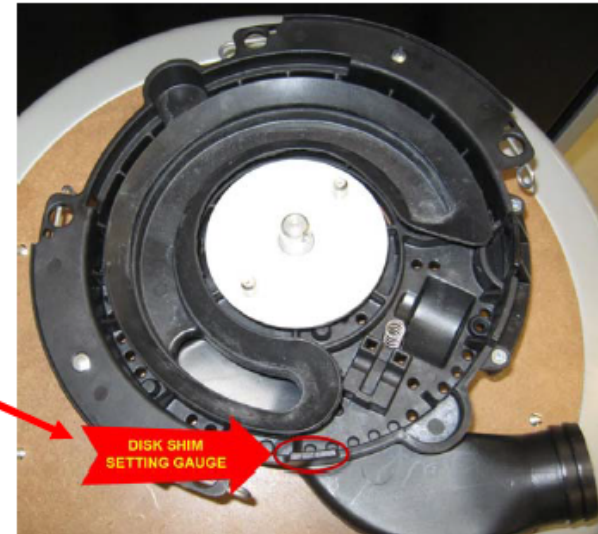
- 730113 (Qty. 2): Disk Shim
- 730389 (Qty. 1): vDrive Disk Shim (below)



The 730279 vSet Disk Shim Kit is designed to prevent seed fragments from slipping between the meter housing and cover which has the potential to stop the meter.

Step 1

Locate the Disk Shim Setting Gauge.



Claim	Claim Element	Comparison with Accused Instrumentalities
		Step 2 To check the current setting, hold the disk flat against the center plate and look through the gauge at the edge of the disk. Rotate the disk 1/3 of a turn and check again. Rotate the disk another 1/3 of a turn and check again checking the disk three times. From the factory, the disk should be between Step 1 & 2 of the gauge.
	the sowing disc having at least one ring of selector holes extending between the opposed surfaces, and	The Accused Instrumentalities include a sowing disc having at least one ring of selector holes extending between the opposed surfaces. For example, in the Accused Instrumentalities the sowing disc has at least one ring of selector holes extending between the opposed surfaces, as shown below:

Claim	Claim Element	Comparison with Accused Instrumentalities
	a seal which is arranged on the movable portion and is capable of sliding contact with the facing surface of the disc when the fixed and movable portions are closed against one another,	The Accused Instrumentalities include a seal which is arranged on the movable portion and is capable of sliding contact with the facing surface of the disc when the fixed and movable portions are closed against one another. For example, in the Accused Instrumentalities, the disc is arranged on the movable portion and is capable of sliding contact with the facing surface of the disc when the fixed and movable portions are closed against one another, as shown below: 

wherein a pressure differential is provided between the opposed surfaces in the region of a circumferential segment of the ring of holes,

The Accused Instrumentalities include a pressure differential is provided between the opposed surfaces in the region of a circumferential segment of the ring of holes.

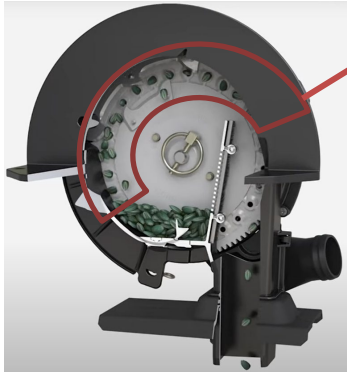
For example, the Accused Instrumentalities include a pressure differential between the opposed surfaces in the region of a circumferential segment of the ring of holes, as shown below:

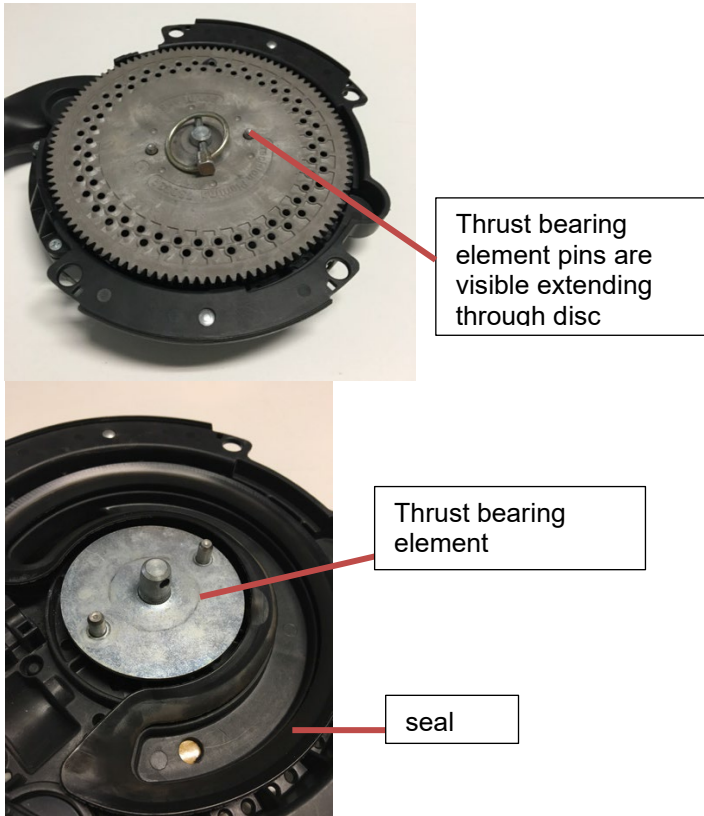


Source of pressure differential is this suction inlet

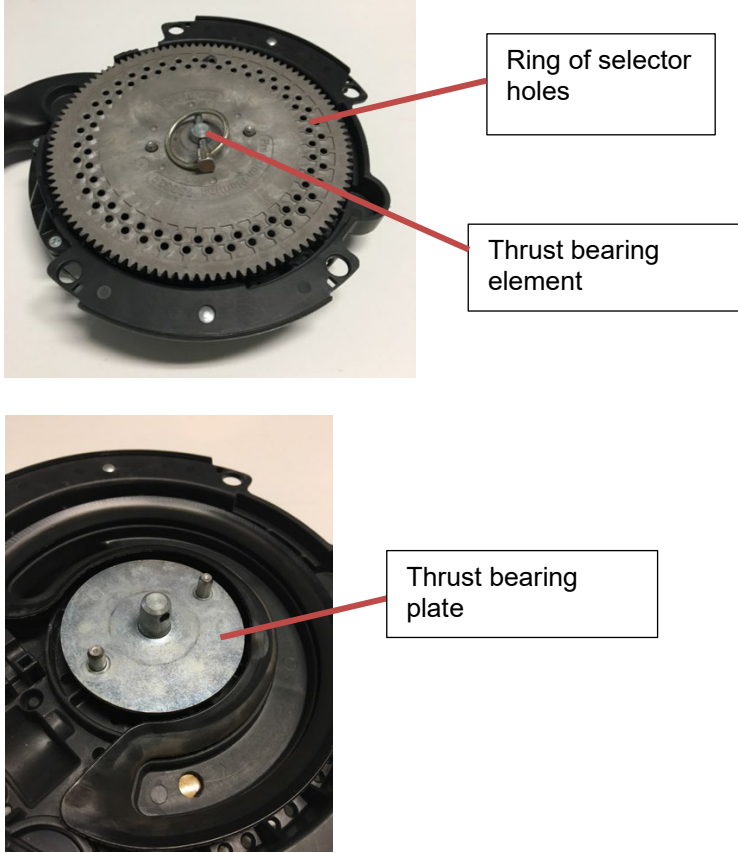


Region of circumferential segment

Claim	Claim Element	Comparison with Accused Instrumentalities
		 Region (roughly)  Attached to pressure differential—defines the region

Claim	Claim Element	Comparison with Accused Instrumentalities
	wherein the seed distribution element further comprises a thrust-bearing element of the sowing disc, which thrust-bearing element is supported rotatably in the movable portion in order to withstand at least some of the axial load produced by the disc on the seal.	The Accused Instrumentalities include a seed distribution element that further comprises a thrust-bearing element of the sowing disc, which thrust-bearing element is supported rotatably in the movable portion in order to withstand at least some of the axial load produced by the disc on the seal. For example, in the Accused Instrumentalities, the seed distribution element is attached to the thrust-bearing element, as shown below. As also shown below, the thrust-bearing element is supported rotatably in the movable portion to withstand at least some of the axial load produced by the disc on the seal.  Thrust bearing element pins are visible extending through disc Thrust bearing element seal

Claim	Claim Element	Comparison with Accused Instrumentalities
2	The seed distribution element according to claim 1, wherein the thrust-bearing element is rotated with the disc when the fixed and movable portions are closed against one another.	The Accused Instrumentalities include a seed distribution element, wherein the thrust-bearing element is rotated with the disc when the fixed and movable portions are closed against one another. For example, as shown below, the thrust bearing element rotates with the sowing disc when the fixed and movable portions are closed.  Thrust bearing element rotates with the disc because of these pins/attachment.

Claim	Claim Element	Comparison with Accused Instrumentalities
3	The seed distribution element according to claim 1, wherein the thrust-bearing element comprises a thrust-bearing plate which can bear on that surface of the sowing disc which faces the seal, in a zone radially inside of the ring of holes.	The Accused Instrumentalities include a seed distribution element according to claim 1, wherein the thrust-bearing element comprises a thrust-bearing plate which can bear on that surface of the sowing disc which faces the seal, in a zone radially inside of the ring of holes. See claim 1 above. For example, as shown below, in the Accused Instrumentalities, the thrust bearing element includes a plate that bears on the surface of the disc that faces the seal, inside the ring of holes.  The top photograph shows a circular metal component with a gear-like outer edge and a central hub. A red line points from the label 'Ring of selector holes' to a circular pattern of small holes. Another red line points from the label 'Thrust bearing element' to a central circular plate. The bottom photograph is a close-up of the central circular plate, with a red line pointing from the label 'Thrust bearing plate' to it.

Claim	Claim Element	Comparison with Accused Instrumentalities
8	A sowing element for precision seed drills comprising a frame on which a seed distribution element according to claim 1 is mounted.	The Accused Instrumentalities include a sowing element for precision seed drills comprising a frame on which a seed distribution element according to claim 1 is mounted. <i>See claim 1 above.</i> For example, as shown below, the Accused Instrumentalities include a seed distribution element, as shown below. 

10	A kit for the retrofitting of seed distribution elements of precision pneumatic seed drills wherein the distribution elements are of the type including:	To the extent the preamble is limiting, the Accused Instrumentalities include a kit for retrofitting of seed distribution elements of precision pneumatic seed drills. For example, the Accused Instrumentalities comprise a retrofit onto an OEM seed meter, as shown below.
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vSet®

Gaspardo Install

Step 1:

Prepare OEM meter for removal.

- Remove the ground drive and shaft from the OEM meter.
- Loosen the vacuum hose clamp and remove the vacuum hose. Keep the hose clamp to be used later.



Step 2:

Remove OEM Meter.

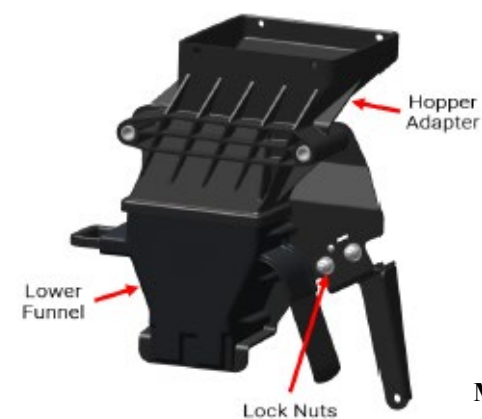
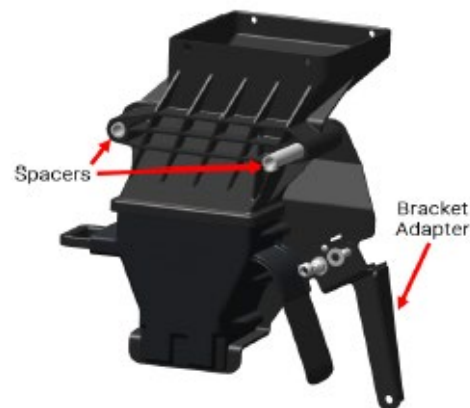
- Remove the nuts and bolts that secure the meter to the row unit shank.
- Remove the OEM meter and hopper from the shank and set them aside.

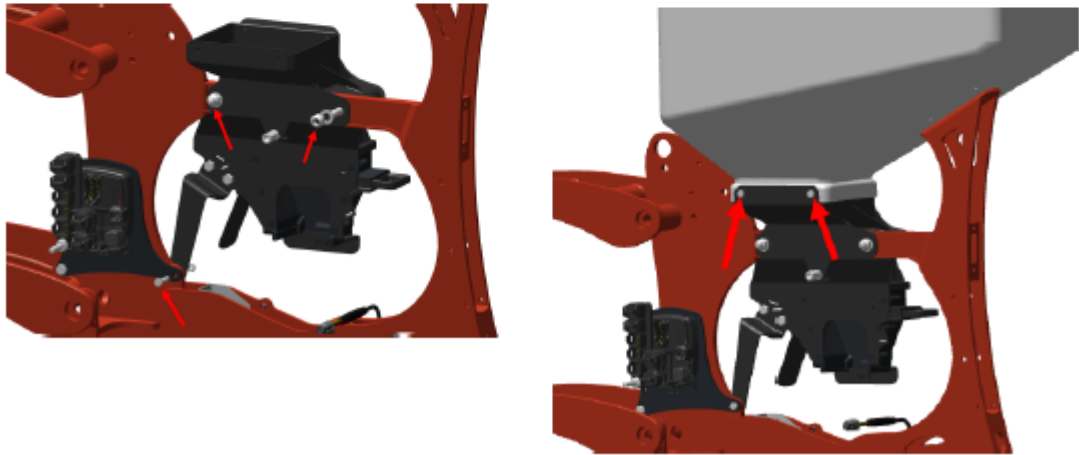


Step 3:

Prepare vSet2 Hopper Assembly.

- Fasten the bracket adapter to the base. Make sure the lock nuts are located on the correct side of the bracket, as shown.
- Insert the spacers into the hopper adapter.



Claim	Claim Element	Comparison with Accused Instrumentalities
		Step 4: Install vSet2 Hopper Assembly. • Insert the hopper adapter into the OEM hopper as shown. It should fit tightly in the hopper. • Use the supplied hardware to fasten the Hopper Assembly to the shank. The two M10 x 150 mm bolts pass through the hopper adapter spacers. The M10 x 25 mm bolt fastens the bracket adapter to the shank. • Make sure the M10 x 25 mm bolt head is on the side of the shank as shown. • Re-attach the OEM hopper using the original nuts and bolts. If needed use the M6 hardware supplied in the 768772 hardware kit. Note: Wait to fully re-tighten all hardware until after the vSet2 meter and OEM hopper are both installed. 

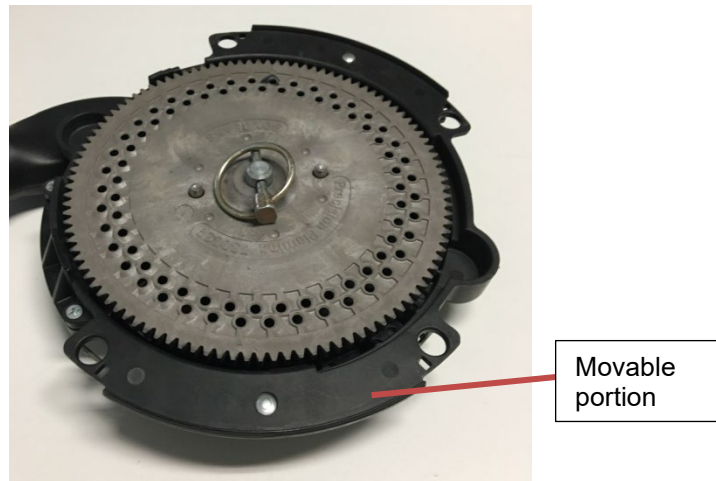
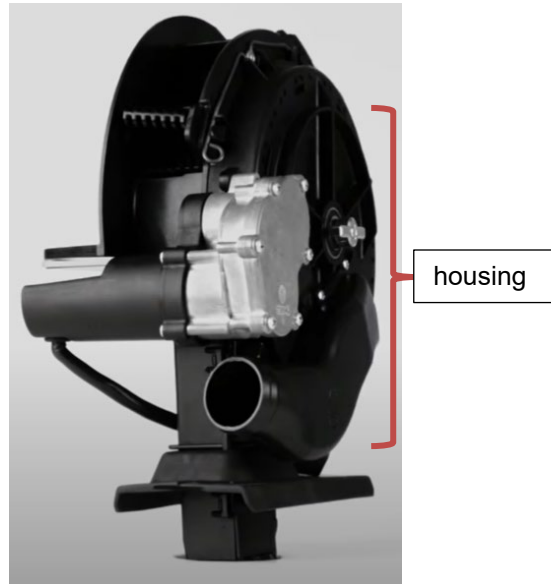
a sowing disc which is rotated by a motor-driven transmission drive shaft at controlled speed,	The Accused Instrumentalities include a sowing disc which is rotated by a motor-driven transmission drive shaft at controlled speed. For example, as shown below, in the Accused Instrumentalities, the sowing disc is rotated by the motor-driven drive transmission drive shaft.  shaft Sowing disc As another example, the vDrive device, which is designed to be used with vSet, is “a maintenance free electric drive system,” as shown below.
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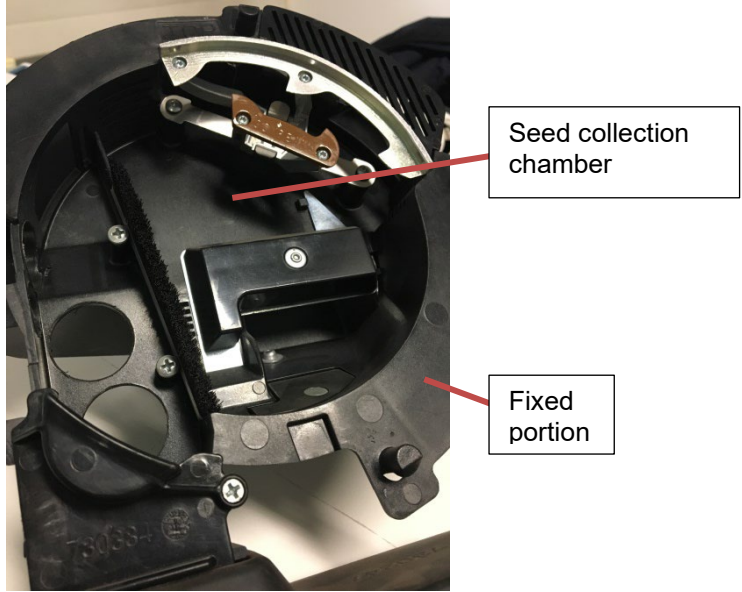
Claim	Claim Element	Comparison with Accused Instrumentalities
		vDrive Mechanical drive systems require costly and time-consuming maintenance. vDrive is a maintenance-free electric drive system that lets you breeze through planting without the headaches of a mechanical drive system. Equipped for  Beans  Corn  Cotton  Peanuts  Sugarbeets  Sunflowers  Maintenance-free electric drive system

a housing with a fixed portion and a portion which is movable relative to the fixed portion and can be closed against the fixed portion,

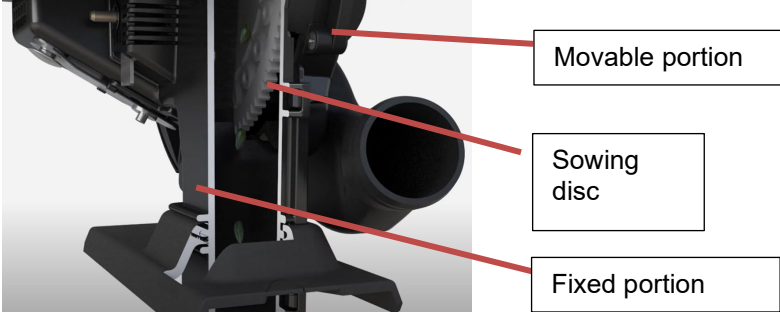
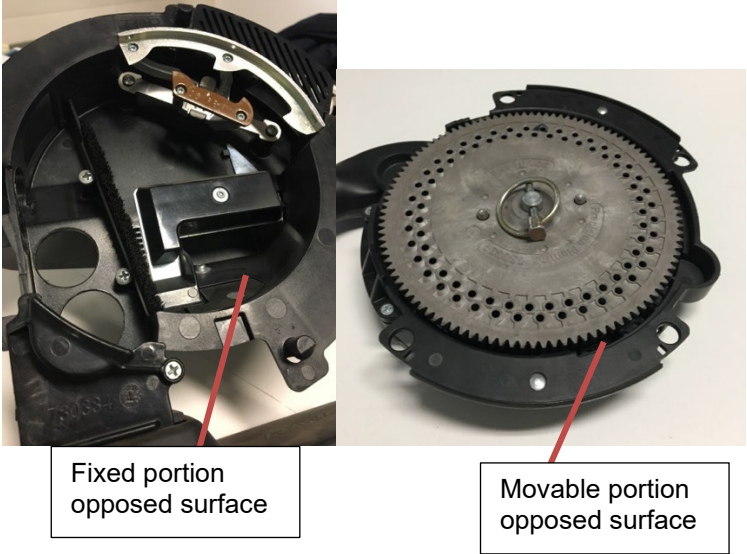
The Accused Instrumentalities include a housing with a fixed portion and a portion which is movable relative to the fixed portion and can be closed against the fixed portion.

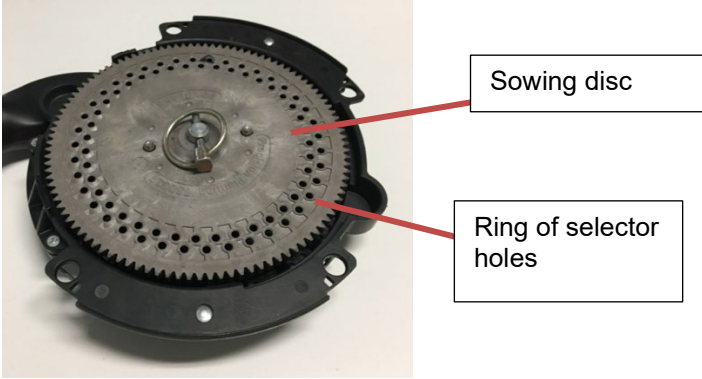
For example, as shown below, in the Accused Instrumentalities, the “movable” portion is movable relative to the fixed portion and they close against one another.

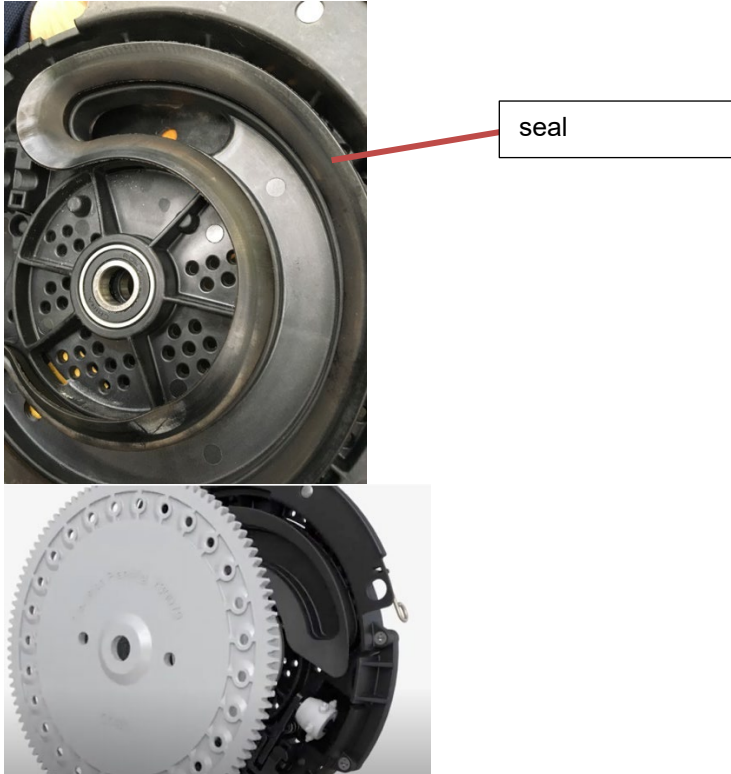


Claim	Claim Element	Comparison with Accused Instrumentalities
	a seed collection chamber being defined in the fixed portion,	The Accused Instrumentalities include a seed collection chamber being defined in the fixed portion. For example, as shown below, in the Accused Instrumentalities, the seed collection chamber is defined in the fixed portion.  Seed collection chamber Fixed portion

Claim	Claim Element	Comparison with Accused Instrumentalities
	a pneumatic suction chamber being defined in the movable portion,	The Accused Instrumentalities include a pneumatic suction chamber being defined in the movable portion. For example, in the Accused Instrumentalities the pneumatic suction chamber is defined in the movable portion, as shown below:  Movable portion Pneumatic suction chamber

Claim	Claim Element	Comparison with Accused Instrumentalities
	the sowing disc being interposed between the fixed and movable portions and having opposed surfaces delimiting the chambers,	The Accused instrumentalities include the sowing disc being interposed between the fixed and movable portions and having opposed surfaces delimiting the chambers. For example, the Accused Instrumentalities include a sowing disc interposed between the fixed and movable portions as shown below:  Movable portion Sowing disc Fixed portion  Fixed portion opposed surface Movable portion opposed surface

Claim	Claim Element	Comparison with Accused Instrumentalities
	the sowing disc having at least one ring of selector holes extending between the opposed surfaces, and	The Accused Instrumentalities include a sowing disc having at least one ring of selector holes extending between the opposed surfaces. For example, in the Accused Instrumentalities the sowing disc has at least one ring of selector holes extending between the opposed surfaces, as shown below:  Sowing disc Ring of selector holes

Claim	Claim Element	Comparison with Accused Instrumentalities
	a seal which is arranged on the movable portion and is capable of sliding contact with the facing surface of the disc when the portions are closed against one another,	The Accused Instrumentalities include a seal which is arranged on the movable portion and is capable of sliding contact with the facing surface of the disc when the fixed and movable portions are closed against one another. For example, in the Accused Instrumentalities, the disc is arranged on the movable portion and is capable of sliding contact with the facing surface of the disc when the fixed and movable portions are closed against one another, as shown below: 

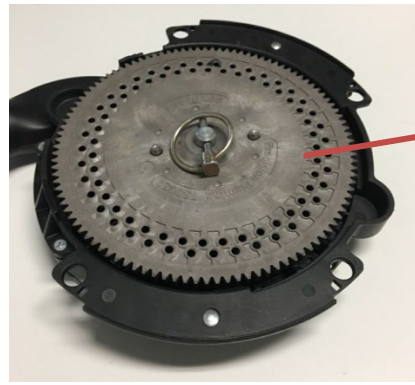
wherein a pressure differential is provided between the opposed surfaces in the region of a circumferential segment of the ring of holes, wherein the kit comprises:

The Accused Instrumentalities include a pressure differential is provided between the opposed surfaces in the region of a circumferential segment of the ring of holes.

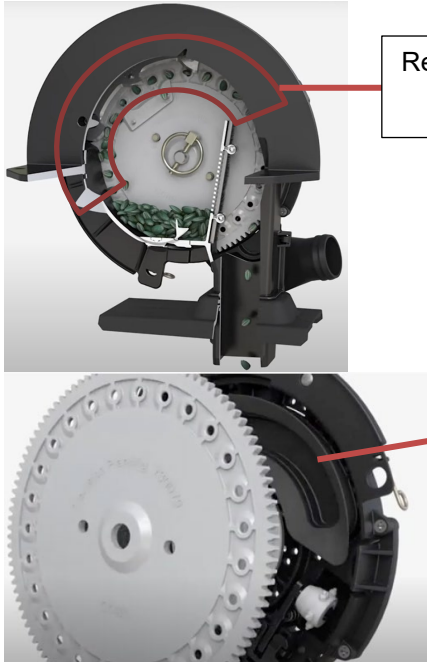
For example, the Accused Instrumentalities include a pressure differential between the opposed surfaces in the region of a circumferential segment of the ring of holes, as shown below:

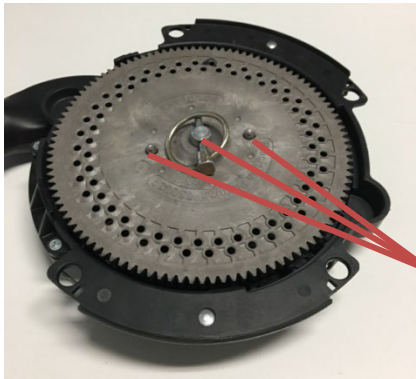


Source of pressure differential is this suction inlet



Region of circumferential segment

Claim	Claim Element	Comparison with Accused Instrumentalities
		 Region (roughly) Attached to pressure differential—defines the region

Claim	Claim Element	Comparison with Accused Instrumentalities
	the movable portion pre-assembled with: a thrust-bearing element of the sowing disc, which thrust-bearing element is supported rotatably in the movable portion in order to withstand at least some of the axial load produced by the disc on the seal.	The Accused Instrumentalities include the movable portion pre-assembled with: a thrust-bearing element of the sowing disc, which thrust-bearing element is supported rotatably in the movable portion in order to withstand at least some of the axial load produced by the disc on the seal. For example, in the Accused Instrumentalities, the seed distribution element is attached to the thrust-bearing element, as shown below. In this example, the thrust-bearing element is supported rotatably in the movable portion to withstand at least some of the axial load produced by the disc on the seal.  Thrust bearing element pins are visible extending through disc  Thrust bearing element seal

Claim	Claim Element	Comparison with Accused Instrumentalities
11	The kit according to claim 10 wherein the movable portion and the thrust-bearing element comprise at least one feature according to claim 2.	<i>See claim 2 above.</i>
12	The kit according to claim 10 wherein the movable portion and the thrust-bearing element comprise at least one feature according to claim 3.	<i>See claim 3 above.</i>

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MASCHIO GASPARDO S.p.A.

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Timothy Devlin, DEVLIN LAW FIRM LLC - 1526 Gilpin Avenue,
Wilmington, DE 19806
Telephone: (302)-449-9010

DEFENDANTS

PRECISION PLANTING LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☒ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 1 et seq.

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

10/24/2022

/s/ Timothy Devlin

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.