

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Henderson v. Huupe

Henderson · No. 1:24-cv-00046-BAM · Decided June 4, 2025

OPINION

Henderson v. Huupe

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 LUKAS HENDERSON, Case No. 1:24-cv-00046-BAM 12 Plaintiff, SCREENING
ORDER GRANTING

PLAINTIFF LEAVE TO AMEND

13 v. (Doc. 1)

14 HUUPE,

15 Defendant. 16

17 Plaintiff Lukas Henderson (“Plaintiff”), proceeding pro se and in forma pauperis, initiated 18
this civil action on January 10, 2024. (Doc. 1.) Plaintiff’s complaint is currently before the Court
19 for screening. 20 I. Screening Requirement and Standard 21 The Court screens complaints
brought by persons proceeding in pro se and in forma 22 pauperis. 28 U.S.C. § 1915(e)(2).
Plaintiff’s complaint, or any portion thereof, is subject to 23 dismissal if it is frivolous or
malicious, if it fails to state a claim upon which relief may be 24 granted, or if it seeks monetary
relief from a defendant who is immune from such relief. 28 25 U.S.C. § 1915(e)(2)(B)(ii). 26 A
complaint must contain “a short and plain statement of the claim showing that the 27 pleader is
entitled to relief” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not 28 required, but
“[t]hreadbare recitals of the elements of a cause of action, supported by mere 1 conclusory
statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell 2 Atlantic*
Corp. v. Twombly, 550 U.S. 544, 555 (2007)). While a plaintiff’s allegations are taken as 3 true,
courts “are not required to indulge unwarranted inferences.” *Doe I v. Wal-Mart Stores, Inc.*, 4 572
F.3d 677, 681 (9th Cir. 2009) (internal quotation marks and citation omitted). 5 To survive
screening, Plaintiff’s claims must be facially plausible, which requires 6 sufficient factual detail to
allow the Court to reasonably infer that each named defendant is liable 7 for the misconduct
alleged. *Iqbal*, 556 U.S. at 678 (quotation marks omitted); *Moss v. U.S. Secret 8 Serv.*, 572 F.3d
962, 969 (9th Cir. 2009). The sheer possibility that a defendant acted unlawfully 9 is not
sufficient, and mere consistency with liability falls short of satisfying the plausibility 10 standard.

Iqbal, 556 U.S. at 678 (quotation marks omitted); Moss, 572 F.3d at 969. 11 II. Summary of Plaintiff's Allegations 12 Plaintiff brings this action against "huupe" or "huppe.com." (Doc. 1 at 2.) Plaintiff 13 alleges that huupe "has stolen and used his patent for the Luca Vision 3D basketball Hoop." (Id. 14 at 3.) Plaintiff asserts, "In my example exzaminates page 1. a model of my Luca Vision 3D 15 basketball hoops which patient falls in 2021 model built on display with a soon date of March 28 16 2022 page 2. show a realse date of May 17 2022 for the Huupe product." (Id. at 4) (unedited 17 text). As relief, Plaintiff appears to seek rights to his patent and punitive damages. (Id.) 18 Plaintiff attaches photos and documents to his complaint. The first attachment, page 1, is 19 of poor quality, but purports to show a Luca Vision basketball hoop model and a date. (Doc. 1 at 20 6.) The second attachment, pages 2-3 appear to be a Facebook post related to huupe's "First 21 Smart Basketball huupe," with a page creation date of May 17, 2022. (Id. at 7-8.) Also attached 22 to the complaint are two forms: a "Report on the Filing or Determination of an Action or Appeal 23 Regarding Copyright" and a "Report on the Filing or Determination of an Action or Appeal 24 Regarding a Patent or Trademark." (Id. 10-11.) 25 III. Discussion 26 Plaintiff's complaint fails to comply with Federal Rule of Civil Procedure 8 and fails to 27 state a cognizable claim upon which relief may be granted. As Plaintiff is proceeding in pro se, 28 the Court will allow Plaintiff an opportunity to amend his complaint to the extent he can do so in 1 good faith. 2 A. Federal Rule of Civil Procedure 8 3 Pursuant to Federal Rule of Civil Procedure 8, a complaint must contain "a short and 4 plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a). 5 Detailed factual allegations are not required, but "[t]hreadbare recitals of the elements of a cause 6 of action, supported by mere conclusory statements, do not suffice." Iqbal, 556 U.S. at 678 7 (citation omitted). Plaintiff must set forth "sufficient factual matter, accepted as true, to 'state a 8 claim to relief that is plausible on its face.'" Iqbal, 556 U.S. at 678 (quoting Twombly, 550 U.S. 9 at 570, 127 S.Ct. at 1974). While factual allegations are accepted as true, legal conclusions are 10 not. Id.; see also Twombly, 550 U.S. at 556-557. 11 Plaintiff's complaint is not a plain statement of his claims. While short, Plaintiff's 12 complaint does not include sufficient factual allegations to state a cognizable claim. Plaintiff 13 does not clearly state what happened, when it happened, or who was involved. He also does not 14 clearly identify the nature and basis of his claims. If Plaintiff files an amended complaint, it 15 must include factual allegations related to his claims that identify what happened, when it 16 happened, and who was involved. Fed. R. Civ. P. 8. 17 B. Patent Infringement 18 "To assert a patent infringement claim, a plaintiff 'should identify the patents in dispute, 19 allege ownership of them, and allege the act that constitutes infringement.'" Green v. Yavruyan, 20 No. 3:21-cv-1045-GPC(BLM), 2021 WL 2790817, at *2 (S.D. Cal. June 8, 2021) (citations 21 omitted). Here, Plaintiff does not allege that he owns any patent, nor does he allege the acts 22 constituting any alleged infringement of that patent. Although Plaintiff includes a form related to 23 a patent or trademark, he does not identify any patent number related to his Luca Vision 3D 24 basketball hoop. (Doc. 1 at 11.) Because Plaintiff fails to allege that he owns a valid patent, 25

which is a necessary element, the complaint fails to state a claim for patent infringement. 26 Additionally, Plaintiff may not seek a patent by way of the instant action. The United 27 States Patent and Trademark Office is responsible for “the granting and issuing patents.” 35 28 U.S.C. § 2(a)(1). “The federal courts have no authority to adjudicate inventorship with respect to 1 pending patents. Congress has explicitly vested the Patent and Trademark Office with sole 2 discretion over the ‘granting and issuing of patents.’” *Camsoft Data Sys., Inc. v. S. Elecs. Supply, 3 Inc.*, 756 F.3d 327, 334 (5th Cir. 2014) (citing 35 U.S.C. § 2(a)(1)). 4 C. Copyright Infringement 5 “Proof of copyright infringement requires [a plaintiff] to show: (1) that he owns a valid 6 copyright in [a work]; and (2) that [the defendant] copied protected aspects of the work.” 7 *Douglas v. Warner Bros. Film*, No. 2:23-cv-02320-TLN-CKD (PS), 2023 WL 7305275, at *2 8 (E.D. Cal. Nov. 6, 2023) (quoting *Skidmore as Tr. for Randy Craig Wolfe Tr. v. Led Zeppelin*, 9 952 F.3d 1051, 1064 (9th Cir. 2020)). To maintain an infringement action, a plaintiff must have 10 registered the subject work with the United States Copyright Office. *Id.* (citing 17 U.S.C. § 11 411(a)). Here, Plaintiff does not allege ownership of any copyrighted material, nor does he 12 allege that he registered any copyright with the Copyright Office. Although he includes a form 13 related to a copyright, there is no copyright registration number listed on that form. (Doc. 1 at 14 10.) Because Plaintiff fails to allege that he registered any copyright with the Copyright Office, 15 which is a necessary element of a copyright infringement claim, the complaint fails to state a 16 claim for copyright infringement. 17 IV. Conclusion and Order 18 Plaintiff’s complaint fails to comply with Federal Rule of Civil Procedure 8 and fails to 19 state a cognizable claim upon which relief may be granted. As Plaintiff is proceeding pro se, the 20 Court will grant Plaintiff an opportunity to amend his complaint to cure these deficiencies to the 21 extent he is able to do so in good faith. *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000). 22 Plaintiff’s amended complaint should be brief, Fed. R. Civ. P. 8(a). Although accepted as 23 true, the “[f]actual allegations must be [sufficient] to raise a right to relief above the speculative 24 level” *Twombly*, 550 U.S. at 555 (citations omitted). Additionally, Plaintiff may not change 25 the nature of this suit by adding new, unrelated claims in his first amended complaint. *George v. 26 Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (no “buckshot” complaints). 27 Finally, Plaintiff is advised that an amended complaint supersedes the original complaint. 28 *Lacey v. Maricopa Cty.*, 693 F.3d 896, 927 (9th Cir. 2012). Therefore, Plaintiff’s amended 1 complaint must be “complete in itself without reference to the prior or superseded pleading.” 2 Local Rule 220. 3 Based on the foregoing, it is HEREBY ORDERED that: 4 1. The Clerk’s Office shall send Plaintiff a complaint form; 5 2. Within thirty (30) days from the date of service of this order, Plaintiff shall file a 6 first amended complaint curing the deficiencies identified by the Court in this order or file a 7 notice of voluntary dismissal; and 8 3. If Plaintiff fails to file an amended complaint in compliance with this order, then 9 the Court will recommend dismissal of this action, with prejudice, for failure to obey a court 10 order and for failure to state a claim upon which relief may be granted. 11 IT IS SO ORDERED. 12 13 Dated: June 3, 2025 /s/ Barbara A. McAuliffe _

UNITED STATES MAGISTRATE JUDGE
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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