IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

Fendgo LLC Plaintiff, v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. Defendants.	Civil Action No. 2:23-cv-00221 **JURY TRIAL DEMANDED**

COMPLAINT

Plaintiff Fendgo LLC ("Fendgo" or "Plaintiff"), by its attorneys, demands a trial by jury on all issues so triable and for its complaint against Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Defendants"), and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for patent infringement under the patent laws of the United States, Title 35, United States Code, Section 271, *et seq.*, involving the following United States Patent ("Asserted Patent"): U.S. Patent No. 11,265,404 (Exhibit 1, "'404 patent").

THE PARTIES

2. Plaintiff is a California Limited Liability Company. Plaintiff is the owner by assignment of the Asserted Patent.

3. On information and belief, Defendant Samsung Electronics Co., Ltd. ("SEC") is a corporation organized under the laws of Republic of Korea, with its principal place of business at 129, Samsung-Ro, YeongTong-Gu, Suwon-Si, Gyonggi-Do, 443-742, Republic of Korea.

4. On information and belief, Defendant Samsung Electronics America, Inc. ("SEA") is a United States corporation organized under the laws of the State of New York, with its principal

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place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. SEA is a wholly owned subsidiary of SEC.

5. On information and belief, SEA has corporate offices in the Eastern District of Texas at 1303 East Lookout Drive, Richardson, Texas 75082, 2800 Technology Drive, Suite 200, Plano, Texas 75074, and at 6625 Excellence Way, Plano, Texas 75023. On information and belief, SEA may be served with process through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

6. Defendants are related entities that work in concert to design, manufacture, import, distribute, offer to sell and/or sell devices that infringe the Asserted Patent.

JURISDICTION AND VENUE

7. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Each Defendant is subject to this Court's personal jurisdiction consistent with the principles of due process and the Texas Long Arm Statute. Tex. Civ. Prac. & Rem. Code §§ 17.041, et seq.

9. On information and belief, jurisdiction and venue for this action are proper in this District.

10. This Court has personal jurisdiction over each Defendant because each Defendant, directly or through intermediaries, has committed acts within this District giving rise to this action and/or has established minimum contacts with this District such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice. In particular, each Defendant (i) has a regular and established place of business in the State of Texas and this District; (ii) has purposefully availed itself of the rights and benefits of the laws of the State of Texas and

this District; (iii) has done and is doing substantial business in the State of Texas and this District, directly or through intermediaries, both generally and, on information and belief, with respect to the allegations in this Complaint, including its one or more acts of infringement in the State of Texas and this District; (iv) has derived and derives substantial revenues from infringing acts occurring in the State of Texas and this District; (v) maintains continuous and systematic contacts in the State of Texas and this District; and/or (vi) places products alleged to be infringing in this Complaint in the stream of commerce with awareness that those products are sold, used, and offered for sale in the State of Texas and this District.

11. For example, on information and belief, SEA maintains a regular and established place of business in this District at 6625 Excellence Way, Plano, Texas 75023 and has committed acts of infringement in this District.

12. Samsung's Plano office is home to its "Mobile" and "Mobile R&D and Engineering" divisions for its smartphone product lines.[1] Samsung has described this 216,000 square foot "flagship" Plano office, with over 1,000 employees, as part of its "longstanding and growing commitment to Texas."[2]

13. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(c) and 1400(b) at least because SEA has committed acts of infringement and is subject to personal jurisdiction in this District, including by way of maintain a regular and established place of business at 6625 Excellence Way, Plano, Texas 75023. SEA, through its own acts and/or through the acts of each other Defendant acting as its agent, representative, or alter ego, makes, uses, sells, offers to sell, and/or imports infringing products within this District, has a continuing presence within this

[1] *See* https://news.samsung.com/us/samsung-electronics-america-open-flagship-north-texas-campus/.

[2] *Id.*

Judicial District, and has the requisite minimum contacts with this District such that venue is proper.

14. Additionally, venue is proper as to SEC under 28 U.S.C. § 1391(c)(3) because SEC is a foreign corporation organized and existing under the laws of the Republic of Korea. SEC is subject to personal jurisdiction in this district at least because it places products alleged to be infringing in this Complaint in the stream of commerce with the awareness and intention that those products are sold, used, and offered for sale in the State of Texas and this District.

FACTUAL BACKGROUND

Fendgo and its SOS Technology

15. Fendgo was founded in 2019 by Samantha DiPerna. Samantha DiPerna and Jacqueline DiPerna are the inventors of three U.S. patents and one pending application, including the '404 Patent, all relating to the integration of safety features with mobile devices. Samantha DiPerna and her co-inventor Jacqueline DiPerna invented the patented technology and assigned the rights to Fendgo with the purpose to save lives and make women feel confident walking alone. This panic button/SOS feature has since become standard on many devices, including Samsung Galaxy phones.

16. Plaintiff Fendgo obtained all rights in the Asserted Patent.

THE ASSERTED PATENT

U.S. Patent No. 11,265,404

17. Plaintiff is the lawful owner of all right, title, and interest in U.S. Patent No. 11,265,404 ("'404 patent" or "Asserted Patent") entitled "Emergency personal protection system integrated with mobile devices," including the right to sue and recover for infringement thereof. A copy of the '404 patent is attached hereto as Exhibit 1, which was duly and legally issued on March 1, 2022, naming Samantha DiPerna and Jacqueline DiPerna as the inventors.

18. The ’404 patent has 20 claims: 5 independent claims and 15 dependent claims.

19. The ’404 patent discloses and claims a novel process for handling emergency situations using mobile devices that is incorporated into the Android operating system in mobile devices sold by Defendants.

20. The claims of the ’404 patent, including claim 9 (reproduced below), recite at least these inventive concepts of the ’404 patent.

> 9. A mobile device, comprising:
>
> a camera unit, adapted to obtain at least one of image data and audio data;
>
> a location unit, adapted to obtain location data;
>
> a transmitting unit, adapted to transmit as emergency information the image data, the audio data, and the location data along with specific information including owner identification information; and
>
> a panic button, adapted to activate the camera unit, the location unit, and the transmitting unit, and send the emergency information and the specific information to a specified location when the panic button is activated,
>
> wherein the panic button is activated by a series of depressings of the panic button.

21. The subject matter described and claimed in the ’404 patent, including the subject matter of claim 9, was an improvement in computer and communications functionality, performance, and efficiency, and was novel and not well-understood, routine, or conventional at the time of the ’404 patent.

22. For example, the inventions provide the user of a mobile device, such as a

smartphone, a powerful solution for when confronted with a dangerous situation. These features are exclusively implemented utilizing computer technology including a mobile device with a camera unit, a location unit, a transmitting unit. The camera unit adapted to obtain at least one of image data and audio data. The location unit is adapted to obtain location data. The transmitting unit is adapted to transmit at least one of the image data, the audio data, and the location data. When the user presses a panic button, it activates the camera, the location unit, and the transmitting unit.

23. The claims of the ’404 patent do not merely recite the performance of some pre-computing tasks on a computer. Instead, the claims of the ’404 patent recite inventive concepts that are rooted in computerized smartphone technology, and overcome problems specifically arising in the realm of computerized emergency handling technologies.

24. The claims of the ’404 patent recite inventions that are not merely the routine or conventional use of a smartphone. Instead, the inventions teach a unique combination of camera, location, and transmission technologies. Moreover, the inventions teach novel ways of adding functionality to existing smartphone hardware, including for example, taking, combining and sending video, audio, location and other information to an emergency contact in an emergency situation, using the power button as the panic button in such a way to avoid accidental activation by the user.

25. The technology claimed in the ’404 patent does not preempt all ways of using a mobile device for emergency handling nor any other well-known prior art technology.

26. Accordingly, each claim of the ’404 patent recites a combination of elements sufficient to ensure that the claim amounts to significantly more than a patent on an ineligible concept.

BACKGROUND OF SAMSUNG'S INFRINGING CONDUCT

27. Defendants are companies that make, use, sell, offer for sale in the United States, and/or import into the United States, or have otherwise made, used, sold, offered for sale in the United States, and/or imported in the United States, mobile devices that infringe the Asserted Patent.

28. On information and belief, Android 12, launched on October 4, 2021, includes the infringing SOS feature. To compete in this growing market, companies such as Defendants have worked to ensure that their products offer the cutting-edge SOS features their consumers' desire. As a result, mobile devices running Android 12 or other version(s) with the same functionality, such as Samsung Galaxy, (collectively, "Accused Products") infringe one or more claims of the Asserted Patent as alleged herein.

29. Defendants infringe and continue to infringe the Asserted Patent by making, using, selling, offering to sell, and/or importing, without license or authority, the Accused Products as alleged herein.

30. On information and belief, Defendants had knowledge of the '404 patent and its infringement thereof at least as of January 11, 2022 when counsel for Fendgo sent a letter to SEA. Fendgo's letter informed Defendants that various mobile devices with an SOS feature were using the technology claimed in at least claim 16 of U.S. Patent Application No. 16/262,835. The claims of the '835 application issued as U.S. Patent No. 11,265,404, the Asserted Patent, on March 1, 2022. On information and belief, Defendants also had knowledge of the Asserted Patent and its infringement thereof at least as early as March 3, 2022 when counsel for Fendgo sent a claim chart showing how Samsung products infringed the claimed technology. Defendants confirmed, on March 28, 2022, that they were aware that the '835 application had issued as U.S. Patent No. 11,265,404. In addition, Defendants had knowledge of the Asserted Patent and their infringement

thereof at least as of the filing of this Complaint.

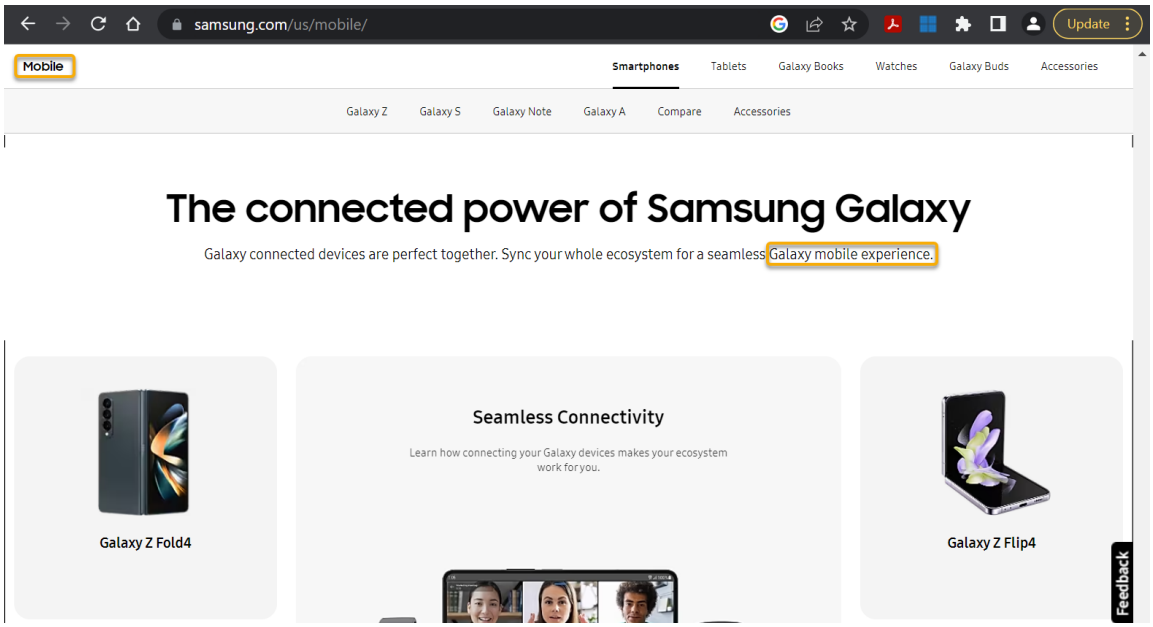
COUNT I – INFRINGEMENT OF U.S. PATENT NO. 11,265,404

31. Plaintiff incorporates by reference the allegations contained in paragraphs 1–30.

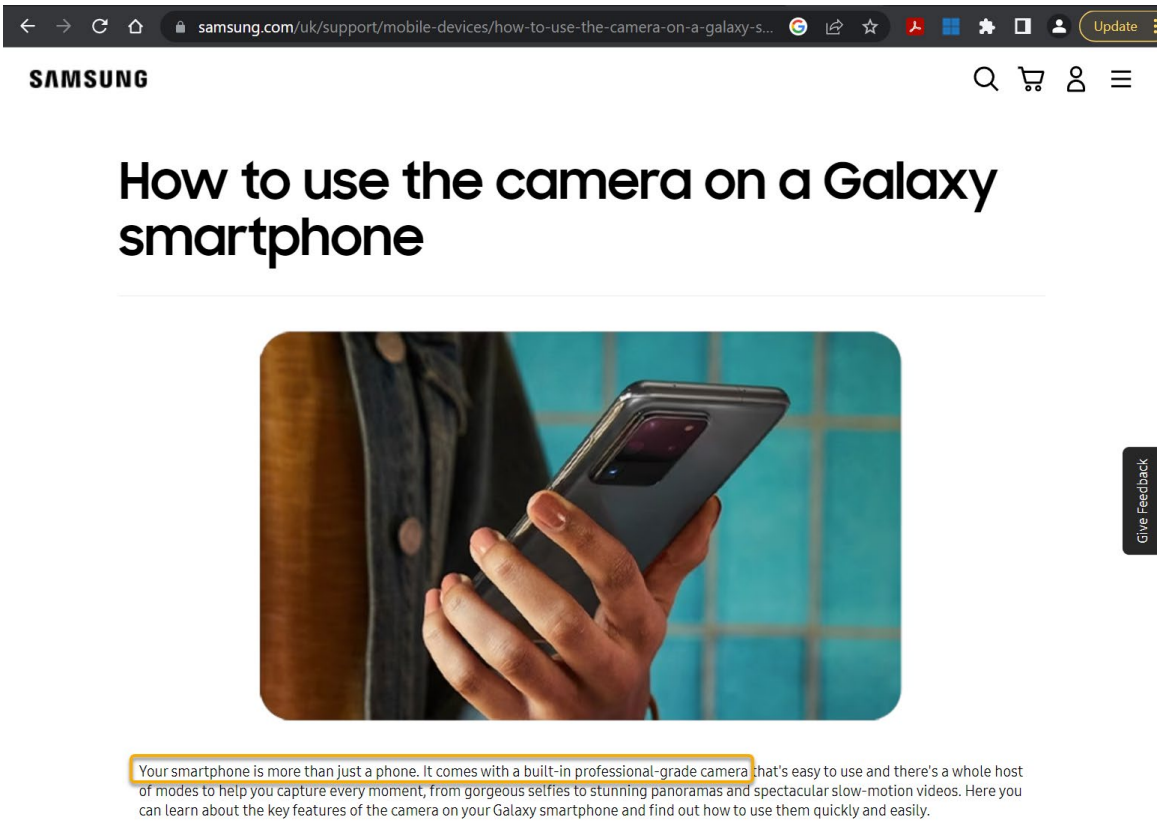
32. Defendants have made, used, offered for sale, sold, and/or imported products, including at least the Accused Products, that infringe, either literally or under the doctrine of equivalents, one or more claims of the '404 patent in violation of 35 U.S.C. § 271(a). Defendants' infringement will continue unless enjoined by this Court.

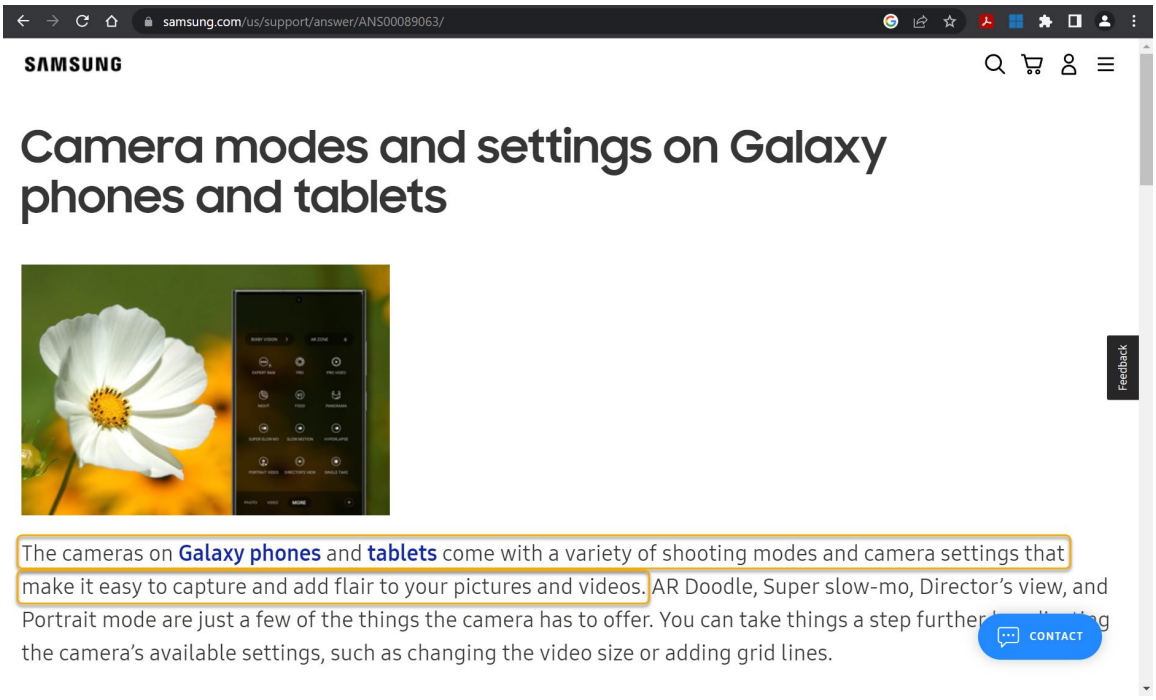
33. On information and belief, Defendants have and continue to directly infringe at least claim 9 of the '404 patent through its Accused Products that include the infringing SOS feature.

34. For example, Defendants infringe at least claim 9 of the '404 patent by providing a mobile device. For example, the Accused Products are mobile devices. *See* https://www.samsung.com/us/mobile/, which shows that certain Galaxy smartphones are mobile devices.

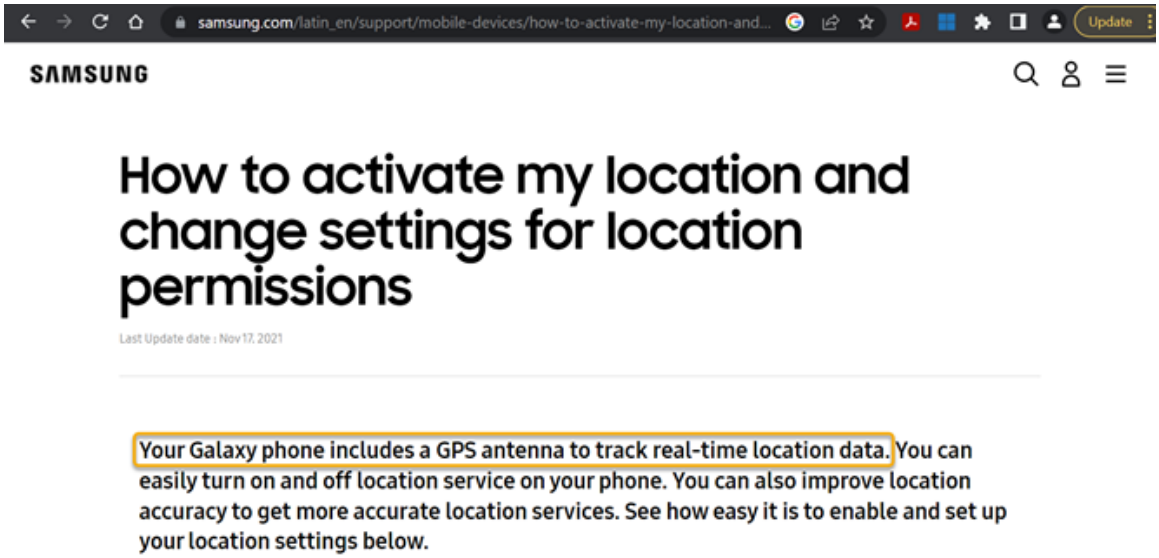


35. The Accused Products comprise a camera unit, adapted to obtain at least one of image data and audio data. For example, the Accused Products include a camera unit for taking images, video and audio. *See* excerpt from: https://www.samsung.com/uk/support/mobile-devices/how-to-use-the-camera-on-a-galaxy-smartphone/; https://www.samsung.com/us/support/answer/ANS00089063/.





36. The Accused Products comprise a location unit, adapted to obtain location data. For example, the Accused Products include a GPS which obtains location data. *See* excerpt from: https://www.samsung.com/latin_en/support/mobile-devices/how-to-activate-my-location-and-change-settings-for-location-permissions/ which shows that Galaxy phones include a GPS unit to track real-time location data.



37. The Accused Products comprise a transmitting unit, adapted to transmit as emergency information the image data, the audio data, and the location data along with specific information including owner identification information. For example, the Accused Products include one or more transmitters that transmit image data, audio data, location data and caller information. *See* excerpt from https://www.samsung.com/us/support/answer/ANS00050849/, which indicates that when you use the SOS feature it sends "your location, photo, and voice recording" to your emergency contact(s).

4. Make or choose your emergency contact - they will be the one who receives the SOS alerts. If desired, you can add multiple contacts.
5. Tap **Back**, and then adjust the different settings. For example, you can adjust how many times you need to press the Side key or Power key before an alert is sent. Or, you can decide if you'd like to attach images or an audio recording to the SOS message.
6. If you are ever in an emergency and want to send an SOS message, press the **Side** key or **Power** key three or four times rapidly. This will send an SOS message to your designated contact(s).
7. If you need to turn off SOS messages, navigate to **Settings**, then tap **Safety and emergency**, and then tap the **switch** next to Send SOS messages to turn it off.

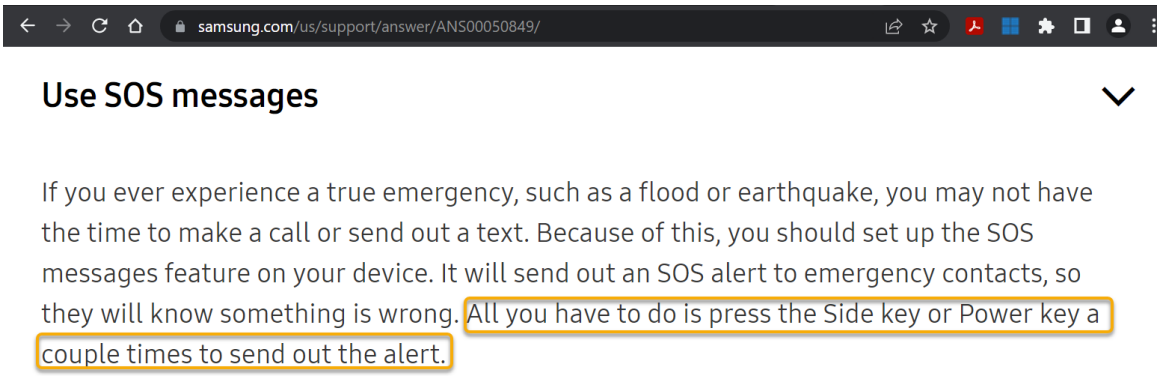
Note: The device must have an active SIM card in order to send an SOS alert. When using the SOS feature, your location, photo, and voice recording will be sent the first time a call is made. It will send updated locations (every 30 minutes for a span of 24 hours) until the alert is stopped. This also applies to Galaxy watch devices.

Feedback

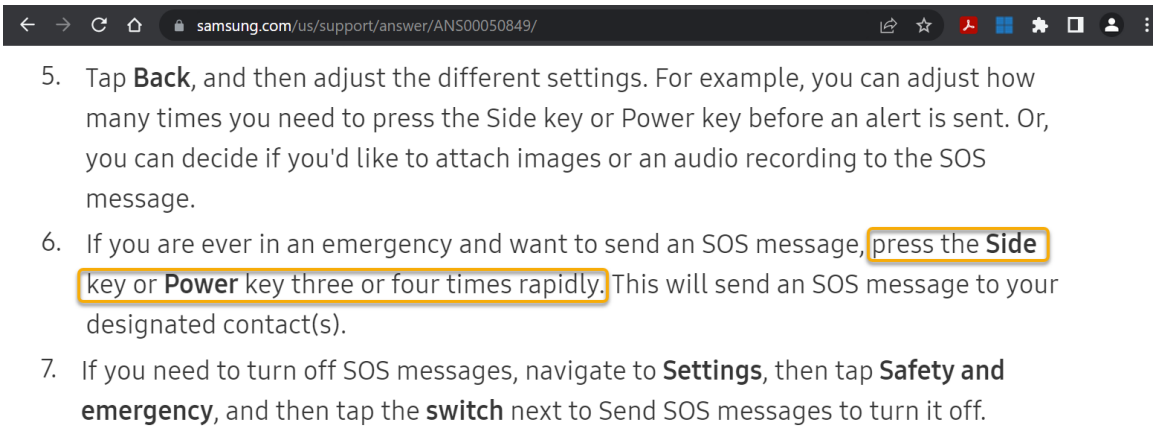
CONTACT

38. The Accused Products comprise a panic button, adapted to activate the camera unit, the location unit, and the transmitting unit, and send the emergency information and the specific information to a specified location when the panic button is activated. For example, the Accused Products utilize the power button as the panic button. *See* excerpt from

https://www.samsung.com/us/support/answer/ANS00050849/, which indicates that the Side key or Power key (i.e., Panic Button) is pressed three or four times to activate the SOS feature and when the SOS feature is activated, the phone transmits "your location, photo, and voice recording" to your emergency contact(s). Messages also include the telephone number of the mobile device.



39. The Accused Products comprise a panic button such that the panic button is activated by a series of depressings of the panic button. For example, the Accused Products utilize the power button as the panic button. *See* below excerpt from https://www.samsung.com/us/support/answer/ANS00050849/, which indicates that the Side key or Power key (i.e., Panic Button) is pressed multiple times (three or four times, adjustable by the owner) to send out the SOS alert.



40. On information and belief, with knowledge of the '404 patent, Defendants have actively induced and continue to induce the direct infringement of one or more claims of the '404

patent, including claim 9, in violation of 35 U.S.C. § 271(b) by its customers and/or end users of their products, including at least the Accused Products, by selling, providing support for, providing instructions for use of, and/or otherwise encouraging its customers and/or end-users to directly infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '404 patent, including claim 9, with the intent to encourage those customers and/or end-users to infringe the '404 patent.

41. By way of example, on information and belief, Defendants actively induce infringement of the '404 patent by encouraging, instructing, and aiding one or more persons in the United States, including but not limited to customers and end users who purchase, test, operate, and use the Accused Products, to make, use, sell, and/or offer to sell the Accused Products in a manner that infringes at least one claim of the '404 patent, including claim 9. For example, as described above, Defendants actively market, advertise, offer for sale, and/or otherwise promote their Accused Products on their websites (*e.g.*, https://www.samsung.com/). Defendants further actively market, advertise, offer for sale, and/or otherwise promote their Accused Products by publishing and distributing data sheets, manuals, and guides for the Accused Products. Therein, Defendants describe and tout the use of the subject matter claimed in the '404 patent (*e.g.*, the SOS feature).

42. On information and belief, with knowledge of the '404 patent, Defendants also contribute to the infringement of one or more claims of the '404 patent in violation of 35 U.S.C. § 271(c), including claim 9, by making, using, offering to sell or selling and/or importing a patented component or material constituting a material part of the invention, including at least the mobile device with a camera unit, a location unit, and a transmitting unit, knowing the same to be especially made or especially adapted for use in an infringement and not a staple article or

commodity of commerce suitable for substantial non-infringing use. This is evidenced by, among other things, the design, configuration, and functionality of Defendants' Accused Products, which are especially made or especially adapted for use in an infringement of the '404 patent when used for their normal and intended purpose. This is also evidenced by, among other things, Defendants' informational and promotional materials described above, which describe the normal use and intended purpose of the Accused Products and demonstrate that the Accused Products are especially made or especially adapted for a use that infringes the '404 patent.

43. As a result of Defendants' inducement of, and/or contribution to, infringement, their customers and/or end users made, used, sold, or offered for sale, and continue to make, use, sell, or offer to sell the Accused Products, in ways that directly infringe one or more claims of the '404 patent, including claim 9. On information and belief, Defendants had actual knowledge of its customers' and/or end users' direct infringement at least by virtue of its sales, instruction, and/or otherwise promotion of the Accused Products, at least as of March 3, 2022 when counsel for Fendgo emailed Samsung and provided a claim chart showing that Samsung products infringe the Asserted Patent. Defendants also had actual knowledge of its customers' and/or end user's direct infingement no later than the filing of this Complaint.

44. On information and belief, at least as of March 3, 2022 when counsel for Fendgo emailed Samsung and provided a claim chart showing that Samsung products infringe the Asserted Patent, Defendants' infringement of the '404 patent has been willful. On information and belief, with knowledge of the '404 patent, Defendants have willfully, deliberately, and intentionally infringed the '404 patent, and continue to willfully, deliberately, and intentionally infringe the '404 patent. On information and belief, Defendants had actual knowledge of the '404 patent and Defendants' infringement of the '404 patent as set forth above. On information and belief, after

acquiring that knowledge, Defendants directly and indirectly infringed the '404 patent as set forth above. On information and belief, Defendants knew or should have known that its conduct amounted to infringement of the '404 patent at least because Plaintiff notified Defendants of the '404 patent and its infringement of the '404 patent as set forth above.

45. On information and belief, Defendants will continue to infringe the '404 patent unless and until they are enjoined by this Court. Defendants, by way of their infringing activities, have caused and continues to cause Plaintiff to suffer damages in an amount to be determined, and have caused and are causing Plaintiff irreparable harm. Plaintiff has no adequate remedy at law against Defendants' acts of infringement and, unless they are enjoined from their infringement of the '404 patent, Plaintiff will continue to suffer irreparable harm.

46. Plaintiff is entitled to recover from Defendants damages at least in an amount adequate to compensate for its infringement of the '404 patent, which amount has yet to be determined, together with interest and costs fixed by the Court.

47. Plaintiff has complied with 35 U.S.C. § 287 with respect to the '404 patent.

JURY DEMAND

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 Fendgo requests that the Court enter judgment for Plaintiff and against Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. and enter the following relief:

A. A judgment that U.S. Patent No. 11,265,404 (Exhibit 1, "'404 patent") is valid, enforceable, and infringed by each Defendant;

B. A permanent injunction restraining and enjoining each Defendant, its officers, partners, agents, servants, employees, parents, subsidiaries, divisions, affiliate corporations, joint ventures, other related business entities and all other persons acting in concert, participation, or in privity with them, and their successors and assigns, from infringing the Asserted Patent before its expiration;

C. An award of damages to Plaintiff arising from each Defendant's past and continuing infringement up until the date each Defendant is finally and permanently enjoined from further infringement, including compensatory damages and an accounting of all infringements and/or damages not presented at trial;

D. A determination that each Defendant's infringement of the Asserted Patent has been willful, and an award of treble damages to Plaintiff pursuant to 35 U.S.C. § 284;

E. A determination that this is an exceptional case and awarding Plaintiff's attorneys' fees pursuant to 35 U.S.C. § 285;

F. An order awarding Plaintiff costs and expenses in this action;

G. An order awarding Plaintiff pre- and post-judgment interest on its damages; and

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

Dated: May 19, 2023

Respectfully submitted,

By: */s/ James R. Nuttall w/permission Claire Abernathy Henry*

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Attorneys for Plaintiff Fendgo LLC

JS 44 (Rev. 04/21)

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

Fendgo LLC

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

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Steptoe & Johnson LLP
227 West Monroe, Suite 4700, Chicago, IL 60606
312-577-1300

DEFENDANTS

Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.

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)*
(For Diversity Cases Only)

	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	PERSONAL INJURY	PERSONAL INJURY	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane	☐ 365 Personal Injury - Product Liability	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 315 Airplane Product Liability	☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability		INTELLECTUAL PROPERTY RIGHTS	☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	☐ 320 Assault, Libel & Slander	☐ 368 Asbestos Personal Injury Product Liability		☐ 820 Copyrights	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 330 Federal Employers' Liability	PERSONAL PROPERTY	LABOR	☒ 830 Patent	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 340 Marine	☐ 370 Other Fraud	☐ 710 Fair Labor Standards Act	☐ 835 Patent - Abbreviated New Drug Application	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 345 Marine Product Liability	☐ 371 Truth in Lending	☐ 720 Labor/Management Relations	☐ 840 Trademark	☐ 460 Deportation
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 350 Motor Vehicle	☐ 380 Other Personal Property Damage	☐ 740 Railway Labor Act	☐ 880 Defend Trade Secrets Act of 2016	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle Product Liability	☐ 385 Property Damage Product Liability	☐ 751 Family and Medical Leave Act	SOCIAL SECURITY	☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 190 Other Contract	☐ 360 Other Personal Injury		☐ 790 Other Labor Litigation	☐ 861 HIA (1395ff)	☐ 485 Telephone Consumer Protection Act
☐ 195 Contract Product Liability	☐ 362 Personal Injury - Medical Malpractice		☐ 791 Employee Retirement Income Security Act	☐ 862 Black Lung (923)	☐ 490 Cable/Sat TV
☐ 196 Franchise				☐ 863 DIWC/DIWW (405(g))	☐ 850 Securities/Commodities/ Exchange
				☐ 864 SSID Title XVI	☐ 890 Other Statutory Actions
				☐ 865 RSI (405(g))	☐ 891 Agricultural Acts
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION	FEDERAL TAX SUITS	☐ 893 Environmental Matters
☐ 210 Land Condemnation	☐ 440 Other Civil Rights	**Habeas Corpus:**	☐ 462 Naturalization Application	☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 895 Freedom of Information Act
☐ 220 Foreclosure	☐ 441 Voting	☐ 463 Alien Detainee	☐ 465 Other Immigration Actions	☐ 871 IRS—Third Party 26 USC 7609	☐ 896 Arbitration
☐ 230 Rent Lease & Ejectment	☐ 442 Employment	☐ 510 Motions to Vacate Sentence			☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 240 Torts to Land	☐ 443 Housing/ Accommodations	☐ 530 General			☐ 950 Constitutionality of State Statutes
☐ 245 Tort Product Liability	☐ 445 Amer. w/Disabilities - Employment	☐ 535 Death Penalty			
☐ 290 All Other Real Property	☐ 446 Amer. w/Disabilities - Other	**Other:**			
	☐ 448 Education	☐ 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 USC § 271

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
5/19/2023

SIGNATURE OF ATTORNEY OF RECORD
/s/ James R. Nuttall w/permission Claire Abernathy Henry

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.