

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

ANDRAE D’ACQUISTO,)	
)	
Plaintiff,)	Case No.:
)	
v.)	
)	
ELEVATE STAND CO LLC,)	
)	
Defendant.)	

COMPLAINT

Plaintiff Andrae D’Acquisto (“Plaintiff” or “D’Acquisto”), by his attorneys, GM Law PC, and Phillip G. Greenfield, and Daniel R. Johnson of Ryan, Kromholz & Manion, S.C. (*pro hac vice* pending) hereby complains against Defendant Elevate Stand Co LLC (“Elevate”) as follows:

NATURE OF THE ACTION

1. This is a patent infringement case involving treestands.
2. A treestand is typically used by hunters as an elevated platform that is mounted to a tree and upon which the hunter may stand or sit while hunting, and treestands are commonly for deer hunting.
3. D’Acquisto is a pioneer of archery hunting, particularly known for innovating high quality treestands, climbing sticks, and hunting gear associated with archery hunting.
4. In 1984, D’Acquisto began selling Lone Wolf branded treestands. Throughout the years that followed, treestands designed by D’Acquisto built up a significant and valuable reputation for innovative treestand design. The invention and use of D’Acquisto’s treestands set a new benchmark for the treestand industry in terms of changing archery hunting styles from

semi-permanent stands to a mobile style of hunting using lightweight, quiet and portable treestands.

5. Elevate infringes D'Acquisto's U.S. Patent No 12,063,925 ("the '925 patent," attached as Exhibit A, Fig. 6, '925 patent pictured below) by its manufacture, sales, and offers to sell of each of its "Element," "Rize," and "Ultra" treestand models, also pictured below:

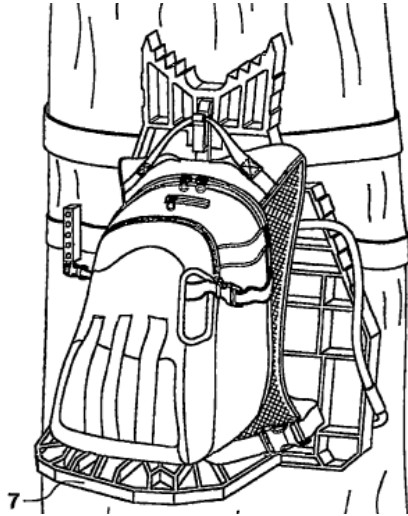
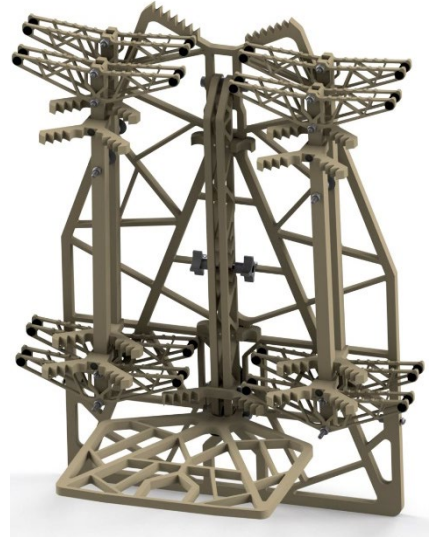
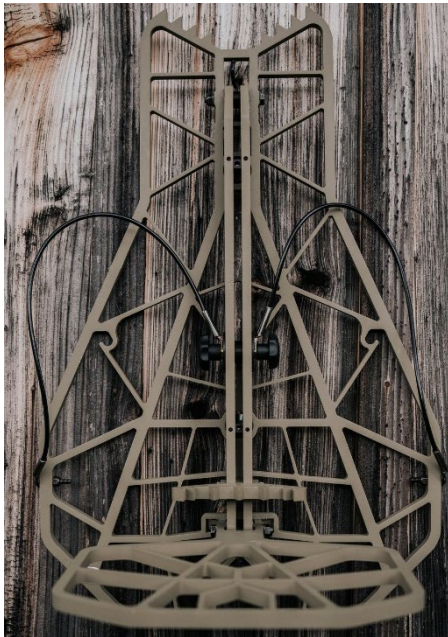


Fig. 6, '925 Patent



Element Treestand



Rize Treestand



Ultra Treestand

PARTIES, JURISDICTION AND VENUE

6. D'Acquisto is an individual residing at 30424 167th Street, Bellevue, IA, 52031.

7. Elevate is a Kansas domestic limited liability company with a principal/registered office at 8003 Medora Road, Hutchinson, KS, 67504.

8. The Court has personal jurisdiction over Elevate, including under K.S.A. § 60-308(b), because Elevate regularly transacts business and /or derives significant revenues from the manufacture and sale of products within the State of Kansas, has a regular and established place of business in the state, and has committed acts of patent infringement giving rise to this action within the State of Kansas and within this District.

9. The Court has personal jurisdiction over Elevate because Elevate manufactures, offers to sell, and sells its “Element,” “Rize,” and “Ultra” treestand models in this district.

10. This Court has federal question jurisdiction over this action pursuant to 28 U.S.C. §1331.

11. This Court has original jurisdiction over this action under 28 U.S.C. § 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271.

12. Venue in this action is proper in this district pursuant to 28 U.S.C. § 1391(b)(1) because Defendant resides in this district as the term “resides” is defined in 28 U.S.C. § 1391(c), and pursuant to 28 U.S.C. § 1391(b)(2) because Elevate manufactures, offers to sell, and sells its “Element,” “Rize,” and “Ultra” treestand models in this judicial district.

FACTUAL BACKGROUND

13. The ‘925 patent issued on August 20, 2024.

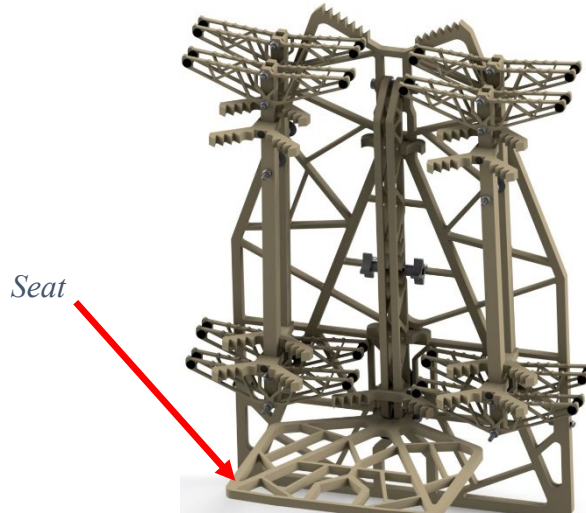
14. The ‘925 patent is owned by D'Acquisto.

15. Elevate is engaged in the business of manufacturing, marketing and selling, *inter alia*, treestands used for hunting, including its “Element,” “Rize,” and “Ultra” treestand models.

The Element Treestand

16. The Element treestand model has a seat.

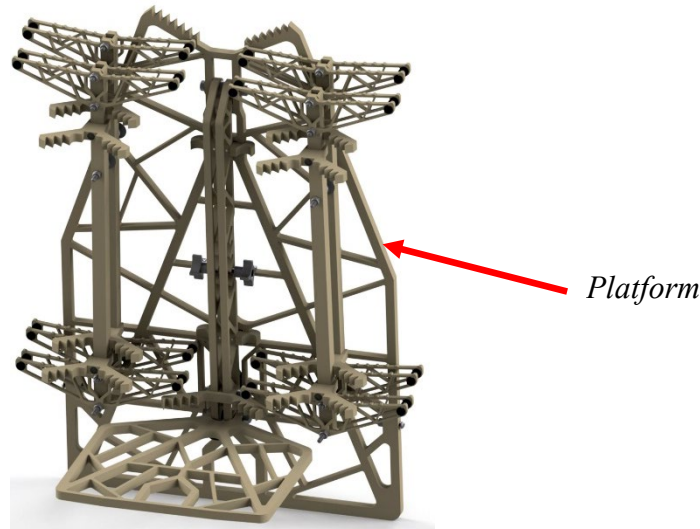
17. The Element treestand model has a seat where pictured below:



Source: <https://elevatestand.co/collections/hangonstands/products/element-hang-on-stand>, last visited August 28, 2024

18. The Element treestand model has a platform.

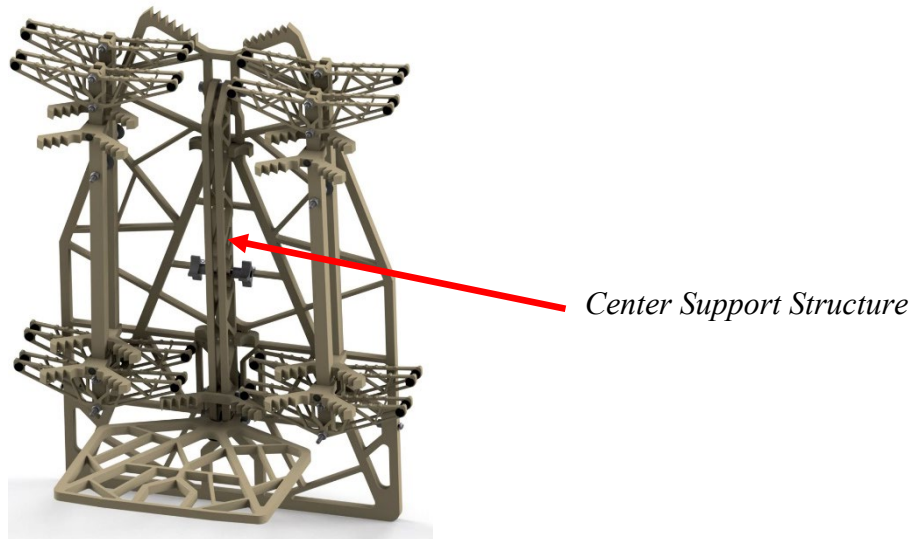
19. The Element treestand model has a platform where pictured below:



Source: <https://elevatestand.co/collections/hangonstands/products/element-hang-on-stand>, last visited August 28, 2024

20. The Element treestand model has a center support structure that connects the seat to the platform.

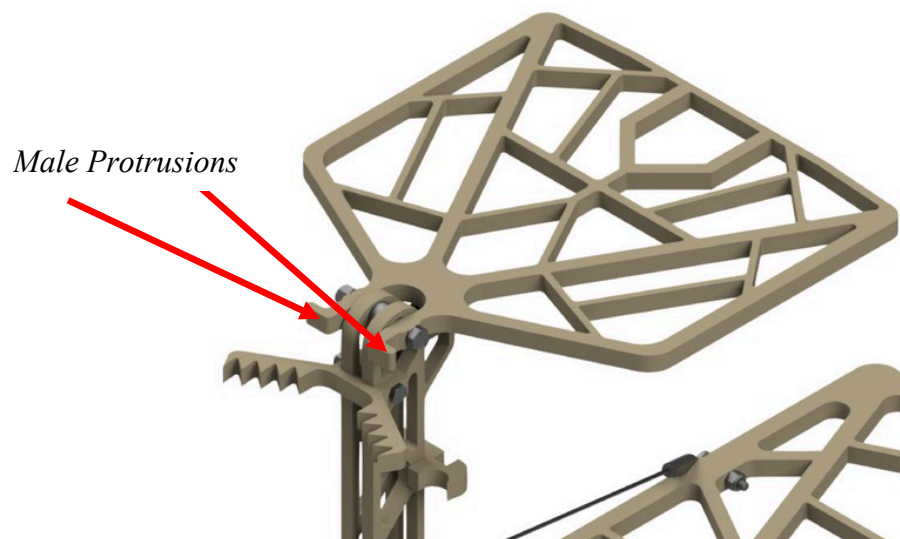
21. The Element treestand model has a center support structure connecting the seat to the platform where pictured below:



Source: <https://elevatestand.co/collections/hangonstands/products/element-hang-on-stand>, last visited August 28, 2024

22. The seat of the Element treestand model has one or more male protrusions.

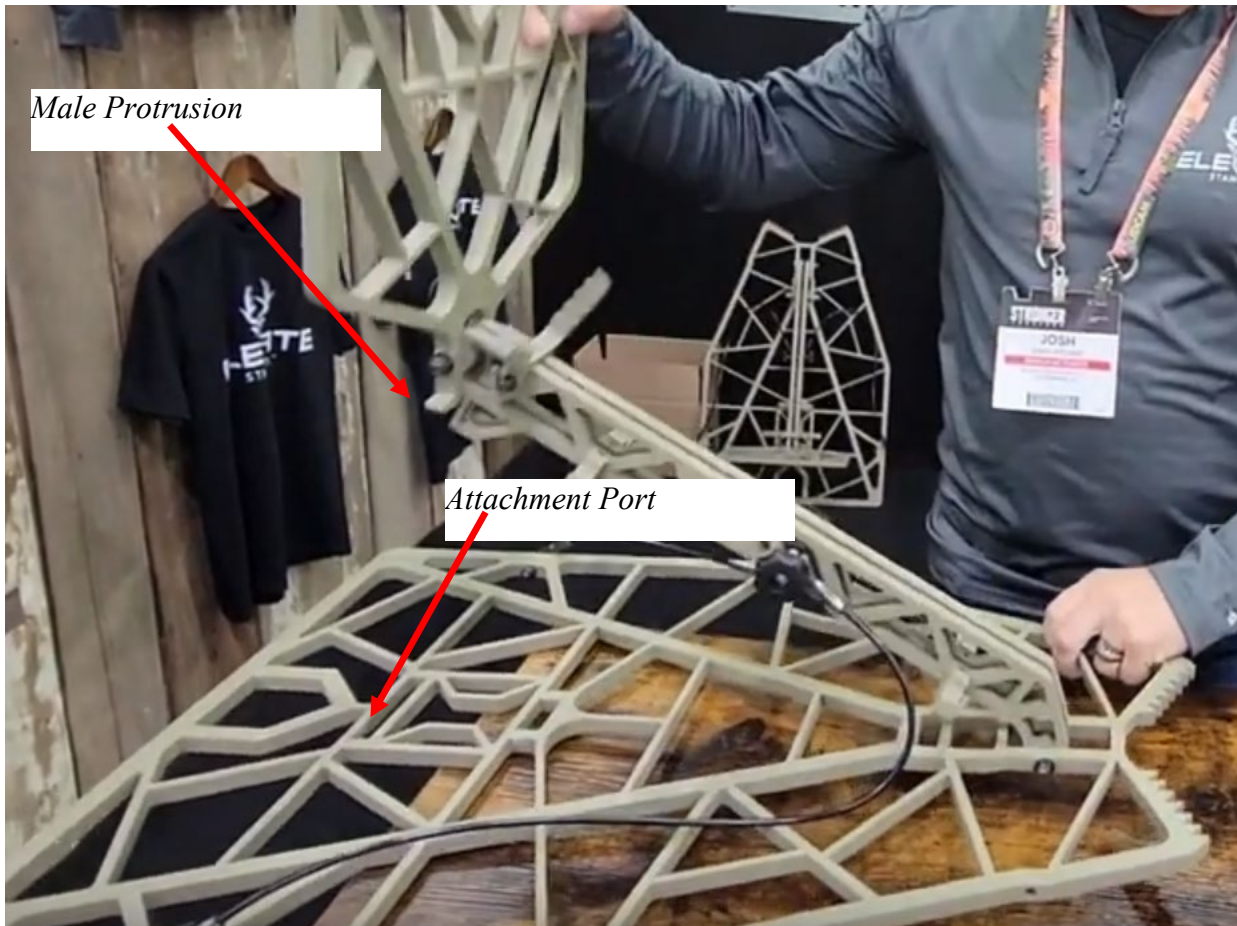
23. The seat of the Element treestand model has one or more male protrusions where pictured below:



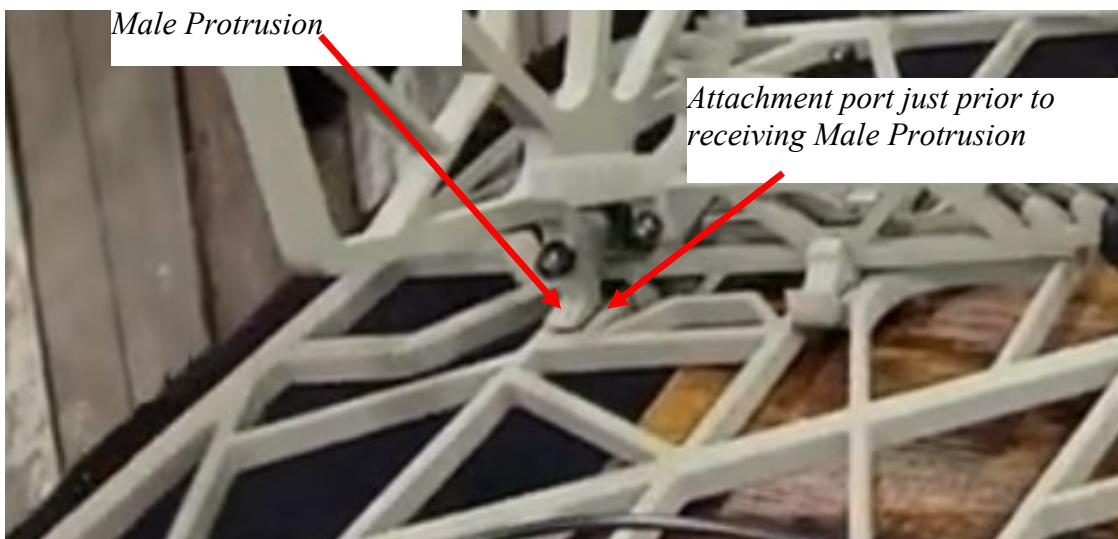
Source: <https://elevatestand.co/collections/hangonstands/products/element-hang-on-stand>, last visited August 28, 2024

24. The platform of the Element treestand model has one or more attachment ports configured to receive one or more male protrusions of the seat.

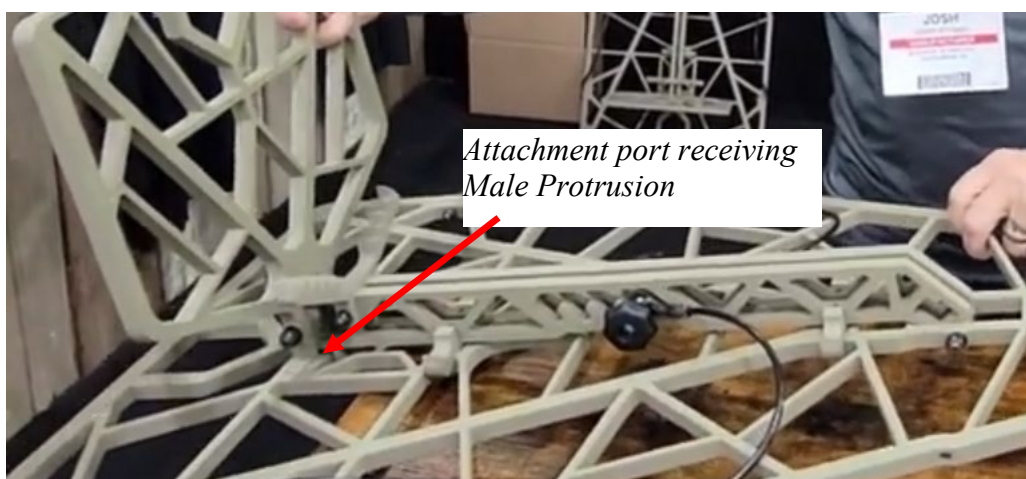
25. The platform of the Element treestand model has one or more attachment ports configured to receive one or more male protrusions of the seat where pictured below:



Source: <https://youtu.be/GVZdtFmbPSI?t=48>, last visited August 28, 2024



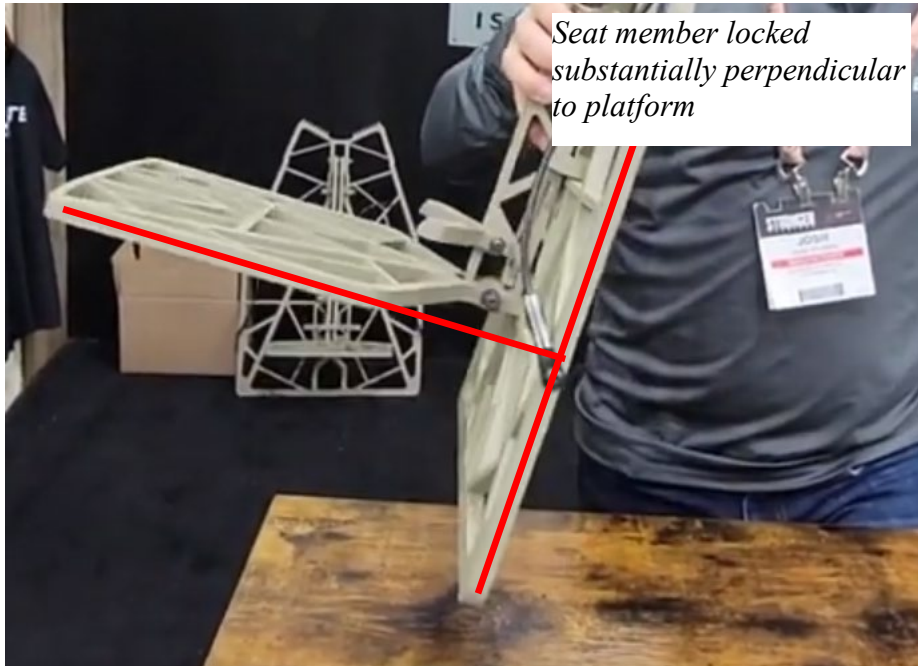
Source: <https://youtu.be/GVZdtFmbPSI?t=49>, last visited August 28, 2024



Source: <https://youtu.be/GVZdtFmbPSI?t=51>, last visited August 28, 2024

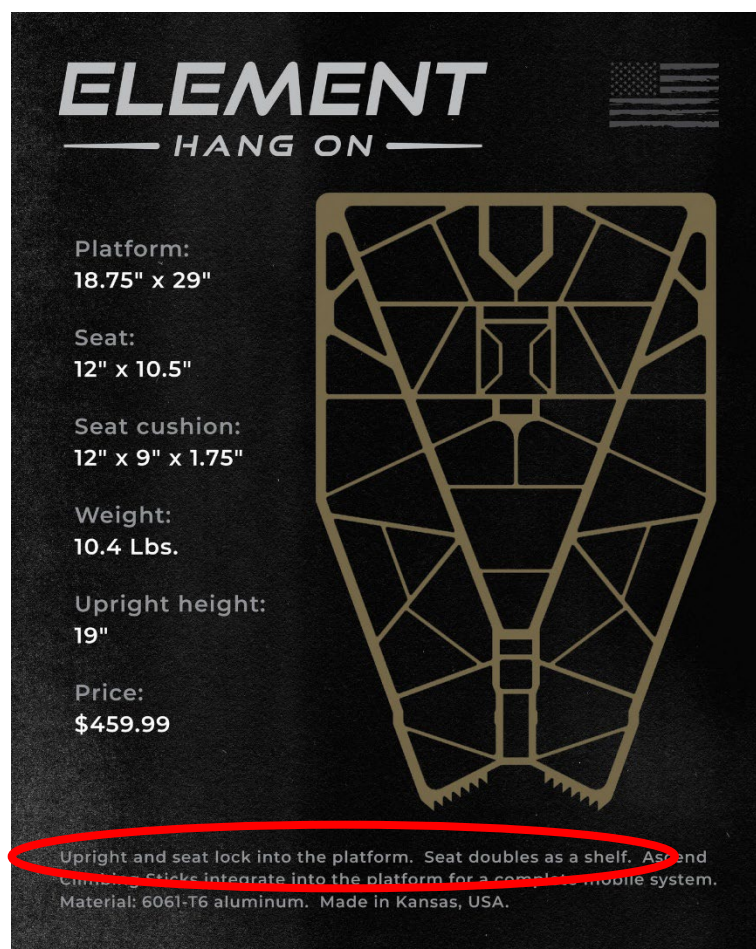
26. When the Element treestand model is folded up for transport, the one or more male protrusions of the seat member interlock with the one or more attachment ports of the platform, locking the seat member in a rigid shelf structure that is substantially perpendicular to the platform.

27. When the Element treestand model is folded up for transport, the one or more male protrusions of the seat member interlock with the one or more attachment ports of the platform, locking the seat member in a rigid shelf structure that is substantially perpendicular to the platform where pictured below:



Source: <https://youtu.be/GVZdtFmbPSI?t=57>, last visited August 28, 2024

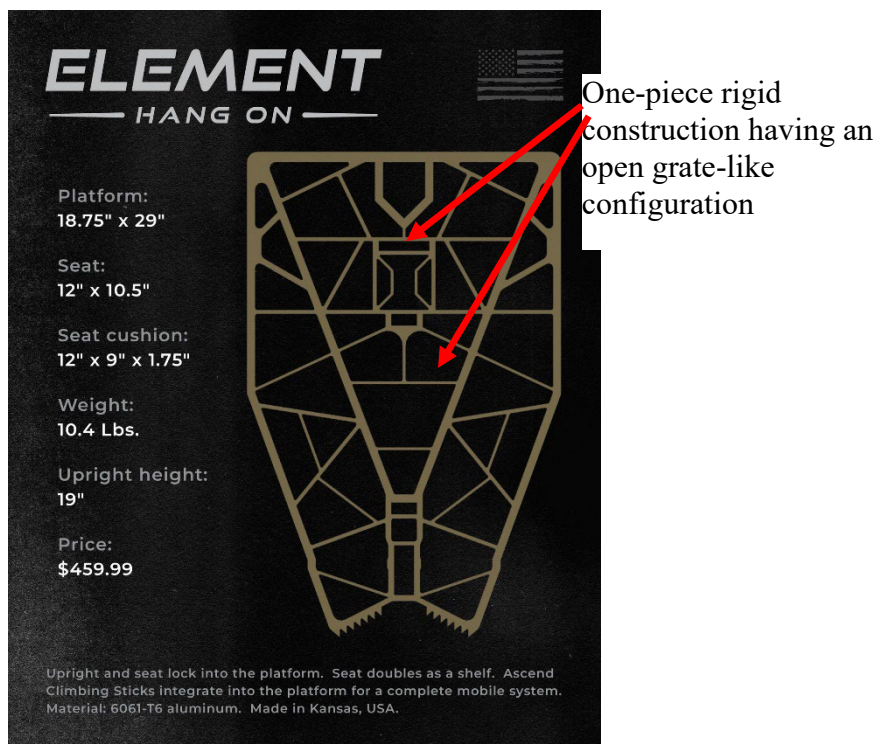
28. Element advertises that the Element seat locks into the platform, and that the Element seat doubles as a shelf, as pictured below:



Source: <https://elevatestand.co/collections/hangonstands/products/element-hang-on-stand>, last visited August 28, 2024

29. The platform of the Element treestand model is of uniform, one-piece rigid construction having an open grate-like configuration.

30. The platform of the Element treestand model is of uniform, one-piece rigid construction having an open grate-like configuration as pictured below:

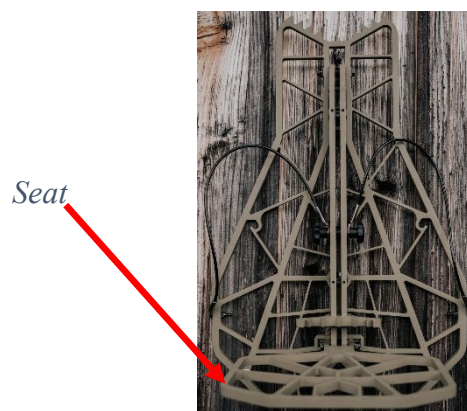


Source: <https://elevatestand.co/collections/hangonstands/products/element-hang-on-stand>, last visited August 28, 2024

31. The Element treestand model has one-piece platform that is fabricated from solid aluminum and/or aluminum alloy stock; namely, 6061 T6 aluminum.
32. The Element treestand model is made by a waterjet process.
33. The center support structure of the Element treestand model is solid and is fabricated from solid aluminum stock by a waterjet process.

The Rize Treestand

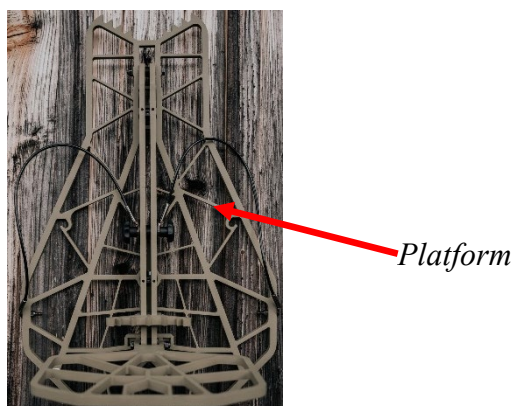
34. The Rize treestand model has a seat.
35. The Rize treestand model has a seat where pictured below:



Source: <https://elevatestand.co/products/rize-hang-on>, last visited August 28, 2024

36. The Rize treestand model has a platform.

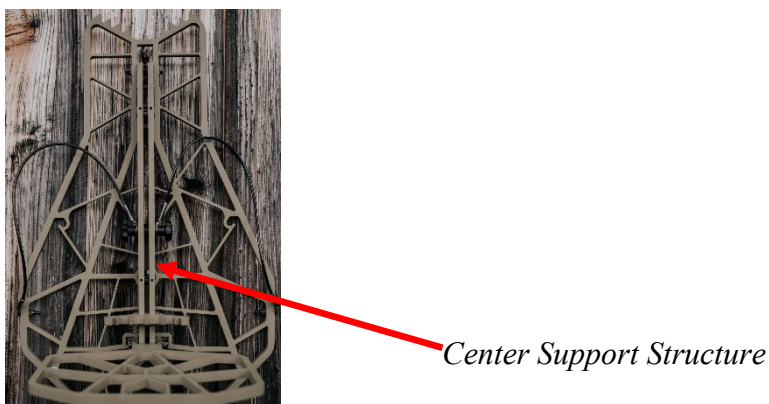
37. The Rize treestand model has a platform where pictured below:



Source: <https://elevatestand.co/products/rize-hang-on>, last visited August 28, 2024

38. The Rize treestand model has a center support structure connecting the seat member to the platform member.

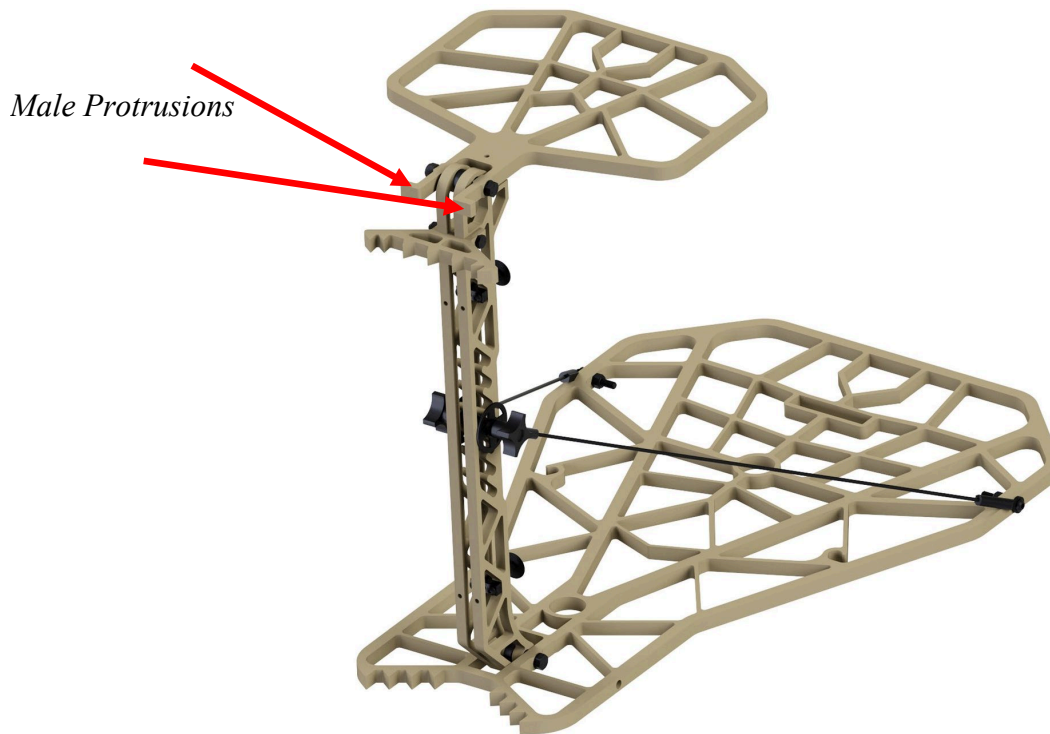
39. The Rize treestand model has a center support structure connecting the seat to the platform where pictured below:



Source: <https://elevatestand.co/products/rize-hang-on>, last visited August 28, 2024

40. The seat of the Rize treestand model has one or more male protrusions.

41. The seat of the Rize treestand model has one or more male protrusions where pictured below:



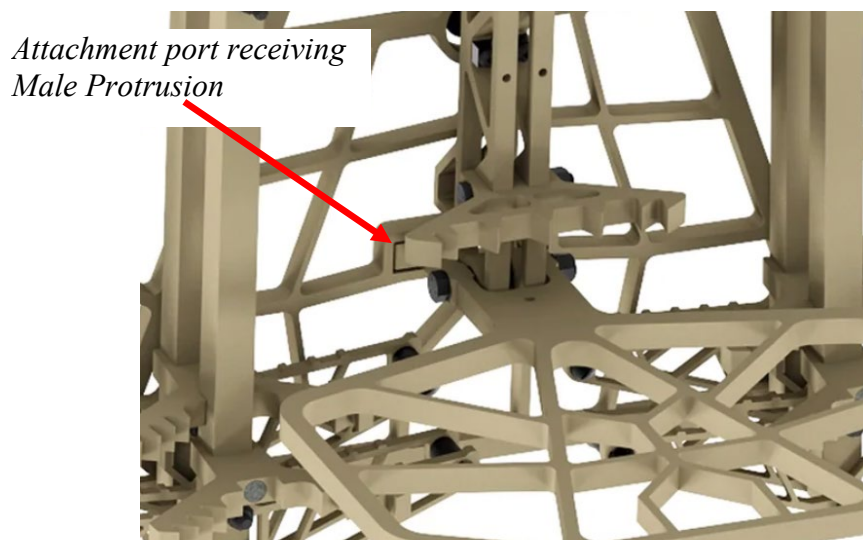
Source: <https://elevatestand.co/products/rize-hang-on>, last visited August 28, 2024

42. The platform of the Rize treestand model has an attachment port configured to receive one or more male protrusions of the seat.

43. The platform of the Rize treestand model has an attachment port configured to receive one or more male protrusions of the seat where pictured below:



Source: <https://elevatestand.co/products/rize-hang-on>, last visited August 28, 2024



Source: <https://elevatestand.co/products/rize-hang-on>, last visited August 28, 2024

44. When the Rize treestand model is folded up for transport, the male protrusions of the seat interlock with the attachment port of the platform, locking the seat in a rigid shelf structure that is substantially perpendicular to the platform.

45. When the Rize treestand model is folded up for transport, the male protrusions of the seat interlock with the attachment port of the platform, locking the seat in a rigid shelf structure that is substantially perpendicular to the platform as shown below:



Source: <https://elevatestand.co/products/rize-hang-on>, last visited August 28, 2024

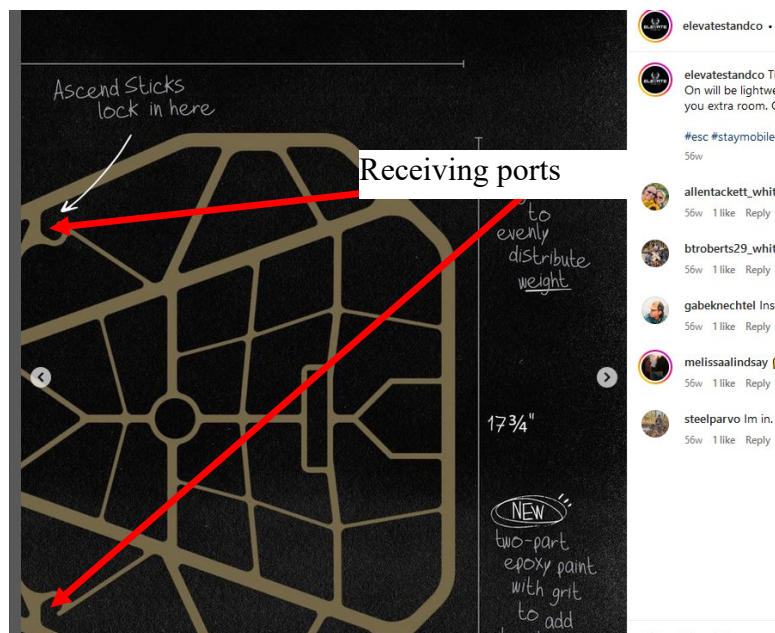
46. The platform of the Rize treestand model is of uniform, one-piece rigid construction having an open grate-like configuration.

47. The platform of the Rize treestand model is of uniform, one-piece rigid construction having an open grate-like configuration as pictured below:



Source: <https://elevatestand.co/products/rize-hang-on>, last visited August 28, 2024

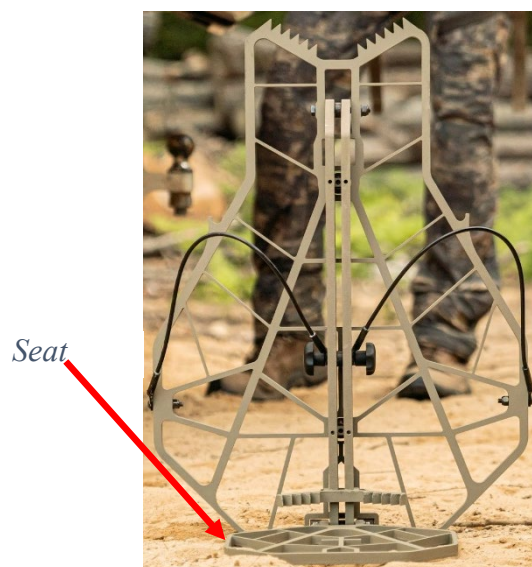
48. The Rize treestand model has one-piece platform that is fabricated from solid aluminum and/or aluminum alloy stock; namely, 6061 T6 aluminum.
49. The Rize treestand model is made by a waterjet process.
50. The center support structure of the Rize treestand model is solid and is fabricated from solid aluminum stock by a waterjet process.
51. The platform member of the Rize treestand model has receiving ports to allow for the convenient attachment of climbing sticks thereto.
52. The platform member of the Rize treestand model has receiving ports to allow for the convenient attachment of climbing sticks thereto, notated by Element as “Ascend sticks lock in here” as pictured below:



Source: https://www.instagram.com/p/CvigQeSprTU/?img_index=2, last visited August 28, 2024

The Ultra Treestand

53. The Ultra treestand model has a seat.
54. The Ultra treestand model has a seat where pictured below:



Source: <https://elevatestand.co/pages/ultra>, last visited August 28, 2024

55. The Ultra treestand model has a platform.

56. The Ultra treestand model has a platform where pictured below:



Platform

Source: <https://elevatestand.co/pages/ultra>, last visited August 28, 2024

57. The Ultra treestand model has a center support structure connecting the seat member to the platform member.

58. The Ultra treestand model has a center support structure connecting the seat to the platform where pictured below:

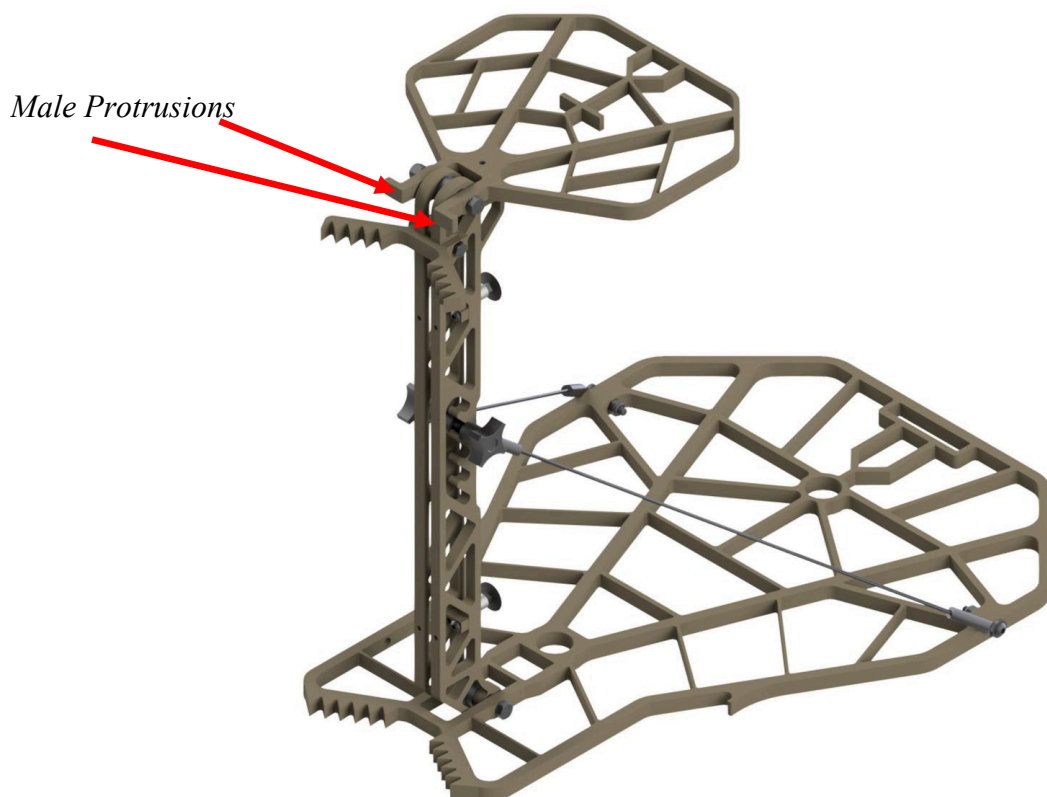


Center Support Structure

Source: <https://elevatestand.co/pages/ultra>, last visited August 28, 2024

59. The seat of the Ultra treestand model has one or more male protrusions.

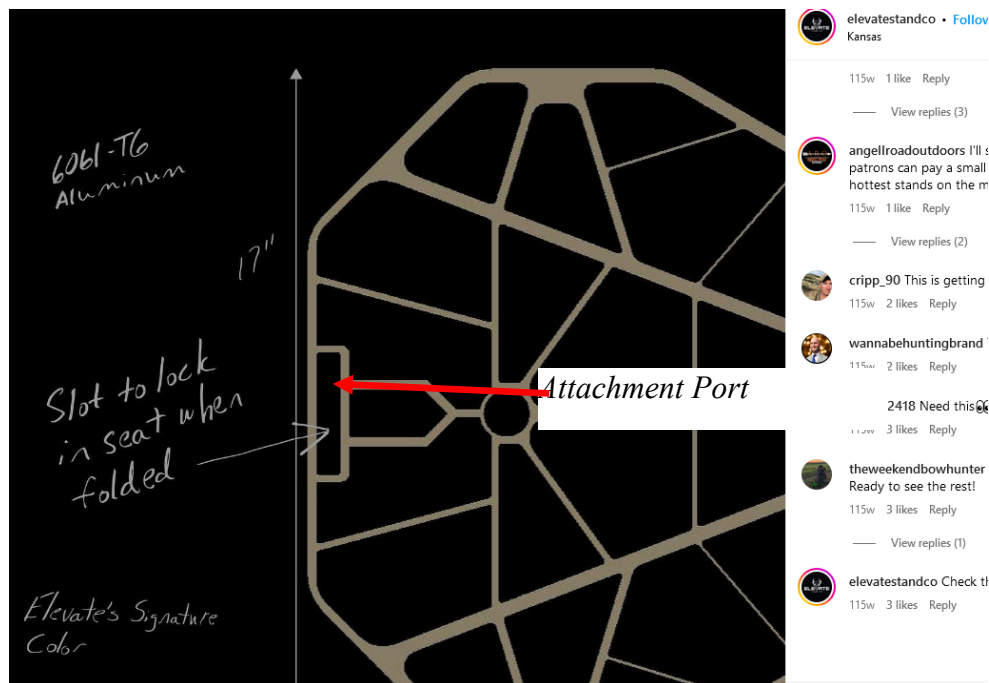
60. The seat of the Ultra treestand model has one or more male protrusions where pictured below:



Source: <https://elevatestand.co/pages/ultra>, last visited August 28, 2024

61. The platform of the Ultra treestand model has an attachment port configured to receive one or more male protrusions of the seat.

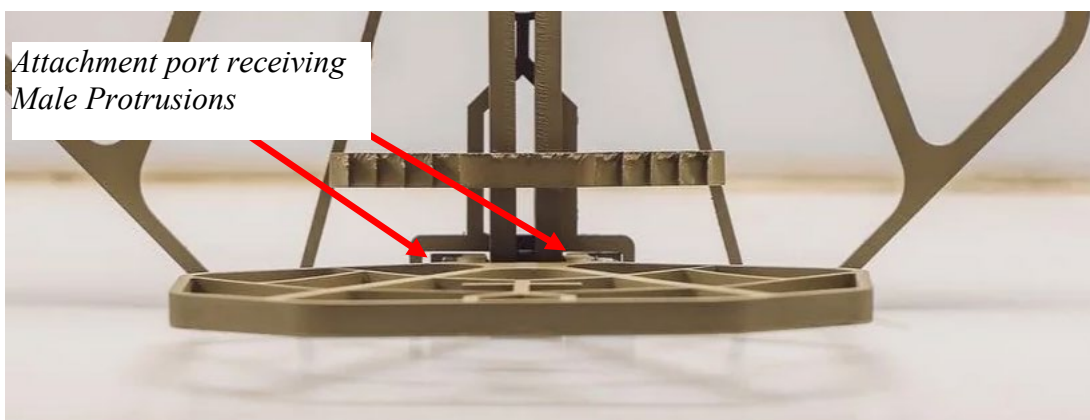
62. The platform of the Ultra treestand model has an attachment port configured to receive one or more male protrusions of the seat, notated by Element as “slot to lock in seat when folded” where pictured below:



Source: <https://www.instagram.com/p/CebSFr0uBMR/>, last visited August 28, 2024

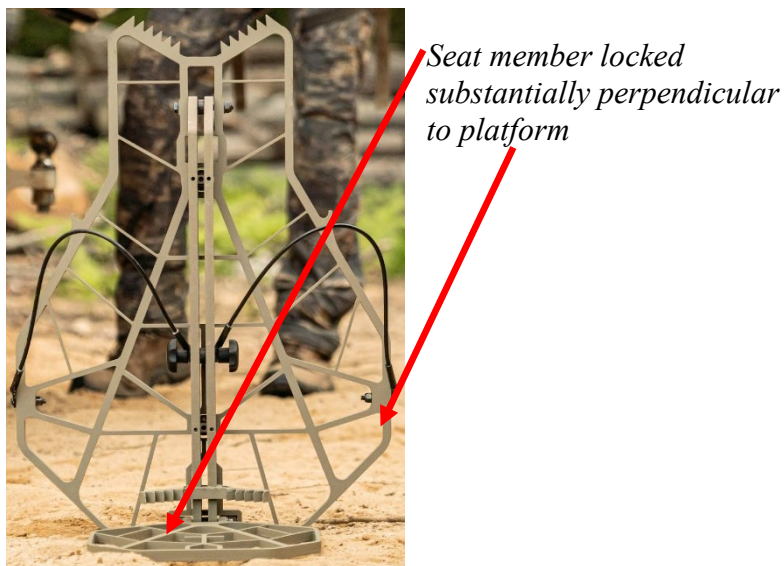
63. When the Ultra treestand model is folded up for transport, the male protrusions of the seat interlock with the attachment port of the platform, locking the seat in a rigid shelf structure that is substantially perpendicular to the platform.

64. When the Ultra treestand model is folded up for transport, the male protrusions of the seat interlock with the attachment port of the platform as shown below:



Source: <https://elevatestand.co/pages/ultra>, last visited August 28, 2024

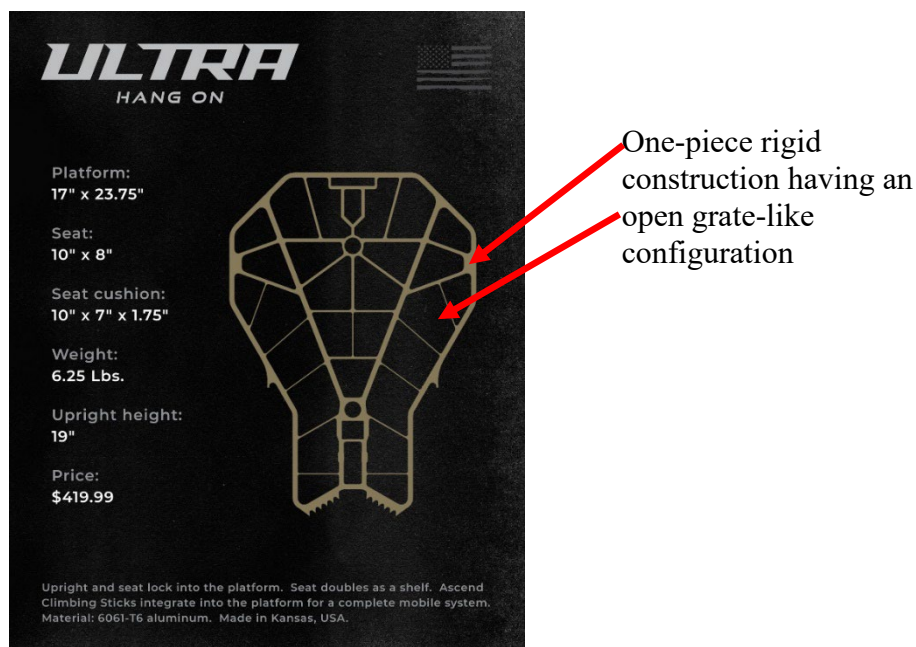
65. When the Ultra treestand model is folded up for transport, the shelf structure is substantially perpendicular to the platform as shown below:



Source: <https://elevatestand.co/pages/ultra>, last visited August 28, 2024

66. The platform of the Ultra treestand model is of uniform, one-piece rigid construction having an open grate-like configuration.

67. The platform of the Ultra treestand model is of uniform, one-piece rigid construction having an open grate-like configuration as pictured below:



Source: <https://elevatestand.co/pages/ultra>, last visited August 28, 2024

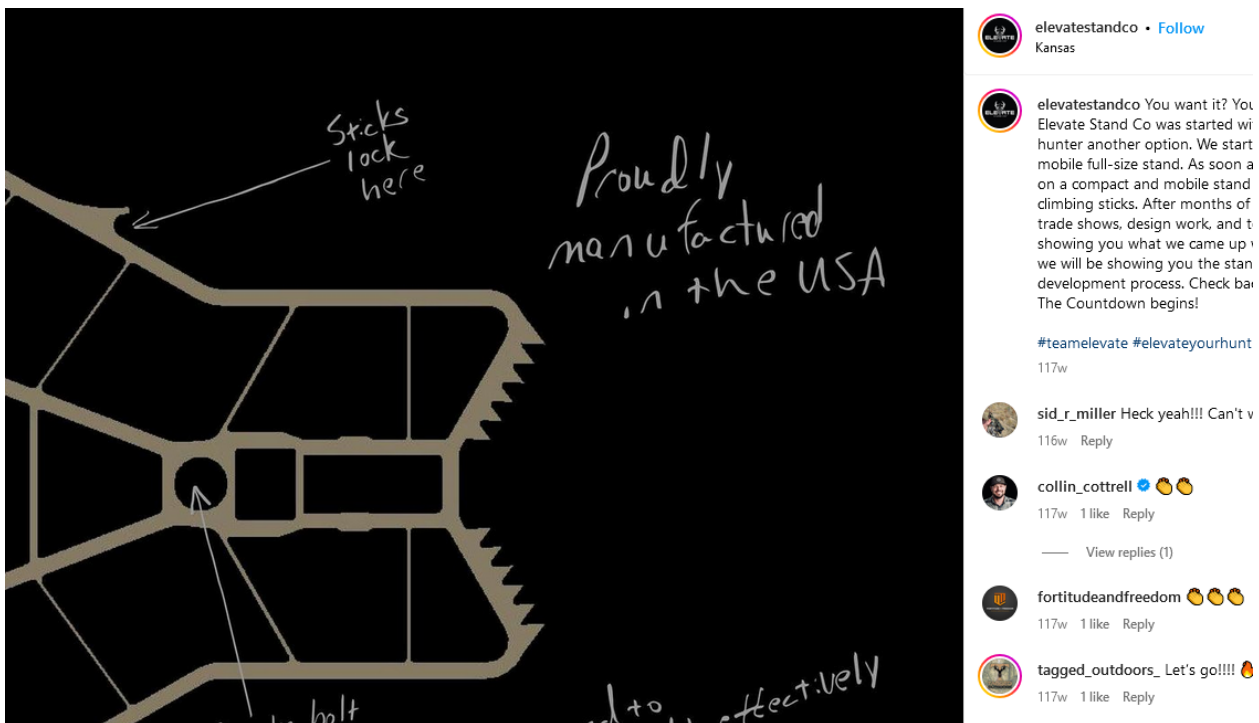
68. The Ultra treestand model has one-piece platform that is fabricated from solid aluminum and/or aluminum alloy stock; namely, 6061 T6 aluminum.

69. The Ultra treestand model is made by a waterjet process.

70. The center support structure of the Ultra treestand model is solid and is fabricated from solid aluminum stock by a waterjet process.

71. The platform member of the Ultra treestand model has receiving ports to allow for the convenient attachment of climbing sticks thereto.

72. The platform member of the Ultra treestand model has receiving ports to allow for the convenient attachment of climbing sticks, notated by Elevate as “sticks lock here” as pictured below:



73. On August 23, 2024, D’Acquisto provided Elevate with actual notice of infringement of the ‘925 patent due to the use, manufacture, sale and offer for sale of each of the Element, Rize and Ultra stand models.

74. Since being notified of infringement of the '925 patent, Elevate has continued its infringing activities.

FIRST CAUSE OF ACTION

(Patent Infringement – Element Model)

75. D'Acquisto incorporates herein by reference each and every allegation in the preceding paragraphs.

76. Pursuant to 35 U.S.C. § 271, Elevate, without authority from D'Acquisto, makes, offers to sell, and sells the Element model tree stand, including the Element model sold separately, sold hydro dipped in camouflage, and sold as part of a bundle with climbing sticks, and therefore infringes D'Acquisto's rights under the '925 patent, including at least by infringement of claims 1, 2, 3 and 5 of the '925 patent.

77. This infringement is willful, at least because Elevate continued its infringing activities after receiving actual notice of this infringement.

SECOND CAUSE OF ACTION

(Patent Infringement – Rize Model)

78. D'Acquisto incorporates herein by reference each and every allegation in the preceding paragraphs.

79. Pursuant to 35 U.S.C. § 271, Elevate, without authority from D'Acquisto, makes, offers to sell, and sells the Rize model tree stand, including the Rize model sold separately, sold hydro dipped in camouflage, and sold as part of a bundle with climbing sticks, and therefore infringes D'Acquisto's rights under the '925 patent, including at least by infringement of claims 1, 2, 3, 5 and 6 of the '925 patent.

80. This infringement is willful, at least because Elevate continued its infringing activities after receiving actual notice of this infringement.

THIRD CAUSE OF ACTION

(Patent Infringement – Ultra Model)

81. D’Acquisto incorporates herein by reference each and every allegation in the preceding paragraphs.

82. Pursuant to 35 U.S.C. § 271, Elevate, without authority from D’Acquisto, makes, offers to sell, and sells the Ultra model tree stand, including the Ultra model sold separately, sold hydro dipped in camouflage, and sold as part of a bundle with climbing sticks, and therefore infringes D’Acquisto’s rights under the ‘925 patent, including at least by infringement of claims 1, 2, 3, 5 and 6 of the ‘925 patent.

83. This infringement is willful, at least because Elevate continued its infringing activities after receiving actual notice of this infringement.

PRAYER FOR RELIEF

WHEREFORE, in consideration of the foregoing, Plaintiff respectfully requests that this Court enter an Order granting the following relief:

A. For a decree adjudging that U.S. Patent No. 12,063,925 has been infringed by Elevate and that D’Acquisto has been damaged by said infringement.

B. For an injunction permanently enjoining Elevate, its officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of the decree of this Court by personal service or otherwise, from directly or indirectly infringing the claims of U.S. Patent No. 12,063,925.

C. For an accounting and damages against Elevate, according to proof at the time of trial, for all damages suffered by Plaintiff by reason of the infringement by Elevate of U.S. Patent No. 12,063,925 in an amount not less than a reasonable royalty, together with interest and costs, trebled, pursuant to 35 U.S.C. § 284.

D. For damages in an amount equal to three times the amount of damages found or assessed to compensate Plaintiff for any act of infringement by Elevate that is determined to be a willful, deliberate and intentional act, pursuant to 35 U.S.C. § 284.

E. For reasonable attorney fees, pursuant to 35 U.S.C. § 284, should the Court find this to be an exceptional case.

F. That Plaintiff has such other and further relief as the circumstances of the case may require or as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38, Plaintiff hereby demands a jury trial on all issues triable by jury.

DESIGNATION OF PLACE OF TRIAL

Plaintiff designates Kansas City, Kansas as the place of trial.

Dated: September 11, 2024

Respectfully submitted,

GM LAW, PC

By: /s/ Phillip G. Greenfield
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Kansas City, Missouri 64106
Telephone: (816) 471-77000
philg@gmlawpc.com

RYAN KROMHOLZ & MANION, S.C.

Daniel R. Johnson (Pro hac vice pending,
WI Bar No. 1033981)
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P.O. Box 26618
Milwaukee, Wisconsin 53226-0618
Telephone: (262) 783-1300
Facsimile: (262) 783-1211
djohnson@rkmiplaw.com

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

Andrae D'Acquisto

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Phillip G. Greenfield, GM Law PC, 1201 Walnut, Suite
2000, Kansas City, MO 64106

DEFENDANTS

Elevate Stand Co LLC

County of Residence of First Listed Defendant Reno (KS)
(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 | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 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
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 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 of U.S. Patent No 12,063,925

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$
>\$75,000

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

09/11/2024

SIGNATURE OF ATTORNEY OF RECORD

Phillip G. Greenfield

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 cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

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

Attorneys

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