

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

IN RE NEO WIRELESS, LLC  
PATENT LITIG.

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2:22-MD-03034-TGB

HON. TERRENCE G. BERG

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NEO WIRELESS, LLC,

*Plaintiff,*

v.

TESLA INC.,

*Defendant.*

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2:22-CV-11408-TGB

HON. TERRENCE G. BERG

JURY TRIAL DEMANDED

**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 Defendant Tesla, Inc. (“Tesla” or “Defendant”). 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, Tesla, Inc. is a company organized and existing under the laws of Delaware, with its principal place of business at 3500 Deer Creek Road, Palo Alto, California. Tesla may do business with the fictitious name Tesla Motors, Inc. Tesla may be served through its registered agent, CT Corporation, at 1999 Bryan Street, Suite 900, Dallas, Texas, 75201.

### **JURISDICTION AND VENUE**

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

4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331, 1332 and 1338(a).

5. Venue is proper in the Eastern District of Texas under 28 U.S.C. § 1400(b) against Tesla because, on information and belief, Tesla (1) has committed acts of infringement in the Eastern District of Texas and (2) has a regular and established place of business in the Eastern District of Texas.

6. The Eastern District of Texas has personal jurisdiction over Tesla. Tesla has continuous and systematic business contacts with the State of Texas. Tesla, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), conducts its business extensively throughout Texas, by

shipping, distributing, offering for sale, selling, and advertising (including the provision of interactive web pages) its vehicles and services in the State of Texas and the Eastern District of Texas.

7. Tesla, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), has purposefully and voluntarily placed its infringing vehicles and services into the Eastern District of Texas and into the stream of commerce with the intention and expectation that they will be purchased and used as designed by consumers in the Eastern District of Texas. Tesla has offered and sold and continues to offer and sell these infringing vehicles and services in the Eastern District of Texas, including at physical Tesla stores located within the Eastern District of Texas.

8. 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 Eastern District of Texas.

9. Tesla occupies several permanent, physical places within the Eastern District of Texas from which Tesla carries out its business. For example, Tesla has physical gallery/stores in the following locations in the Eastern District of Texas: (1) 5800 Democracy Drive, Plano, TX 75024 (“Plano-Democracy Drive”); (2) 7500 Windrose Avenue Space B185, Plano TX 75024 (“Plano-Legacy West”); and (3) 3408 S SW Loop 323, Tyler, TX 75701 (“Tyler Site”). Tesla conducts business

from these locations and has employees who work at these Tesla locations in the Eastern District of Texas. For example, on information and belief, Tesla's Plano-Democracy Drive and Tyler sites provide both sales and services. On further information and belief, Tesla operates a sales gallery at the Plano-Legacy West site.

10. As another example of permanent, physical places within the Eastern District of Texas from which Tesla carries out its business, Tesla has a number of Supercharger stations in the Eastern District of Texas, including at least: (1) Texarkana Supercharger, 3101 Mall Drive Texarkana, TX 75503; (2) Sulphur Springs Supercharger, 300 W Tomlinson Street Sulphur Springs, TX 75482; (3) Lindale Supercharger, 17044 I-20 Lindale, TX 75771; (4) Nacogdoches Supercharger, 2615 NW Stallings Dr Nacogdoches, TX 75964; (5) Plano, TX Supercharger, 7161 Bishop Road, Plano TX 75024; and (6) Denison, TX Supercharger, 4300 TX-91, Denison, TX 75020. These Supercharger stations have commercial signage identifying the location as a regular and established place of Tesla's business and are closely monitored and serviced by Tesla Service Technicians.

11. As a further example of permanent physical places within the Eastern District of Texas from which Tesla carries out its business, Tesla maintains multiple destination charger stations in the Eastern District of Texas. Upon

information and belief, these destination charger stations have commercial signage identifying the location as a regular and established place of Tesla's business, and Tesla provides assistance with installation and charging hardware for these destination charger stations.

12. On information and belief, Tesla monitors and controls supercharging or destination charging and sends notifications when charging is complete with the Tesla app. On information and belief, the monitoring and controlling of charging and the transmission of notification messages are conducted over cellular networks.

13. Tesla has placed the Accused Products into the stream of commerce by selling and/or offering to sell the Accused Products in the Eastern District of Texas, shipping Accused Products into the Eastern District of Texas, and/or shipping Accused Products knowing that those products would be shipped into the Eastern District of Texas.

### **THE ASSERTED PATENTS**

#### **I. The '366 Patent**

14. On June 18, 2013, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,467,366 ("the '366 patent"), entitled

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