

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, NORTHERN DIVISION

**Davaus, LLC v. S7 IP Holdings, LLC and Leading Edge Industries,
Inc.; S7 IP Holdings, LLC and Leading Edge Industries, Inc. v.
Davaus, LLC, Austin Ehle, and Dave Hockemeyer**

No. 1:25-CV-01003-CBK, United States District Court for the District of South Dakota, Northern Division (May
13, 2026)

SUMMARY

The United States District Court for the District of South Dakota denied Austin Ehle and Dave Hockemeyer’s motion to dismiss patent-infringement counterclaims for lack of personal jurisdiction. The court held that the counterclaim plaintiffs made a prima facie showing of personal jurisdiction and that allowing the claims against the individual defendants to proceed elsewhere could result in piecemeal litigation and inconsistent verdicts. The court also granted a motion to strike new arguments and evidence presented in the defendants’ reply and denied as moot the request to file a sur-reply.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Northern Division
WRITING FOR THE COURT	Charles B. Kornmann
JURISDICTION	United States District Court for the District of South Dakota, Northern Division
DECIDED	May 13, 2026
DOCKET	1:25-CV-01003-CBK
DISPOSITION	other
PROCEDURAL POSTURE	Counterclaim defendants Austin Ehle and Dave Hockemeyer moved under Federal Rule of Civil Procedure 12(b)(2) to dismiss the amended patent-infringement counterclaim for lack of personal jurisdiction. Counterclaim plaintiffs opposed the motion and moved to strike new arguments and evidence raised in the reply or, alternatively, to file a sur-reply.
STANDARD OF REVIEW	On a Rule 12(b)(2) motion without an evidentiary hearing, the counterclaim plaintiffs needed to make a prima facie showing of personal jurisdiction; the court viewed the evidence in the light most

favorable to them and resolved factual conflicts in their favor. Ultimately, the counterclaim plaintiffs bore the burden of establishing jurisdiction by a preponderance of the evidence at trial or at a pretrial evidentiary hearing. The court also exercised discretion to determine whether an evidentiary hearing was necessary and whether reply materials presenting new arguments and evidence should be stricken.

PRECEDENTIAL VALUE

unknown

TOPICS

personal jurisdiction

motions to dismiss

joinder

patent infringement

civil procedure

PRACTICE AREAS

civil procedure

patent litigation

personal jurisdiction

commercial litigation

QUESTIONS PRESENTED

1. Whether the court had personal jurisdiction over Ehle and Hockemeyer in the patent-infringement counterclaim.
2. Whether an evidentiary hearing was required to resolve the Rule 12(b)(2) motion.
3. Whether new arguments and evidence presented in Ehle and Hockemeyer's reply should be stricken.

HOLDINGS

1. The court had personal jurisdiction over Ehle and Hockemeyer, and their Rule 12(b)(2) motion to dismiss was denied.
2. No further evidentiary hearing was required because the parties had a fair opportunity to present the relevant facts and legal arguments and the matter was fully submitted.
3. The court granted the motion to strike or disregard the second declarations and all related arguments in the reply brief, and denied the motion for leave to file a sur-reply as moot.

KEY QUOTATIONS

“At bottom, a district court properly carries out its role of disposing of a pretrial motion under Rule 12(b)(2) by applying procedures that provide the parties with a fair opportunity to present the court the relevant facts and their legal arguments before it rules on the motion.”

“This Court finds that, after reviewing the parties’ submissions and legal arguments, this matter is fully submitted — no further evidentiary hearing is required.”

FACTUAL BACKGROUND

Ehle and Hockemeyer were the principals and sole members of Davaus and designed Davaus's allegedly infringing Kernel Keeper product. S7 owned the patent at issue, and Leading Edge held a license to manufacture

and distribute products covered by the patent rights. After Davaus sought a declaratory judgment concerning infringement, S7 and Leading Edge asserted patent-infringement counterclaims against Davaus, Ehle, and Hockemeyer. Ehle and Hockemeyer challenged personal jurisdiction in South Dakota, which the court found could be resolved on the written submissions without an evidentiary hearing.

PROCEDURAL HISTORY

Davaus originally filed a declaratory-judgment action in the Northern District of Indiana concerning S7's patent. The Indiana court transferred the action to the District of South Dakota after Davaus did not oppose transfer. S7 and Leading Edge later filed an amended patent-infringement counterclaim, and the court permitted joinder of Ehle and Hockemeyer as counterclaim defendants. The court denied Ehle and Hockemeyer's personal-jurisdiction motion, granted the motion to strike their second declarations and related reply arguments, and denied the sur-reply motion as moot.

DISPOSITION

other

CASES CITED

- Hawkeye Gold, LLC v. China National Materials Industry Import & Export Corp., 89 F.4th 1023, 1030-31 (8th Cir. 2023)
- Grayson v. Anderson, 816 F.3d 262, 268-69 (4th Cir. 2016)