

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Kamal v. Femtosense, Inc. and Sam Fok

Kamal · No. Civil Action No. 24-989-GBW-SRF · Decided March 24, 2026

SUMMARY

This Report and Recommendation addresses defendants’ motion to dismiss an amended patent infringement complaint, as well as the plaintiff’s motions to stay discovery and for a preliminary injunction. The court recommends granting dismissal with prejudice because the amended complaint failed to plausibly identify accused products and map the asserted patent limitations, and because the civil-rights claims lacked state action. It further recommends denying the remaining motions as moot and declining supplemental jurisdiction over the state-law claims.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Sherry R. Fallon
JURISDICTION	United States District Court for the District of Delaware
DECIDED	March 24, 2026
DOCKET	Civil Action No. 24-989-GBW-SRF
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on defendants' motion to dismiss an amended complaint under Federal Rule of Civil Procedure 12(b)(6), plaintiff's motion to stay discovery and for a Rule 26(f) conference, and plaintiff's motion for a preliminary injunction.
STANDARD OF REVIEW	Under Rule 12(b)(6), the court accepts well-pleaded factual allegations as true, construes the complaint in the plaintiff's favor, and determines whether the complaint states a facially plausible claim for relief. The court does not decide whether the plaintiff will ultimately prevail, but whether the plaintiff is entitled to offer evidence supporting the claims.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- patent infringement
- motions to dismiss
- civil rights
- injunctions
- discovery dispute

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly pleaded direct patent infringement under Rule 12(b)(6).
2. Whether the amended complaint could support claims for indirect and willful patent infringement.
3. Whether the defendants, private parties, could be liable for the alleged civil-rights violations as state actors.
4. Whether the court should exercise supplemental jurisdiction over the remaining state-law tort claims after dismissal of the federal claims.
5. Whether plaintiff was entitled to a preliminary injunction or a stay of discovery after dismissal of the amended complaint.

HOLDINGS

1. A complaint alleging direct patent infringement must plausibly indicate that the accused products contain each limitation of the asserted patent claim. Plaintiff's amended complaint failed to meet that requirement because it did not identify the accused Femtosense product or coherently map the claim limitations to the product's operations.
2. Because the amended complaint did not plausibly plead direct infringement, it also failed to state claims for indirect infringement and willful infringement.
3. The amended complaint did not state a plausible civil-rights claim because defendants were not alleged to be state actors.
4. After dismissal of the federal patent and civil-rights claims, the court recommended declining supplemental jurisdiction over plaintiff's remaining state-law tort claims.
5. The motion for a preliminary injunction and the motion to stay discovery were moot because dismissal of the amended complaint eliminated a live basis for those requests.

KEY QUOTATIONS

"To state a claim upon which relief can be granted pursuant to Rule 12(b)(6), a complaint must contain a 'short and plain statement of the claim showing that the pleader is entitled to relief.'"

"There can be no inducement or contributory infringement without an underlying act of direct infringement."

FACTUAL BACKGROUND

Plaintiff alleged that he owns U.S. Patent No. 10,965,315, titled "Data Compression Method," and that defendants' data-compression products infringed the patent. The amended complaint asserted direct, indirect, and willful patent infringement, civil-rights violations, and state-law claims for defamation and emotional distress. Plaintiff's claim chart placed excerpts from defendants' materials beneath patent claim language but did not identify an accused product or explain how the product practiced each asserted claim limitation.

PROCEDURAL HISTORY

Plaintiff initially filed a pro se patent-infringement action in the Delaware Court of Chancery, and defendants removed it to the District of Delaware. The court dismissed the original complaint for failure to state a claim but granted leave to amend. After plaintiff filed an amended complaint alleging patent infringement, civil-rights violations, defamation, and emotional distress, defendants moved to dismiss. The magistrate judge recommended granting dismissal with prejudice and denying plaintiff's discovery-stay and preliminary-injunction motions as moot, subject to district-court adoption.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570, 555-56 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 663 (2009)
- Fowler v. UPMC Shadyside, 578 F.3d 203, 210 (3d Cir. 2009)
- Phillips v. County of Allegheny, 515 F.3d 224, 233-34 (3d Cir. 2008)
- In re Burlington Coat Factory Sec. Litig., 114 F.3d 1410, 1420 (3d Cir. 1997)
- TMI Sols. LLC v. Bath & Body Works Direct, Inc., C.A. No. 17-965-LPS-CJB et al., 2018 WL 4660370, at *9 (D. Del. Sept. 28, 2018)
- Ancora Techs., Inc. v. Lenovo Grp. Ltd., C.A. No. 19-1712-CFC, 2020 WL 4530718, at *1 (D. Del. Aug. 6, 2020)
- Linear Tech. Corp. v. Impala Linear Corp., 379 F.3d 1311, 1326 (Fed. Cir. 2004)
- Staton Techiya, LLC v. Harman Int'l Indus., Inc., 734 F. Supp. 3d 354, 377 (D. Del. 2024)
- Hussein v. New Jersey, 403 F. App'x 712, 716 (3d Cir. 2010)
- Van Tassel v. Piccione, 608 F. App'x 66, 69 n.3 (3d Cir. 2015)
- Rhett v. N.J. State Superior Court, 260 F. App'x 513, 516 (3d Cir. 2008)
- Doe v. Christie, 33 F. Supp. 3d 518, 522 n.3 (D.N.J. 2014)
- Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)
- Sincavage v. Barnhart, 171 F. App'x 924, 925 n.1 (3d Cir. 2006)