##### [Your name, Esq.]

##### [Firm name]

##### [Firm address line 1]

##### [Firm address line 2]

Attorney for Plaintiff [or Plaintiffs]

[Name(s) of plaintiff(s)]

**U.S. district court**

**[DISTRICT AND DIVISION]**

|  |  |  |
| --- | --- | --- |
| [Name(s) of plaintiff(s)  Plaintiff(s)], v.[Name(s) of defendant(s)  Defendant(s)]. |  | Case No.: \_\_\_\_\_\_\_\_\_\_\_\_ [leave blank]**COMPLAINT FOR [explain]****[INDICATE JURY DEMAND]** |

[INSTRUCTIONS: the bracketed material is guidance and is to be removed. Look to other complaints both for language that might be useful as well as for examples. Each paragraph should be numbered. Maintain the spacing.]

[Prior to the “Nature of the Action,” you may provide a short introductory paragraph here, a couple lines, similar to that in the amended *Apple v. Samsung I* complaint. See <http://www.patentprogress.org/wp-content/uploads/2012/11/Filing-75-Amended-Complaint-Apple-Samsung-I-18462.pdf> for the complaint.]

## THE NATURE OF THE ACTION

1. [Use one or more paragraphs to explain, in “short and plain” terms, the nature of the dispute. It is appropriate to be persuasive here.]
2. [You may use additional paragraphs here. Hit enter to add paragraphs and update the numbering.]

### **THE PARTIES**

1. [Allegations regarding the plaintiff and its domicile.]
2. [Allegations regarding defendant 1 and its domicile, including address and other contact info.]
3. [Add additional paragraphs regarding any other defendants.]

### **JURISDICTION AND VENUE**

1. [Allegations regarding subject matter jurisdiction. Bases may include 28 U.S.C. §§ 1331, 1332, 1338, and for supplemental claims, 1367. Do not be conclusory. Tie the facts briefly into the law.]
2. [Allegations regarding personal jurisdiction, including Constitutional bases as well as the applicable state’s long-arm statute. Do not be conclusory. Tie the facts briefly into the law.]
3. [Allegations regarding venue. For patent or copyright venue, because of the TC Heartland case, you cannot use 28 U.S.C. § 1391. Instead, rely on 28 U.S.C. § 1400 for both patent and copyright claims. For trademark, unfair competition, or state-law claims, you can and should rely on 28 U.S.C. § 1391 for venue. Do not be conclusory. Tie the facts briefly into the law.]

**BACKGROUND**

[In this section, provide allegations regarding the plaintiff’s intellectual property rights, such as nature of ownership (by invention or assignment), nature of rights (including copyright registration, trademark registration, and/or patent issuance, as the case may be. After *Iqbal* and *Twombly*, facts matter, so do not skimp on details. (Thus, the Apple v. Samsung II complaint is too bare-bones in my opinion. See <https://insight.rpxcorp.com/litigation_documents/9581880>). Another reason to be persuasive because that may help urge the defendant to settle. IP owners will sometimes file a complaint and send a courtesy copy via mail (prior to service) as a prompt towards settling. So be persuasive so long as you are also being legally and factually truthful pursuant to FRCP 11. You can use subheadings such as the example shown below, similar to the *Apple v. Samsung I* complaint.]

**Subheading example: Plaintiff’s rights**

1. [More detailed allegations regarding the plaintiff’s rights. For copyrights, give examples of the relevant rights, etc.. For patents, include claims and patent number, etc. Images can be pasted in. See the *Apple v. Samsung I* complaint.]
2. [Additional paragaphs. Add or delete paragraphs as needed.]
3. [Additional paragaphs. Add or delete paragraphs as needed.]
4. [Additional paragaphs. Add or delete paragraphs as needed.]
5. [Additional paragaphs. Add or delete paragraphs as needed.]

**Subheading example: Defendant’s infringement**

1. [More detailed allegations regarding the defendant’s infringement, along with what happened during enforcement, if any. Show what the infringement was. You can cite language from the website and any C&D letters or responses. Images can be pasted in.]
2. [Additional paragraphs. Add or delete paragraphs as needed.]
3. [Additional paragraphs. Add or delete paragraphs as needed.]
4. [Additional paragraphs. Add or delete paragraphs as needed.]
5. [Additional paragraphs. Add or delete paragraphs as needed.]

**FIRST CLAIM FOR RELIEF**

**(State type of relief, such as “Copyright infringement,” or “Infringement of the ‘XYZ patent,” or relevant Trademark or Unfair Competition claims)**

1. Plaintiff incorporates and realleges paragraphs [paragraphs \_\_\_\_ through \_\_\_\_] of this Complaint. [Such incorporation by reference is traditional and is also permitted under the FRCP.]
2. [Here, you can be conclusory since you’ve provided the factual predicate necessary to satisfy *Iqbal* and *Twombly*. Instead, provide the skeleton or outline of the cause of action for the first claim for relief. The claim here might be for direct, secondary, or some other kind of infringement. I’d recommend you look at the relevant law and state the elements, paragraph by paragraph. You can see examples in the various complaint templates via my website or otherwise online.]
3. [Additional paragraphs. Add or delete paragraphs as needed.]
4. [Additional paragraphs. Add or delete paragraphs as needed.]
5. [Additional paragraphs. Add or delete paragraphs as needed.]

**SECOND CLAIM FOR RELIEF**

**(State type of relief for this claim)**

1. Plaintiff incorporates and realleges paragraphs [paragraphs \_\_\_\_ through \_\_\_\_] of this Complaint. [Note, no need to include this if there is only one claim for relief. But you might be ]
2. [Example: if you have claims for both direct copyright infringement and contributory infringement, make direct infringement the first claim, and contributory infringement the second claim, and so on. Or claim 1 might be direct patent infringement (via literal or DOE infringement, or both), and claim 2 be inducement. Or claim 1 is infringement of registered trademarks under Section 32(1) and claim 2i s infringement of marks under Section 43(a), or dilution under Section 43(c), etc. You can also look into state law. Only include additional claims if plausibly supported by the facts and law.]
3. [Additional paragraphs. Add or delete paragraphs as needed.]
4. [Additional paragraphs. Add or delete paragraphs as needed.]
5. [Additional paragraphs. Add or delete paragraphs as needed.]
6. [Additional paragraphs. Add or delete paragraphs as needed.]

**PRAYER FOR RELIEF**

WHEREFORE, [Plaintiff(s)] pray(s) for relief, as follows:

1. [Here, the numbering starts afresh. In separate paragraphs, list each type of relief sought. You may look to other complaints for examples. Your demands should plausibly comport with the facts and the law. Typical types of relief are damages, declarations, preliminary and permanent injunctive relief, costs, and attorneys fees. *See* 15 U.S.C. §§ 1114, 1116, 1117, 1118.]
2. [Additional form of relief.]
3. [Additional form of relief.]
4. [Additional form of relief.]
5. [Additional form of relief.]

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, [Plaintiff] hereby [demands/waives] trial by jury on [all issues raised by the Complaint, or something less than all issues, your decision.]

Dated: [Leave a blank space] [FIRM NAME, ALL CAPS]

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

 [Your name, Esq.]

 Attorney for Plaintiff(s)

 [NAME(S) OF PLAINTIFFS, ALL CAPS]

**LISTING OF EXHIBITS**

[*If* you have any exhibits, then on this page provide a listing of the exhibits from A to whatever letter. Then attach each exhibit, using some sort of labeling, which can be labels, legends, or cover sheets saying “Exhibit A,” “Exhibit B,” etc.]

Exhibit A: [What it is]

Exhibit B: [What it is]

Exhibit C: [What it is]