UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

No. 1:24-cv-00543

Guangzhou Lightsource Electronics Limited et al.,
Plaintiffs,
v.
Pine Locks,
Defendant.

OPINION AND ORDER

Plaintiffs bring this action for a declaration of patent noninfringement and invalidity against defendant Pine Locks, the owner of U.S. Patent No. 10,378,239, covering smart locks. Doc. 1. Plaintiffs sell smart locks through Amazon and, on April 16, 2024, received an email from Amazon indicating that defendant accused their products of infringing its patent. Doc. 1 at 3. The email also stated that, unless plaintiffs took action, the alleged infringing products would be removed from Amazon within three weeks. *Id.*

Plaintiffs filed their initial complaint on May 2, 2024, and, after defendant moved to dismiss, filed an amended complaint (Doc. 15) on September 3, 2024. Defendant filed a renewed motion to dismiss, arguing that the amended complaint failed to establish that defendant is subject to personal jurisdiction in the District of Delaware. Docs. 17, 18. For the reasons below, the court lacks personal jurisdiction over defendant Pine Locks but, in the interest of justice, transfers this case to the District of Colorado, where defendant has consented to jurisdiction.

Because the claims here center on patent noninfringement and invalidity, the court "appl[ies] Federal Circuit law because the jurisdictional issue is intimately involved with the substance of the patent laws." *Xilinx, Inc. v. Papst Licensing GmbH & Co. KG*, 848 F.3d 1346, 1352 (Fed. Cir. 2017). "Determining whether jurisdiction exists over an out-of-state defendant involves two inquiries:

whether a forum state's long-arm statute permits service of process and whether assertion of personal jurisdiction violates due process." *Id*. Since the Delaware long-arm statute has been construed broadly to confer jurisdiction to the maximum extent possible, the jurisdictional inquiry focuses on constitutional due process. *Nespresso USA, Inc. v. Ethical Coffee Co.* SA, 263 F. Supp. 3d 498, 502 (D. Del. 2017) (Citing Del. Code Ann. Tit. 10 § 3104 (2017)).

The constitutional due process analysis for purposes of specific personal jurisdiction turns on three main considerations: "(1) whether the defendant purposefully directed its activities at residents of the forum; (2) whether the claim arises out of or relates to the defendant's activities with the forum; and (3) whether assertion of personal jurisdiction is reasonable and fair." *SnapPower v. Lighting Def. Grp.*, 100 F.4th 1371, 1374 (Fed. Cir. 2024) (quotation marks omitted). If plaintiff initially meets its burden of making a prima facie jurisdictional showing on the first two prongs, "the burden shifts to the defendant to prove that personal jurisdiction is unreasonable." *See Celgard, LLC v. SK Innovation Co.*, 792 F.3d 1373, 1377–78 (Fed. Cir. 2015). When evaluating this showing in the context of a motion to dismiss, "a district court must accept the uncontroverted allegations in the plaintiff's complaint as true and resolve any factual conflicts in the affidavits in the plaintiff's favor." *Elecs. for Imaging, Inc. v. Coyle*, 340 F.3d 1344, 1349 (Fed. Cir. 2003).

Plaintiffs first argue that defendant Pine Locks is subject to specific personal jurisdiction in Delaware because defendant filed the infringement complaint with Amazon, thereby preventing plaintiffs from continuing their sales of the accused products in that state. Doc. 15 at 4; Doc. 20 at 9–10. Plaintiffs rely heavily on the Federal Circuit's recent decision in *SnapPower*, which involved a similar infringement complaint through Amazon. 100 F.4th at 1374. In that case, the Federal Circuit determined that a defendant was subject to specific personal jurisdiction in the District of Utah because it had filed an Amazon complaint targeting

the sales of infringing products by the plaintiff in Utah. *Id.* at 1375. Crucially, that plaintiff was a Utah company with its principal place of business in Utah. *Id.* at 1373. Thus, in filing the Amazon complaint—triggering the removal of infringing products if plaintiff did not act—defendant's "express aim was the removal of [plaintiff's] Amazon.com listings, which would necessarily affect sales, marketing, and other activities in Utah." *Id.* at 1377.

Here, the situation is different because there is nothing in the record to demonstrate that defendant "purposely directed its activities at residents of [Delaware] and that the [plaintiffs'] claim arises from or relates to those activities." *Radio Sys. Corp. v. Accession, Inc.*, 638 F.3d 785, 789 (Fed. Cir. 2011). Plaintiffs are foreign companies organized under the laws of China with places of business in China. Doc. 15 at 1–2. Plaintiffs, it would appear, sell their products world-wide through Amazon. Thus, unlike the *SnapPower* plaintiff, they are not primarily associated with one State. Plaintiffs' argument, at base, is that defendant must be subject to jurisdiction in Delaware because its Amazon complaint could potentially affect future sales by plaintiffs in Delaware. Taken to its logical conclusion, this would suggest that defendant could be subject to personal jurisdiction in all 50 states just by the mere act of filing an Amazon complaint.

Such a conclusion would violate the Federal Circuit's reasoning in *Maxchief Invs., Ltd. v. Wok & Pan Indus., Inc.*, 909 F.3d 1134 (Fed. Cir. 2018). There, the Federal Circuit held that "a patentee's suit against a company in California did not give rise to specific jurisdiction over the patentee in Tennessee, the home state of a downstream distributor of the California company." *SnapPower*, 100 F.4th at 1376 (citing *Maxchief*, 909 F.3d at 1138). The Federal Circuit specifically cautioned that "it is not enough that [the patentee's] lawsuit might have 'effects' in Tennessee." *Maxchief*, 909 F.3d at 1138. "Rather, jurisdiction 'must be based on intentional conduct by the defendant' directed at the forum." *Id.* (quoting *Walden v. Fiore*, 571 U.S. 277, 286 (2014)). Similarly here, the complaint is devoid of any indication that defendant

specifically targeted sales or operations by plaintiffs in Delaware with its Amazon complaint. The fact that the complaint may affect some sales in Delaware is insufficient to satisfy minimum contacts. *See Red Wing Shoe Co. v. Hockerson-Halberstadt, Inc.*, 148 F.3d 1355, 1359 (Fed. Cir. 1998) ("Random, fortuitous, or attenuated contacts do not count in the minimum contacts calculus." (quotation marks omitted)).

Plaintiffs also suggest that defendant should be subject to specific personal jurisdiction in the District of Delaware because defendant "has entered into one or more license agreements designating the State of Delaware as the forum for resolving disputes arising out of the license agreement(s)." Doc. 15 at 4. However, the complaint is silent as to how the infringement claims at issue here arise out of or relate to these forum-selection clauses. In short, because plaintiffs fail to link the licensing agreements to this case in any way, the forum-selection clauses cannot form the basis for specifical personal jurisdiction in this matter. *See Radio Sys. Corp.*, 638 F.3d at 793 ("Because this action did not arise out of the subject matter of the confidential disclosure agreement, the forum selection clause of that agreement has no effect on the question of personal jurisdiction.").

Finally, plaintiffs argue in the alternative that this court has personal jurisdiction under Fed. R. Civ. P. 4(k)(2), which provides that service can establish personal jurisdiction over a defendant "not subject to jurisdiction in any state's courts of general jurisdiction."

In their amended complaint, plaintiffs claim that, at the time this action was filed, defendant was not subject to personal jurisdiction in any state court. Doc. 15 at 5. However, defendant points out that on July 20, 2023, almost a year before the initial complaint in this case was filed, it consented to general personal jurisdiction in a separate case brought in the District of Colorado. *See* Doc. 18 at 7–9; Doc. 12-2 at 21–22, 34; *see also Prestan Prods. LLC v. Innosonian Am., LLC*, No. 2:23-cv-00463, 2024 WL 278985, at *1 n.6 (D.N.J. Jan. 25, 2024) ("In assessing a motion to dismiss

for lack of personal jurisdiction, evidence outside of the pleadings is routinely considered." (citing *Genetic Veterinary Scis., Inc. v. LABOKLIN GmbH & Co. KG*, 933 F.3d 1302, 1309 (Fed. Cir. 2019))). Importantly, "[u]nlike with subject-matter jurisdiction, a party can consent to personal jurisdiction." *Bright Data Ltd. v. BI Sci. (2009) Ltd.*, No. 2020-2118, 2023 WL 5605658, at *2 (Fed. Cir. Aug. 30, 2023).

In addition to its prior consent to jurisdiction, defendant represents that it has "conduct[ed] several business activities in Colorado, including entering into multiple licensing agreements with Colorado designated as the forum, communicating with its patent counsel in Colorado, and strategizing and implementing its patent licensing programs, including by processing and collecting royalty payments through counsel in Colorado." Doc. 26 at 7; *see also* Doc. 12-2 at 21–22, 34.

Plaintiffs rely on *In re Stingray IP Sols., LLC*, for the proposition that a "defendant . . . cannot simply use a 'unilateral statement of consent' to preclude application of Rule 4(k)(2)." 56 F.4th 1379, 1385 (Fed. Cir. 2023) (quoting *Merial Ltd. v. Cipla Ltd.*, 681 F.3d 1283, 1295 (Fed. Cir. 2012)). However, as defendant notes, that case specifically dealt with "unilateral, post-suit consent" that would effectively allow a defendant to defeat Rule 4(k)(2) and transfer a case to any preferred district in the United States. *Id.* at 1386. The situation here is distinguishable because defendant consented to jurisdiction in Colorado in a completely unrelated proceeding almost a year before the initiation of this lawsuit. Therefore, the court concludes that defendant has sufficiently established that it was subject to personal jurisdiction in Colorado at the inception of this action, thereby rendering personal jurisdiction under Rule 4(k)(2) improper.

Plaintiff requests that, in the event this court concludes it does not have jurisdiction, the case be transferred to the District of Colorado instead of dismissed. Doc. 20 at 14. "As an alternative to dismissal, where a court finds that it lacks personal jurisdiction it may transfer the action 'to any other court in which the action

could have been brought,' so long as such a transfer 'is in the interest of justice.'" *W.L. Gore & Assocs., Inc. v. AGA Med. Corp.*, No. 1:11-cv-00539, 2012 WL 924978, at *10 (D. Del. Mar. 19, 2012) (quoting 28 U.S.C. § 1631). As defendant notes, it "would have a hard time arguing against personal jurisdiction in Colorado" given its prior consent to general personal jurisdiction. Doc. 26 at 8. Since dismissal could result in the immediate delisting of the accused products by Amazon, Doc. 20 at 14, the court concludes that transfer to the District of Colorado is in the interest of justice.

Therefore, the court finds that it lacks personal jurisdiction over defendant and, in the interest of justice, transfers this case to the District of Colorado. Defendant's motion to dismiss (Doc. 17) is thus denied.

So ordered by the court on August 5, 2025.

J. CAMPBELL BARKER
United States District Judge