

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**INNOVATIONS, LLC**

**PLAINTIFF**

**VERSUS**

**CAUSE NO: 3:21-cv-213-KHJ-MTP**

**JOHN THOMASON; DUB-L-SEAT, LLC**

**DEFENDANTS**

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**VERIFIED COMPLAINT  
(JURY TRIAL DEMANDED)**

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Innovations, LLC ("Plaintiff") files this verified complaint against defendants John R. Thomason and Dub-L-Seat, LLC (collectively, "Defendants"), and alleges as follows:

**PARTIES**

1. Plaintiff Innovations, LLC is a Mississippi limited liability company with its principal place of business in Pearl, Mississippi.

2. Defendant John R. Thomason is a resident of Belmont, Mississippi and may be served at 14-B Oak Lane, Belmont, Mississippi 38827.

3. Defendant Dub-L-Seat, LLC is a Mississippi limited liability company with its principal place of business in Belmont, Mississippi. Dub-L-Seat may be served with process through its registered agent, John R. Thomason, located at 14-B Oak Lane, Belmont, Mississippi 38827.

**JURISDICTION AND VENUE**

4. The action arises under the Patent Laws of the United States, 35 U.S.C. § 271 et seq. Thus, this Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

5. On information and belief, this Court has personal jurisdiction over Defendants because Defendants have committed tortious acts in this judicial district, and/or have engaged in continuous and systematic activities in this judicial district.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) as a substantial part of the events giving rise to the claims at issue occurred within the Southern District of Mississippi.

### FACTS

7. On April 20, 2016, John R. Thomason filed Provisional Application No. 62,324,991 with the USPTO claiming he invented the Dub-L-Seat product. He later filed a non-provisional application on April 15, 2017 (Appl. No. 15/488,463), again fraudulently identifying himself as the inventor – the only inventor – of the product. The ‘139 Patent was issued on September 10, 2019. After receiving registration, Thomason assigned the patent to Dub-L-Seat. Thomason did not invent the Dub-L-Seat product.

8. In 2016, Thomason contacted Millennium Outdoors, LLC (“Millennium”) about manufacturing a double seat fishing product. He presented Millennium and Plaintiff, Millennium’s contractor, with Inman’s product at Millennium’s office in Rankin County. Plaintiff’s manager, Bill Alexander, redesigned the product, including, but not limited to, making a slide system on horizontal braces, making the legs to three feet so they could be self-leveling, making it so that feet and legs are bolted on so the product could be packaged smaller, anodizing the aluminum, and developing a plastic adapter for the center post to be used with different sized pins. Unbeknownst to Plaintiff, the designs were fraudulently included in Thomason’s non-provisional patent application. Thomason did not invent those features.

**COUNT I**  
**DECLARATORY JUDGMENT OF INVALIDITY FOR THE '139 PATENT**

9. Plaintiff incorporates the preceding paragraphs by reference as if fully set forth in this section.

10. This claim arises under the Patent Laws of the United States, 35 U.S.C. §100 *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. §§2201 and 2202. An actual, substantial and continuing justiciable controversy having adverse legal interest of sufficient immediacy and reality to warrant the issuance of a declaration of rights by this Court exists between the parties concerning the invalidity of the claims of the '139 Patent.

11. The claims of the '139 Patent are invalid for failure to comply with the requirements of patentability as specified in 35 U.S.C. §100, *et seq.*

12. Thomason did not invent the product for which the '139 Patent was obtained. Having the correct inventor or inventors named on a patent is required by 35 U.S.C. §§ 100(f), 101, 115(a), § 282(b). Defendants obtained the '139 Patent by knowingly and willfully committing a fraud on the U.S. Patent and Trademark Office.

13. Plaintiff is entitled to a judicial declaration that the '139 Patent is invalid.

**COUNT II**  
**UNJUST ENRICHMENT**

14. Plaintiff incorporates the preceding paragraphs by reference as if fully set forth in this section.

15. No contract exists between Plaintiff and Defendants. Through Defendants' unauthorized use of Plaintiff's proprietary information, Defendants have been unjustly enriched and are in possession of profits or property which, in good conscience and justice, they should not be permitted to retain.

16. As a result of Defendants' conduct, Plaintiff has suffered damages and is entitled to a disgorgement of all of Defendants' profits relating to its sale of the Dub-L-Seat product including the features stolen from Plaintiff.

**COUNT III**  
**QUANTUM MERUIT**

17. Plaintiff incorporates the preceding paragraphs by reference as if fully set forth in this section.

18. No contract exists between Plaintiff and Defendants.

19. Plaintiff provided valuable intellectual property to Defendants.

20. Defendants failed to provide compensation to Plaintiff, but accepted, used, and enjoyed Plaintiff's intellectual property without permission.

21. As a result of Defendants' conduct, Plaintiff has suffered damages and is entitled to a disgorgement of all of Defendants' profits relating to its sale of the Dub-L-Seat product including the features stolen from Plaintiff.

**DEMAND FOR JURY TRIAL**

22. Plaintiff requests a trial by jury of any issues so triable by right.

**PRAYER FOR RELIEF**

WHEREFORE PREMISES CONSIDERED, Plaintiff hereby requests that judgment be entered in its favor and against Defendants on the claims plead in this Complaint. Specifically, Plaintiff respectfully prays for judgment:

- (a) Declaring that the '139 Patent is invalid;
- (b) Declaring that Defendants obtained the '139 Patent by knowingly and willfully committing a fraud on the U.S. Patent and Trademark Office;

(c) Finding this to be an exceptional case and awarding Plaintiff attorneys' fees and costs pursuant to 35 U.S.C. § 285;

(d) Awarding Plaintiff compensatory damages, attorneys' fees, costs and expenses, pre-judgment and post-judgment interest; and

(e) Granting Plaintiff such other and further relief as the Court may deem just and proper.

Respectfully submitted, this the 29th day of March, 2021.

Respectfully submitted,

**INNOVATIONS, LLC**

By:

  
One of its Attorneys

OF COUNSEL:

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VERIFICATION

STATE OF MISSISSIPPI

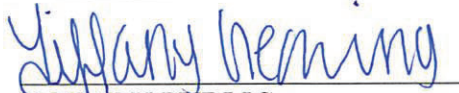
COUNTY OF RANKIN

Personally appeared before me, the undersigned authority in and for the said county and state, Bill Alexander, who being first duly sworn on oath states that he is the Manager of Innovations, LLC, that he is authorized to make this Verification on behalf of Innovations, LLC, and states that the facts set forth in the foregoing Verified Complaint are true and correct to the best of his knowledge, information, and belief.



Bill Alexander

SWORN TO AND SUBSCRIBED before me, this the 25<sup>th</sup> day of March, 2021.



NOTARY PUBLIC

My Commission Expires:

June 21, 2024

