

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

TRUE VELOCITY AMMUNITION, LLC,
and LONE STAR FUTURE WEAPONS,
INC.

Plaintiffs

v.

SIG SAUER, INC.,

Defendant.

Case No. 2:24-cv-522-WKS

(Removed from Vermont Superior Court,
Chittenden Unit, Civil Division)

PLAINTIFFS' MOTION TO DISMISS SIG SAUER'S COUNTERCLAIM

Plaintiffs, True Velocity Ammunition, LLC (“True Velocity”), and Lone Star Future Weapons, LLC (“Lone Star”) (hereinafter collectively referred to as “Plaintiffs”), pursuant to Federal Rule of Civil Procedure 12(b)(1) hereby move to Dismiss Defendant SIG Sauer, Inc.’s Counterclaim for non-infringement for lack of subject matter jurisdiction. This motion is based on the Memorandum of Points and Authorities contained herein, the Complaint, Defendants Answer and such other documents and arguments as may properly come before the Court.

I. INTRODUCTION

Plaintiffs sued Defendant SIG Sauer, Inc., (“SIG”) for trade secret misappropriation in Vermont State Court for violation of Vermont’s Trade Secrets Act, 9 V.S.A § 4601, *et seq.* SIG removed this action from the Vermont Superior Court, Chittenden Unit, Civil Division, pursuant to the federal officer removal statute, 28 U.S.C. § 1442(a)(1), claiming that all the products at issue are made exclusively for the U.S. Government and that it makes no commercial sales of any of the accused products.

Shortly thereafter, Plaintiffs sought to have the case remanded to Vermont State Court and SIG moved to have the case dismissed on numerous grounds. This Court denied both parties motions. SIG has now Answered Plaintiffs' Complaint and seeks to assert a counterclaim for non-infringement of one of Plaintiffs' patents, U.S. Patent 8,919,238.

This Court should dismiss SIG's non-infringement counterclaim because SIG cannot show that it has an objectively reasonable apprehension of being sued on the '238 Patent. Even if SIG could make such a showing, the Court should nonetheless exercise its broad discretion and decline to hear SIG's counterclaim

II. STATEMENT OF FACTS

True Velocity is an advanced technology and manufacturing company based in Garland, Texas. Declaration of Garrett Albracht (Albracht Decl.) at ¶2. Founded in 2010, True Velocity has more than 250 patents pending or issued on its products, technology and manufacturing processes. Albracht Decl. at ¶3. The Company has four (4) product lines that it makes available to its customers: composite ammunition, machines that can manufacture composite ammunition, military small caliber weapons, including its RM277R and RM277AR and its proprietary 338 NORMA Magnum Light Medium Machine Gun, as well as sound and flash reduction suppressors. Albracht Decl. at ¶4. The company's small caliber weapon, the RM277 weapons, were a finalist for the U.S. Army's Next Generation Squad Weapon ("NGSW") competition and its 338 machine gun is currently under consideration for purchase by the United States Special Operations Command ("SOCOM"). Albracht Decl. at ¶5.

True Velocity ammunition products are manufactured in the U.S. in a state-of-the-art, 66,000-square-foot facility in Texas. Its products are currently available to government agencies

and are sold in over 130 Bass Pro Shops/Cabbellas throughout the United States. Albracht Decl. at ¶6.

True Velocity has over 100 employees who have over 200 years of combined military service and are manufacturing, engineering, and quality control experts. Albracht Decl. at ¶7. True Velocity employees work out of its facilities in Texas as well as out of its offices in Vermont. Albracht Decl. at ¶8.

Outside of actions pending in Germany and the Netherlands, neither True Velocity nor Lone Star Future Weapons have ever asserted any of their other patents in either the United States or foreign jurisdictions. Albracht Decl. at ¶9.

The patent for which SIG seeks a judgement of non-infringement, U.S. Patent 8,919,238, is one of three¹ closely related patents assigned by General Dynamics to Lone Star Future Weapons, all of which claim priority to the same pair of provisional patent applications² and share nearly identical specifications and very similar claims. All three patents relate to and claim inventions directed to machine guns and Plaintiffs' proprietary Short Recoil Impulse Averaging technology.

Plaintiffs have not made any overt threat to assert any U.S. patents against SIG and has not made any public statements regarding the enforcement of their U.S. patents against SIG or any other entity. SIG has not alleged otherwise.

ARGUMENT

A. SIG's Counterclaim Should Be Dismissed for Lack of Subject Matter Jurisdiction.

¹ The other two patents are U.S. Patent Nos. 8,794,121 and 9,383,156, attached to the Shanus Decl. as exhibits A and B respectively.

² The provisional applications are Provisional Application Nos. 61/526,580 and 61/526,569 both filed on August 23, 2011.

Lack of subject matter jurisdiction provides the basis to dismiss a complaint under Fed. R. Civ. P. 12(b)(1). *Panavise Prods., Inc. v. Nat'l Prods., Inc.*, 306 Fed. Appx. 570, 573-74 (Fed. Cir. 2009). Motions brought under this rule present either a facial or factual challenge to a court's jurisdiction. *Gould Elecs. Inc. v. U.S.*, 220 F.3d 169, 176 (3d. Cir. 2000). When addressing a factual challenge, as here, the court is not confined to allegations in the complaint and "no presumptive truthfulness attaches to the plaintiff's allegations." *Martek Biosciences Corp. v. Nutrinova, Inc.*, 2004 WL 2297870 at *2 (D. Del. Oct. 8, 2004) (citations omitted).

Once the court's subject matter jurisdiction over a complaint is challenged, SIG bears the burden to prove that jurisdiction existed at the time of filing the complaint. *Benitec Australia, Ltd. v. Nucleonics, Inc.*, 495 F.3d 1340, 1344 (Fed. Cir. 2007); *W.L. Gore & Assocs., Inc. v. AGA Med. Corp.*, 2012 WL 924978 at *4 (D. Del. Mar. 19, 2012). Facts giving rise to SIG's declaratory judgment action "should be found in the complaint." *Int'l. Med. Prosthetics Research Assocs., Inc. v. Gore Enter. Holdings, Inc.*, 787 F.2d 572, 576 n. 8 (Fed. Cir. 1986). The court looks to the hypothetical threatened action, e.g. the Plaintiffs' hypothetical infringement claim, to determine whether jurisdiction exists. *Verance Corp. v. Digimarc Corp.*, 2011 WL 2182199 at *3 (D. Del. Jun. 2, 2011) (citations omitted). No such hypothetical claim exists here. Plaintiffs have never threatened SIG with suit on any of its U.S. Patents. Moreover, SIG has repeatedly argued that it sells the products at issue in this case solely to the U.S. Government and makes no commercial sales in the U.S. market.

1. There Is No "Actual Controversy" Between The Parties Related To Any Of Plaintiffs' U.S. Patents.

Before subject matter is conferred on a district court, the Declaratory Judgment Act requires the existence of a "case of actual controversy." 28 U.S.C. §§ 2201(a); *Prasco v. Medicis*, 537 F.3d 1329, 1335 (Fed. Cir. 2008). Accordgint to the Supreme Court, a case or

controversy only exists, when the “facts alleged, under all the circumstances, show that there is a substantial controversy between the parties having adverse legal interests, of sufficient immediacy and reality to warrant” a declaratory judgment. *Medimmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 127 (2007) (finding the dispute must be “definite and concrete, touching the legal relations of parties having adverse legal interests” and should be “distinguished from an opinion advising what the law would be upon a hypothetical state of facts”); *Prasco*, 537 F.3d at 1336. Following *Medimmune*, courts require a declaratory judgment plaintiff to show “both (1) an affirmative act by the patentee related to the enforcement of his patent rights ... and (2) meaningful preparation to conduct potentially infringing activity.” *Assoc. for Molecular Pathology v. U.S.P.T.O.*, 653 F.3d 1329, 1343 (Fed. Cir. 2011); *Asius Tech., LLC v. Sonion U.S. Inc.*, 2011 WL 6182354 at *5 (N.D.Ill. Dec. 13, 2011).

The substantial controversy required to confer jurisdiction “must be based on a *real* and *immediate* injury or future threat of injury that is *caused by the defendant* -[this is] an objective standard that cannot be met by a purely subjective or speculative fear of future harm.” *Prasco*, 537 F.3d at 1339 (emphasis in original). Courts have stated that “where a patentee asserts rights under a patent based on certain identified ongoing or planned activity of another party [and] that party contends it has the right to engage in the accused activity” a substantial controversy will arise. *SanDisk Corp. v. STMicroelectronics, Inc.*, 480 F.3d 1372, 1380-81 (Fed. Cir. 2007). The mere existence of an adverse patent, “without some affirmative act by the patentee,” does not create declaratory judgment jurisdiction. *Id.*; see also *Innovative Therapies, Inc. v. Kinetic Concepts, Inc.*, 599 F.3d 1377, 1382 (Fed. Cir. 2010) (noting prior litigation does not, “in the absence of any act directed toward [the plaintiff], meet the minimum standard” required); *Edmund Holding Co. v. Autobyte Inc.*, 598 F. Supp.2d 606, 610 (D. Del. 2009) (finding no

jurisdiction in the absence of an affirmative act toward plaintiff even with prior suits against others and general statements of intent to enforce rights).

In addition to the patentee's actions, the issue of "whether there has been meaningful preparation to conduct potentially infringing activity remains an important element in the totality of circumstances which must be considered." *Cat Tech LLC v. TubeMaster, Inc.*, 528 F.3d 871, 880 (Fed. Cir. 2008). When a declaratory judgment plaintiff has not engaged in infringing activity at the time of filing suit, the plaintiff has the burden to prove that it has engaged in meaningful preparation to conduct an infringing activity. *Excelstor Tech., Inc. v. Papst Licensing GmbH & Co.*, 2010 WL 2560481 at *4 (N.D. Cal. June 22, 2010). The party seeking declaratory relief must have taken significant, concrete steps to conduct infringing activity such that "an immediate and real infringement dispute" exists. *Asius*, 2011 WL 6182354 at *5 (finding a plaintiff's allegation of "marketing technology" was too vague to meet the immediacy requirement); *Benitec*, 495 F.3d at 1349 (finding plaintiff's statement that it "'expects' to begin work 'shortly'" is a "scant" statement not sufficient to show an immediate threat). SIG may not "obtain a declaratory judgment merely because it would like an advisory opinion on whether it would be liable for patent infringement if it were to initiate some merely contemplated activity." *Arrowhead Indus. Water, Inc. v. Ecolochem, Inc.*, 846 F.2d 731, 736 (Fed. Cir. 1988).

2. SIG's Apprehension of Suit on Plaintiffs' U.S. Patent Is Not Objectively Reasonable.

In its Counterclaim, SIG claims to have an apprehension of suit because "(1) Plaintiffs-Counterclaim Defendants have sued SIG Sauer in this Court and other courts for alleged infringement/misappropriation of the same or similar technology; (2) Plaintiffs-Counterclaim Defendants have improperly sought to use those lawsuits to gain an unfair competitive advantage against SIG Sauer; and (3) Plaintiff-Counterclaim Defendant LoneStar's chairman is known to

use patent litigation as a business strategy.” SIG’s Answer, Affirmative Defenses and Counterclaims, DKT#32 at ¶44. While these may indeed be the basis for SIG’s subjective apprehension of suit, none support an objectively reasonable apprehension of suit as required by the law.

a) Foreign patent litigation based on foreign patents does not create an actual controversy in the United States regarding U.S. patents.

There can be no dispute that foreign suits asserting different foreign patents under the corresponding foreign laws and procedures does not give rise to an objectively reasonable apprehension of suit in the United States. Indeed, the Second Circuit, has explained that “it is *elementary patent law* that the patent is coextensive with the borders of sovereignty which granted it.” *Dr. Beck & Co. G.M.B.H. v. Gen. Elec. Co.*, 210 F. Supp. 86, 92 (S.D.N.Y. 1962), *aff’d*, 317 F.2d 538 (2d. Cir. 1963). When, as here, a declaratory judgment plaintiff alleges a controversy exists in the United States based on foreign actions related to foreign patents, courts have granted motions to dismiss for lack of declaratory judgment jurisdiction. *SanDisk Corp. v. Audio MPEG, Inc.*, 2007 WL 30598 at *5 (N.D. Cal. Jan. 3, 2007) (finding that “multiple suits . . . filed against SanDisk in Europe [had] little, if any persuasive value in supporting SanDisk’s burden” even if the foreign suits were regarding “European counterparts” to the patents-in-suit); *Standex Corp. v. Blomdahl Med Innovation AB*, 355 F. Supp. 2d. 3, 8-9 (D.D.C. 2004) (finding no controversy existed from Swedish litigation on a Swedish patent related to the patent at issue); *Dr. Beck*, 210 F. Supp. at 92 (denying inference of controversy over patent from foreign suit related to corresponding foreign patent). Such holdings are not unique to patents and numerous courts have ruled that claims pending elsewhere of violations of foreign intellectual property rights does not support a finding of an actual controversy between the same parties related to corresponding U.S. rights. *See, e.g., Avon Prods., Inc. v. Moroccanoil, Inc.*, 2013 WL 795652,

*3–4 (S.D.N.Y. Mar. 4, 2013); *Schutte Bagclosures Inc. v. Kwik Lok Corp.*, 48 F. Supp. 3d 675, 691–93 (S.D.N.Y. 2014).

b) SIG's other grounds allegedly creating an actual controversy are equally lame.

SIG's second basis for asserting an actual controversy exists simply makes no sense. SIG claims, without evidence, that Plaintiffs have improperly sought to use the fact that it has sued SIG in Germany and the Netherlands to gain an unfair competitive advantage against SIG Sauer. Foreign patent litigation does not create a reasonable apprehension that Plaintiffs will sue SIG for patent infringement in the U.S. SIG makes no claim that Plaintiffs have threatened any of its potential foreign customers with suit or that Plaintiffs have made any disparaging statements related to SIG. It is beyond peradventure that any purported statements about the existence of a suit against SIG in a foreign country fails to establish an affirmative act by Plaintiffs that it will assert its patent in the United States. SIG's subjective untethered theories regarding Plaintiffs statements do not give rise to an objectively reasonable apprehension that Plaintiffs will bring suit in the United States.

SIG's third basis is its most lacking and only highlights that it is grasping at straws in an attempt to manufacture a controversy where none exists. The fact that Plaintiff Lone Star's chairman previously was involved with patent licensing entities, the business of which was to enforce patents, has no bearing on what Plaintiffs in this case, both operating companies in direct competition with SIG for U.S. Government contracts, intend to do with a patent portfolio. In fact, neither Plaintiff has ever asserted any of their patents against any companies, let alone used patent litigation as a business strategy.

Even if SIG could somehow impute motives or actions to Plaintiffs based on unrelated actions taken by one of its chairmen while at an unrelated company, it would not matter. For

purposes of judging whether prior litigation gives rise to a reasonable apprehension of suit, Courts only look at related or similar litigation. *Organic Seed Growers and Trade Ass'n v. Monsanto Co.*, 851 F.Supp.2d 544, 553 (S.D.N.Y. 2012) (“suits against dissimilar defendants are insufficient on their own to satisfy the affirmative acts element, and, at best, are only minimal evidence of any objective threat of injury to plaintiffs”); *Prasco, LLC v. Medicis Pharmaceutical Corp.*, 537 F.3d 1329, 1341 (Fed. Cir. 2008) (prior suit concerning different products and unrelated patents is not the type of pattern of prior conduct that gives rise to a reasonable apprehension of suit). The mere fact that a patent holder may have been litigious in the past also does not provide the basis for such apprehension. *Premo Pharm. Labs. v. Pfizer Pharms., Inc.*, 465 F.Supp. 1281, 1283–84 (S.D.N.Y.1979) (holding that a history of litigiousness by the defendant does not, by itself, support a reasonable apprehension of suit).

None of the reasons advanced by SIG demonstrate that it has a reasonable apprehension Plaintiffs will bring suit in the United States on one of Plaintiffs’ U.S. patents. As such SIG’s counterclaim should be dismissed.

3. SIG Fails To Even Allege “meaningful preparation” to introduce a commercial product into the United States Market.

Throughout this litigation, SIG has consistently taken the position that all its U.S. sales of the accused products are only to the U.S. Government. SIG does not even allege it has made any other non-governmental commercial sales or even meaningful preparation to makes such sales. Accordinlgy, SIG has not met the second requirement of the Declaratory Releif Act, namely showing meaningful preparation to conduct potentially infringing activity. This is a separate and independent grounds for dismissing SIG’s counterclaim.

4. Even If An Actual Controversy Existed, This Court Should Exercise Its Discretion to Dismiss SIG’s Counterclaim.

Even assuming SIG had shown an actual controversy exists, the Court should exercise its discretion and decline to hear SIG’s counterclaim. “Since its inception, the Declaratory Judgment Act has been understood to confer on federal courts unique and substantial discretion in deciding whether to declare the rights of litigants.” *Wilton v. Seven Falls Co.*, 515 U.S. 277, 286 (1995). This Court has “unique and substantial discretion” in deciding whether to exercise declaratory judgment jurisdiction over SIG’s counterclaim. *MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 136 (2007) (“Declaratory Judgment Act provides that a court ‘*may* declare the rights and other legal relations of an interested party,’ 28 U.S.C. § 2201(a), not that it must do so.” (*emphasis added*)). District courts may consider “equitable, prudential, and policy arguments” to inform the exercise of discretion. *Id.* Other factors considered by courts include: (1) whether the judgment will serve a useful purpose in clarifying or settling the legal issues involved; (2) whether a judgment would finalize the controversy and offer relief from uncertainty; (3) whether the proposed remedy is being used merely for “procedural fencing” or a “race to res judicata”; (4) whether the use of a declaratory judgment would increase friction between sovereign legal systems or improperly encroach on the domain of a state or foreign court; and (5) whether there is a better or more effective remedy. *Dow Jones & Co. v. Harrods Ltd.*, 346 F.3d 357, 359-60 (2d Cir. 2003). None of these factors support a finding that SIG’s counterclaim should be entertained by this Court.³

³ Whether the use of a declaratory judgment would increase friction between sovereign legal systems or improperly encroach on the domain of a state or foreign court, is not particularly relevant to the instant case and as such this factor is, at best, neutral to the analysis.

As an initial matter entertaining SIG's counterclaim is neither equitable nor prudent. Plaintiffs could not have even brought a suit for patent infringement in Vermont against SIG for any of its SRIA patents. The Patent Venue Statute provides that "[a]ny civil action for patent infringement may be brought in the judicial district where the defendant resides, or where the defendant has committed acts of infringement *and* has a regular and established place of business." 28 U.S.C. § 1400(b) (emphasis added). SIG neither resides nor does it have a regular and established place of business in Vermont. Thus, Plaintiffs could not have initiated a case for patent infringement in Vermont. *TC Heartland LLC v. Kraft Foods Group Brands LLC*, 581 U.S. 258, 270 (2017) ("As applied to domestic corporations, "reside[nce]" in § 1400(b) refers only to the State of incorporation."); *In re Cray Inc.*, 871 F.3d 1355, 1360 (2017) (Under the second clause of Section 1400(b) venue is only proper as to a defendant when three requirements are met: "(1) there must be a physical place in the district; (2) it must be a regular and established place of business; and (3) it must be the place of the defendant"). As such, the only place such patents could be initially asserted would be Delaware, where SIG is incorporated, or New Hampshire where SIG has a regular and established place of business.⁴

The judgment SIG seeks, a ruling of non-infringement related to the '238 Patent, will similarly not serve a useful purpose in clarifying or settling the legal issues involved. In fact, there are several issues that will remain unresolved even if SIG ultimately receives the relief it

⁴ If the court elects to accept jurisdiction over SIG's counterclaim for declaratory relief, then SIG must concede that Plaintiff must be permitted to assert a substantive claim for patent infringement in this court. To contend otherwise would lead to an absurd result: SIG's non-infringement declaratory relief claim would proceed in this court while Plaintiffs would then be forced to bring an affirmative action in Delaware or New Hampshire. Thus, setting up an untelable race to judgement and the corresponding waste of precious judicial resources. A result made all the more absurd because Plaintiff has not accused SIG of infringing the '238 patent but may be forced to do so to parry SIG's procedural gamesmanship.

seeks. For example, SIG has repeatedly stated that all of its sales of the products at issue are made solely to the U.S. Government. Issues of patent infringement and validity involving sales for, and with the authorization and consent of the Government (which, SIG argues constitute all of its sales) must be litigated against the Government in the Court of Federal Claims pursuant to 28 U.S.C. §1498(a). Even if Plaintiffs obtained judgment in their favor, any judgment would not be preclusive on the Government; thus, Plaintiffs would be forced to litigate those same patent issues in the Court of Federal Claims. Such a judicially inefficient outcome goes against the very values the Declaratory Judgement Act seeks to promote. *Dow Jones & Co. v. Harrods Ltd.*, 237 F.Supp.2d 394, 405 (S.D.N.Y. 2002) (“the remedy [provided by the Declaratory Judgement Act] promotes several utilitarian values in the adjudication of disputes: speed, economy and effectiveness.”)

The judgment SIG seeks would also not finalize the controversy and offer relief from uncertainty. As noted above, the ‘238 Patent is just one of three related patents which all have similar disclosures and claims and originate from the same provisional patent applications. These patents all relate to and claim inventions directed to machine guns using the Short Recoil Impulse Technology at issue in this case. Because SIG has failed to seek a declaratory judgement related to the other two patents, this relief it seeks will not resolve the legal issue which SIG believes exist related to Plaintiffs’ ‘238 Patent.

What’s more, it appears that SIG’s counterclaim is being used merely for “procedural fencing.” In the context of the current case, SIG has tried unsuccessfully to dismiss it on jurisdictional grounds and seeks to delay discovery and limit discovery to only issues related to personal jurisdiction. *See* Defendant SIG Sauer, Inc.’s Motion to Dismiss, DKT No. 5, at 11-12; *see also* Opposed Motion to Enter Discovery Scheduling/Order, DKT No. 35. Injecting its

tenuously related non-infringement counterclaim, which it is fully aware belongs in the Court of Federal Claims, would appear to be another attempt to create a motion to transfer the matter out of Vermont.

Finally, there is a more effective remedy. To the extent that SIG seeks to resolve the legal issues with respect to its ability to offer for sale its products in Germany or the Netherlands, there are cases already pending that will move forward regardless of whether this claim is added to the current suit. In fact, a final hearing in the German action is already scheduled for June 17, 2025, and thus a decision will most likely be rendered in a little over six months. There seems to be little reason to duplicate those efforts with a corresponding U.S. case.

To the extent SIG's counterclaim seeks to resolve the issue related to its sales to the U.S. Government, as already stated, the exclusive venue for that counterclaim is the Court of Federal Claims. 28 U.S.C. §1498(a)⁵; *see also Advanced Software Design Corp. v. Fed. Reserve Bank of St. Louis*, 583 F.3d 1371, 1372–73 (Fed.Cir.2009) (explaining that pursuant to 28 U.S.C. § 1498(a), the United States Court of Federal Claims has exclusive jurisdiction over all patent infringement actions against the Government). There is simply no reason to duplicate those efforts in the current proceedings.

⁵ Section 1498(a) provides: [w]henever an invention described in and covered by a patent of the United States is used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, the owner's remedy shall be by action against the United States in the United States Court of Federal Claims for the recovery of his reasonable and entire compensation for such use and manufacture.... For the purposes of this section, the use or manufacture of an invention described in and covered by a patent of the United States by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government, shall be construed as use or manufacture for the United States.

CONCLUSION

For the reasons stated herein, the Court should dismiss SIG's counterclaim for non-infringement of U.S. Patent No. 8,919,238.

Respectfully submitted,

STECKLER WAYNE & LOVE, PLLC

/s/ Scott R. Maynard

Scott R. Maynard

Of Counsel

STECKLER WAYNE & LOVE, PLLC

12720 Hillcrest Rd., Suite 1045

Dallas, Texas 75230

Telephone: (972) 387-4040

Facsimile: (972) 387-4041

Direct Line: (972) 532-1718

scott@stecklerlaw.com

CA Bar No. 224932

Pro Hac Vice

Alison J. Bell

LANGROCK SPERRY & WOOL, LLP

ERN: 1011

210 College Street, Suite 400

Burlington, VT 05401

abell@langrock.com

Phone: (802) 864-0217

Greg Love

STECKLER WAYNE & LOVE, PLLC

107 East Main Street

Henderson, Texas 75652

Telephone: (903) 212-4444

Facsimile: (903) 212-4444

greg@stecklerlaw.com

TX Bar No. 24013060

Pro Hac Vice

Kaitlyn Coker
STECKLER WAYNE & LOVE, PLLC
12720 Hillcrest Road
Dallas, Texas 75230
Telephone: (972) 387-4040
Facsimile: (972) 387-4041
kcoker@stecklerlaw.com
TX Bar No. 24115264
Pro Hac Vice

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Scott R. Maynard, hereby certify that on December 12, 2024, I served the foregoing document by filing with the Clerk of the Court using the Court's CM/ECF system which sends notification to the registered attorneys of record:

Mathew B. Byrne Gravel & Shea PC 76 St. Paul Street, 7th Floor P. O. Box 369 Burlington, VT 05402-0369 mbyrne@gravelshea.com David M. Orta Quinn, Emanuel Urquhart & Sullivan, LLP 1300 I Street NW, Suite 900 Washington, D.C. 20005	Patrick D. Curran Quinn Emanuel Urquhart & Sullivan, LLP 111 Huntington Avenue, Suite 520 Boston, MA 02199 James D. Judah Quinn Emanuel Urquhart & Sullivan 50 California Street, 22nd Floor San Francisco, CA 94111
--	---

/s/ Scott R. Maynard
Scott R. Maynard