

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Core Distribution v. The World Trade Corporation, et al.

Core Distribution · No. 24-cv-24110-ALTMAN · Decided May 7, 2026

SUMMARY

This order addresses the defendants’ motion to dismiss Core Distribution’s claims for civil conspiracy, tortious interference with a business relationship, and patent infringement. The court analyzes personal jurisdiction, venue, service of process, claim and issue preclusion, tortious interference, patent marking, and the sufficiency of the patent-infringement allegations. The order states that the motion to dismiss is granted.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Roy K. Altman
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	May 7, 2026
DOCKET	24-cv-24110-ALTMAN
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rules of Civil Procedure 12(b)(3), 12(b)(5), and 12(b)(6) to dismiss claims for civil conspiracy, tortious interference with an advantageous business relationship, and patent infringement. The court granted the motion, dismissed Counts I and III without prejudice, dismissed Count II for failure to state a claim with leave to amend, and allowed the plaintiff one opportunity to file an amended complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and views them in the light most favorable to the plaintiff, but disregards unsupported legal conclusions; the complaint must state a claim that is plausible on its face. For personal jurisdiction and venue decided on the pleadings, uncontested allegations are accepted as true, while a defendant challenging them with evidence may shift the burden to the plaintiff. A facially regular return of service is presumed valid unless rebutted by clear and convincing evidence.

TOPICS

motions to dismiss

patent infringement

personal jurisdiction

venue

service of process

PRACTICE AREAS

civil procedure

intellectual property

patent infringement

commercial litigation

torts

QUESTIONS PRESENTED

1. Whether the complaint adequately alleged personal jurisdiction over Francisco Cruz.
2. Whether venue was proper in the Southern District of Florida for the patent claims against the individual defendants.
3. Whether service of process on Alexander Joch was insufficient under Florida law.
4. Whether Count II for tortious interference was barred by claim or issue preclusion.
5. Whether Count II plausibly alleged intentional and unjustified interference with a business relationship.
6. Whether Count I plausibly alleged civil conspiracy.
7. Whether the complaint adequately pleaded compliance with the patent marking and notice requirements of 35 U.S.C. § 287(a).
8. Whether the patent-infringement claim adequately alleged liability against the individual defendants.

HOLDINGS

1. The court had general personal jurisdiction over Cruz at the pleading stage because the complaint alleged that he resided in the Southern District of Florida and defendants submitted no evidence controverting that allegation.
2. Venue was proper in the Southern District of Florida because the complaint alleged that each individual defendant resided there, and the allegations were not controverted by evidence.
3. Service on Alexander Joch was sufficient because the return of service was regular on its face and the defendants failed to rebut it with clear and convincing evidence.
4. The court declined to dismiss Count II on claim- or issue-preclusion grounds because the defendants did not establish the required identity of parties or privies and did not show that the Minnesota action involved the same cause of action or identical issue.
5. Count II failed to state a claim because the complaint did not plausibly allege intentional and unjustified interference. As to Cruz, he was not a stranger to Core's relationship with Sherwin Williams and the complaint did not allege improper means or purely malicious motive. As to the remaining defendants, the alleged relationship had already ended before the alleged interference, and the complaint did not plead facts overcoming Florida's privilege to compete.

6. The complaint failed to plead compliance with the patent marking statute. The plaintiff could nevertheless proceed only on damages accruing after actual notice: April 8, 2024, for World Trade Corporation, Alexander Joch, and Frederick Joch, and October 23, 2024, the filing date, for Christopher Joch, Cruz, and Austram.
7. Count III failed to state a patent-infringement claim against the individual defendants because the complaint alleged infringement only by World Trade Corporation and Austram and did not allege that any individual made, used, offered to sell, or sold the patented invention.
8. Count I failed to state a claim because Florida does not recognize civil conspiracy as an independent cause of action, the complaint did not identify a viable underlying tort, and it did not plead a particularized agreement among the defendants.

KEY QUOTATIONS

“For the interference to be unjustified, the interfering defendant must be a third party, a stranger to the business relationship.” (IV.b)

“The patentee bears the burden of pleading and proving he complied with § 287(a)’s marking requirement.” (V.a)

“To allege a conspiracy, a plaintiff must make particularized allegations that are more than vague or conclusory.” (VI)

“Experience teaches that, unless cases are pled clearly and precisely, issues are not joined, discovery is not controlled, the trial court’s docket becomes unmanageable, the litigants suffer, and society loses confidence in the court’s ability to administer justice.” (Conclusion)

FACTUAL BACKGROUND

Core Distribution developed extendable ladders and had a longstanding vendor relationship with Sherwin Williams. Sherwin Williams canceled purchase orders in March 2021, and Core alleged that former employee Francisco Cruz and the other defendants thereafter caused Austram and World Trade Corporation to replace Core as a ladder vendor and sell products allegedly covered by Core's patent and trademarks. Core also alleged that the defendants presented products at a 2021 Sherwin Williams line review after Core was excluded. Core previously sued Cruz in Minnesota, obtaining a jury verdict for breach of fiduciary duty and unjust enrichment, and later sent an infringement letter to World Trade Corporation, Alexander Joch, and Frederick Joch on April 8, 2024.

PROCEDURAL HISTORY

Core Distribution filed the action on October 23, 2024, asserting civil conspiracy, tortious interference with an advantageous business relationship, and patent infringement against four individuals and two corporations. Defendants moved to dismiss on personal-jurisdiction, venue, service-of-process, preclusion, pleading, patent-marking, and individual-liability grounds. The court granted the motion, finding personal jurisdiction and venue adequately supported, service valid, Count II inadequately pleaded, Count I unsupported by an underlying tort and insufficiently particularized, and Count III deficient as to marking, damages notice, and individual-defendant liability.

DISPOSITION

other

CASES CITED

- Dusek v. JPMorgan Chase & Co., 832 F.3d 1243, 1246 (11th Cir. 2016)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-70 (2007)
- Daimler AG v. Bauman, 571 U.S. 117, 137 (2014)
- Ford Motor Co. v. Mont. Eighth Jud. Dist. Ct., 592 U.S. 351, 358 (2021)
- Molinos Valle Del Cibao, C. por A. v. Lama, 633 F.3d 1330, 1342, 1349 (11th Cir. 2011)
- Wilchombe v. TeeVee Toons, Inc., 555 F.3d 949, 959 (11th Cir. 2009)
- Bracewell v. Nicholson Air Servs., Inc., 748 F.2d 1499, 1504 (11th Cir. 1984)
- In re ZTE (USA) Inc., 890 F.3d 1008, 1012 (Fed. Cir. 2018)
- Celgene Corp. v. Mylan Pharms. Inc., 17 F.4th 1111, 1119-20 (Fed. Cir. 2021)
- Minn. Min. & Mfg. Co. v. Eco Chem., Inc., 757 F.2d 1256, 1265 (Fed. Cir. 1985)
- Estate of Myhra v. Royal Caribbean Cruises, Ltd., 695 F.3d 1233, 1239 (11th Cir. 2012)
- TC Heartland v. Kraft Foods Grp. Brands, LLC, 581 U.S. 258, 270 (2017)
- Robles-Martinez v. Diaz, Reus & Targ, LLP, 88 So. 3d 177, 179 (Fla. 3d DCA 2012)
- Friedman v. Schiano, 777 F. App'x 324, 328, 330 (11th Cir. 2019)
- Telf Corp. v. Gomez, 671 So. 2d 818, 819 (Fla. 3d DCA 1996)
- Carter v. Verizon Wireless, 2015 WL 13310395, at *1 (M.D. Fla. Oct. 14, 2015)
- In re Air Crash near Rio Grande Puerto Rico on Dec. 3, 2008, 2016 WL 6916601, at *1 (S.D. Fla. Nov. 3, 2016)
- Taylor v. Sturgell, 553 U.S. 880, 893 (2008)
- Baloco v. Drummond Co., 767 F.3d 1229, 1246 (11th Cir. 2014)
- Christo v. Padgett, 223 F.3d 1324, 1339 (11th Cir. 2000)
- In re Piper Aircraft Corp., 244 F.3d 1289, 1296 (11th Cir. 2001)
- Int'l Sales & Serv., Inc. v. Austral Insulated Prods., Inc., 262 F.3d 1152, 1154 (11th Cir. 2001)
- Duty Free Am., Inc. v. Estée Lauder Cos., Inc., 797 F.3d 1248, 1280 (11th Cir. 2015)
- Al Rushaid Petroleum Inv. Co. v. Siemens Energy Inc., 159 F.4th 887, 894-96 (11th Cir. 2025)
- Palm Beach Cnty. Health Care Dist. v. Pro. Med. Educ., Inc., 13 So. 3d 1090, 1094 (Fla. 4th DCA 2009)
- Ernie Haire Ford, Inc. v. Ford Motor Co., 260 F.3d 1285, 1294 (11th Cir. 2001)
- Shenzhen Kinwong Elec. Co. v. Kukreja, 574 F. Supp. 3d 1191, 1213-14 (S.D. Fla. 2021)
- Hurchalla v. Lake Point Phase I, LLC, 278 So. 3d 58, 66 (Fla. 4th DCA 2019)
- Gay v. Jupiter Island Compound, LLC, 358 So. 3d 780, 789-90 (Fla. 4th DCA 2023)
- Ethan Allen, Inc. v. Georgetown Manor, Inc., 647 So. 2d 812, 815 (Fla. 1994)

- Arctic Cat Inc. v. Bombardier Recreational Prods. Inc., 876 F.3d 1350, 1365-66 (Fed. Cir. 2017)
- Dunlap v. Schofield, 152 U.S. 244, 248 (1894)
- Arctic Cat, 950 F.3d 866-67 (Fed. Cir. 2020)
- Am. Med. Sys., Inc. v. Med. Eng'g Corp., 6 F.3d 1523, 1537 (Fed. Cir. 1993)
- Nike, Inc. v. Wal-Mart Stores, Inc., 138 F.3d 1437, 1446 (Fed. Cir. 1998)
- Gart v. Logitech, Inc., 254 F.3d 1334, 1345-46 (Fed. Cir. 2001)
- Minks v. Polaris Indus., Inc., 546 F.3d 1364, 1376 (Fed. Cir. 2008)
- Lubby Holdings LLC v. Chung, 11 F.4th 1355, 1360-61 (Fed. Cir. 2021)
- Devices for Med. Inc. v. Boehl, 822 F.2d 1062, 1066 n.18 (Fed. Cir. 1987)
- AlexSam, Inc. v. Aetna, Inc., 119 F.4th 27, 35 (Fed. Cir. 2024)
- Bot M8 LLC v. Sony Corp. of Am., 4 F.4th 1342, 1352-53 (Fed. Cir. 2021)
- Adnexus Inc. v. Meta Platforms, Inc., 160 F.4th 1216, 1221 (Fed. Cir. 2025)
- Wordtech Sys., Inc. v. Integrated Networks Sols., Inc., 609 F.3d 1308, 1313 (Fed. Cir. 2010)
- Mars, Inc. v. Coin Acceptors, Inc., 527 F.3d 1359, 1365 (Fed. Cir. 2008)
- Hoover Grp., Inc. v. Custom Metalcraft, Inc., 84 F.3d 1408, 1411 (Fed. Cir. 1996)
- Elof Hansson Paper & Bd., Inc. v. Caldera, 2011 WL 13115561, at *4 (S.D. Fla. Sept. 6, 2011)
- SD3, LLC v. Black & Decker (U.S.) Inc., 801 F.3d 412, 423 (4th Cir. 2015)
- Commil USA, LLC v. Cisco Sys., Inc., 575 U.S. 632, 638-39 (2015)
- Siegmund v. Xuelian Bian, 2018 WL 1611197, at *14 (S.D. Fla. Apr. 2, 2018)
- Rushing v. Bosse, 652 So. 2d 869, 875 (Fla. 4th DCA 1995)
- Int'l Rectifier Corp. v. Samsung Elecs. Co., 361 F.3d 1355, 1361 (Fed. Cir. 2004)
- Commil USA, LLC v. Cisco Sys., Inc., 575 U.S. 632, 638-39 (2015)
- Raimi v. Furlong, 702 So. 2d 1273, 1284 (Fla. 3d DCA 1997)
- Karnas v. Cuban, 2025 WL 3759241, at *12-13 (S.D. Fla. Dec. 30, 2025)
- Parisi v. Kingston, 314 So. 3d 656, 662 (Fla. 3d DCA 2021)
- Albra v. City of Ft. Lauderdale, 232 F. App'x 885, 891 (11th Cir. 2007)
- Anderson v. Dist. Bd. of Tr. of Cent. Fla. Cmty. Coll., 77 F.3d 364, 366-67 (11th Cir. 1996)