

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE NEO WIRELESS, LLC	§	
	§	2:22-MD-03034-TGB
PATENT LITIG.	§	
	§	
	§	HON. TERRENCE G. BERG
	§	
	§	

NEO WIRELESS, LLC,	§	2:22-CV-11405-TGB
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	HON. TERRENCE G. BERG
NISSAN NORTH AMERICA	§	
INC. & NISSAN MOTOR	§	
ACCEPTANCE CORPORATION	§	
a/k/a NISSAN MOTOR	§	
ACCEPTANCE COMPANY	§	
LLC,	§	
	§	JURY TRIAL DEMANDED
	§	
<i>Defendants.</i>	§	

**PLAINTIFF NEO WIRELESS, LLC’S FIRST AMENDED
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Neo Wireless, LLC (“Neo Wireless,” “Neo,” or “Plaintiff”), brings this action for patent infringement under 35 U.S.C. § 271 against Defendants Nissan North America Inc. (“Nissan NA”) and Nissan Motor Acceptance Corporation (“NMAC”) (collectively, “Nissan,” “Nissan Defendants,” or

“Defendants”). Neo files this amended complaint to add additional defendants, and to address the arguments made in Nissan’s Motion to Dismiss (Dkt. 19). To be clear, Neo strongly disagrees with the arguments in Nissan’s motion, which mischaracterize Neo’s original complaint, ignore the clear sufficiency of Neo’s complaint under the appropriate pleading standards, and improperly rely on matter outside the pleadings. Neo’s original complaint, which contained over 300 pages of detailed allegations and claims charts, drastically *exceeded* the specificity required to plausibly allege Nissan’s infringement of the Asserted Patents. Nevertheless, to reduce the burden on the Court, Neo has filed this Amendment within its time to do so as a matter of course, in order to moot Nissan’s motion and leave no doubt that Neo has stated a claim for which relief can be granted.

Plaintiff alleges, based upon its own personal knowledge with respect to its own actions and based upon information and belief with respect to all others’ actions, as follows:

THE PARTIES

1. Plaintiff Neo Wireless, LLC is a Delaware corporation with its principal place of business located in Wayne, Pennsylvania.
2. On information and belief, Defendant Nissan North America Inc. (“Nissan NA”) is a corporation organized and existing under the laws of the state of Delaware with its principal place of business at One Nissan Way, Franklin,

Tennessee 37067. Nissan NA may be served through its registered agent, Corporation Service Company, 2908 Poston Ave., Nashville, Tennessee 37203.

3. On information and belief, Defendant Nissan Motor Acceptance Corporation a/k/a Nissan Motor Acceptance Company LLC (“NMAC”) is a corporation organized and existing under the laws of the state of Delaware with its principal place of business at One Nissan Way, Franklin, Tennessee 37067. NMAC may be served through its registered agent, Corporation Service Company, 2908 Poston Ave., Nashville, Tennessee 37203.

JURISDICTION AND VENUE

4. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

5. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in the Middle District of Tennessee under 28 U.S.C. § 1400(b) against Nissan NA and NMAC because, on information and belief, each Nissan Defendant (1) has committed acts of infringement in the Middle District of Tennessee and (2) has a regular and established place of business in the Middle District of Tennessee.

7. The Middle District of Tennessee has general personal jurisdiction over Nissan NA and NMAC because each entity’s principal place of business is in the forum state and in the Middle District of Tennessee.

8. The Nissan Defendants are also subject to the Middle District of Tennessee's specific personal jurisdiction due at least to the Nissan Defendants' substantial business activities in the Middle District of Tennessee. Defendants have continuous and systematic business contacts with the State of Tennessee. Specifically, Defendants conduct business and have committed acts of patent infringement and have induced acts of patent infringement by others in the Middle District of Tennessee, the State of Tennessee, and elsewhere in the United States. Defendants, directly and through subsidiaries or intermediaries, have committed and continue to commit acts of infringement in the Middle District of Tennessee by, among other things, designing, developing, manufacturing, importing, offering to sell, and selling products that infringe the asserted patents.

9. Defendants do and intend to do business in Tennessee and in the Middle District of Tennessee, directly or through intermediaries, and offer their products and/or services, including those accused herein of infringement, to customers and potential customers located in Tennessee and in the Middle District of Tennessee.

10. Defendants, both directly and through their subsidiaries or intermediaries (including distributors, retailers, and others), have purposefully and voluntarily placed one or more infringing products and/or services, as described below, into the stream of commerce with the expectation that those products will

be purchased and used by customers and/or consumers in the Middle District of Tennessee.

11. Defendants maintain facilities in the Middle District of Tennessee and throughout the State of Tennessee, including at least Nissan NA's headquarters at One Nissan Way, Franklin, Tennessee 37067, and Nissan's Smyrna Vehicle Assembly Plant at 983 Nissan Drive, Smyrna, Tennessee 37167.

12. Nissan's Smyrna Vehicle Assembly Plant has an annual production capacity of 640,000 vehicles and currently produces at least six different vehicle models.¹

13. These infringing products and/or services have been and continue to be made, used, sold, offered for sale, purchased, and/or imported by customers and/or consumers in the Middle District of Tennessee.

14. Defendants have placed the Accused Products into the stream of commerce by selling and/or offering to sell the Accused Products in the Middle District of Tennessee, shipping Accused Products into the Middle District of Tennessee, and/or shipping Accused Products knowing that those products would be shipped into the Middle District of Tennessee.

¹ <https://www.nissanusa.com/about/corporate-information.html>.

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