

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**WEPAY GLOBAL PAYMENTS LLC,**

**Plaintiff,**

**v.**

**TESLA, INC.,**

**Defendant.**

**CASE NO.: 6:22-cv-00224**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Wepay Global Payments LLC (“Wepay” or “Plaintiff”) brings this patent-infringement action against Tesla, Inc. (“Tesla” or “Defendant”).

**Parties**

1. Plaintiff Wepay is a Delaware limited liability company with its principal business address at 221 N. Broad Street, Suite 3A, Middletown DE, 19709.
2. Upon information and belief, Defendant is a Delaware corporation, with established offices at 11600 Century Oaks Terrace, Suite 130, Austin, Texas 78758.

**Jurisdiction and Venue**

3. This lawsuit is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271, et seq. The Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332, 1338(a), and 1367.
4. This Court has personal jurisdiction over Tesla because Tesla has committed acts giving rise to this action within Texas and within this District. Defendant regularly does business

or solicits business in this District and in Texas, engages in other persistent courses of conduct and derives substantial revenue from products and services provided in this District and in Texas, and have purposefully established substantial, systematic, and continuous contacts within this District and should reasonably expect to be sued in a court in this District. For example, Tesla has offices within this District. The Tesla car products with the accused infringing GUI design are sold and distributed to consumers in this District and in Texas. Given these contacts, the Court's exercise of jurisdiction over Tesla will not offend traditional notions of fair play and substantial justice.

5. Venue in the Western District of Texas is proper pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b) because Tesla has regular and established places of business in this District, has committed acts within this District giving rise to this action, and continues to conduct business in this District, including multiple acts of making, selling, using, and offering for sale infringing products in this District.

#### **The Patent-In-Suit**

7. Wepay is the exclusive owner of United States Patent No. D930,702 (the "'702 Patent") entitled, "Display screen portion with animated graphical user interface" and was duly and legally issued in accordance with 35 U.S.C. § 171 by the U.S. Patent and Trademark Office on September 14, 2021, attached hereto as "Exhibit A."

8. The '702 Patent claim is valid and enforceable and directed to a unique ornamental design for a display screen portion with animated graphic user interface as shown and described.

9. Tesla has not obtained permission from Wepay to use the ornamental design of the '702 Patent.

10. Attached hereto as "Exhibit B" and incorporated into this complaint as alleged herein a side-by-side claim chart setting forth an ornamental design element comparison of the

second embodiment of the '702 Patent's design and the accused display screen portion articles made by Tesla. The known products infringing the patented design are the Tesla motor vehicle GUI head-unit in the Model S, 3, X, Y, Roadster, Cybertruck and other developing vehicle products.

**Count I - Infringement of U.S. Patent No. D857,702**

11. Wepay reasserts and incorporates by reference (Exhibit B, pages 2-4) the preceding paragraphs of this Complaint as fully set forth herein.

12. Tesla has infringed and continues to infringe the second embodiment of the '702 Patent by making, using, distributing, offering to sell and/or selling in the United States the Tesla vehicle products, which embody the GUI design covered by the '702 Patent. Tesla infringing activities violate 35 U.S.C. § 271.

**Count II - Infringement of U.S. Patent No. D857,702**

13. Wepay reasserts and incorporates by reference (Exhibit B, pages 6-8) the preceding paragraphs of this Complaint as fully set forth herein.

14. Tesla has infringed and continues to infringe the second embodiment of the '702 Patent by making, using, distributing, offering to sell and/or selling in the United States the Tesla vehicle products, which embody the GUI design covered by the '702 Patent. Tesla infringing activities violate 35 U.S.C. § 271.

**Damages**

13. Wepay sustains damages as a direct result of Tesla's infringement of the '702 Patent.

14. As a consequence of Tesla's present, continued, and future infringement of the '702 Patent, Wepay is entitled to damages recovery for its infringement of the '702 Patent on a forward-going basis.

**Prayer for Relief**

WHEREFORE, WEPAY GLOBAL PAYMENTS LLC prays for the following relief against TESLA, Inc.:

- (a) judgment that TESLA has infringed the second and first embodiment claims of the Asserted Patent, directly and/or indirectly, literally and/or under the standards of substantial similarity;
- (b) awarding the Plaintiff, the greater damages amount for Defendant's infringement under 35 U.S.C. § 284 or 35 U.S.C. § 289 per asserted count;
- (c) post-judgment injunction relief for all products to discontinue the use, making, selling, and export of products infringing the asserted design counts;
- (d) awarding Plaintiff their costs and expenses incurred in this action;
- (e) awarding Plaintiff prejudgment and post-judgment interest; and
- (f) granting Plaintiff such further relief as the Court deems just and appropriate.

**Demand for Summary Judgment or Jury Trial**

WEPAY GLOBAL PAYMENTS LLC demands a Summary Judgment or trial by jury on all matters and issues triable by jury issues triable by jury.

Respectfully Submitted,

Date: March 1, 2022

/s/Artoush Ohanian  
H. Artoush Ohanian  
Texas Bar No.: 24013260  
[artoush@ohanianip.com](mailto:artoush@ohanianip.com)  
OHANIANIP  
604 West 13th Street

Austin, Texas 78701  
(512) 298.2005 (telephone & facsimile)

Matthew M. Wawrzyn (application for *pro hac vice*  
admission forthcoming)

[matt@wawrzynlaw.com](mailto:matt@wawrzynlaw.com)

WAWRZYN LLC

200 East Randolph Street, Suite 5100

Chicago, IL 60601

(312) 235-3120 (telephone)

(312) 233-0063 (facsimile)

*Counsel for WEPAY GLOBAL PAYMENTS LLC*