

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

KENNETH BAULDREE, Individually,

Plaintiff,

Case No. _____

v.

FIRST RESPONSE LOCATOR SYSTEMS
OF AMERICA, LLC, a Georgia Limited
Liability Company, THOMSON GLOBAL
HOLDINGS, INC., a Georgia Corporation,
TERRY S. LACY, Individually, BRIAN
THOMSON, Individually, and ANGELA
GLYNN, Individually,

**JURY TRIAL
DEMANDED**

Defendants.

_____ /

COMPLAINT

Plaintiff KENNETH BAULDREE (“Bauldree” or “Plaintiff”), by and through his attorneys, GREENSPOON MARDER LLP, for his Complaint against Defendants FIRST RESPONSE LOCATOR SYSTEMS OF AMERICA, LLC (“First Response”), THOMSON GLOBAL HOLDINGS, INC. (“Thomson Global”), TERRY S. LACY (“Lacy”), BRIAN THOMSON (“Thomson”), and ANGELA GLYNN (“Glynn”) (hereinafter sometimes collectively referred to as “Defendants”) hereby alleges, upon knowledge as to himself and his own actions and upon information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This is a civil action wherein Plaintiff seeks relief and damages under Title 35 of the United States Code for correction of a named inventor, for tortious interference with contractual relations, and for tortious interference with Florida prospective economic advantage.

2. In this action, Plaintiff seeks declaratory, monetary and equitable relief, and costs, expenses and attorney's fees pursuant to 35 U.S.C. § 285.

PARTIES

3. At all times material hereto, Plaintiff Kenneth Bauldree was and is a resident of the State of Florida.

4. At all times material hereto, Defendant First Response Locator Systems of America, LLC was and is a Georgia Limited Liability Company with its principal place of business at 7800 NE Industrial Blvd., Macon, Georgia 31216.

5. The three (3) members of First Response Locator Systems of America, LLC are Terry S. Lacy, an individual domiciled in Macon, Georgia, and a citizen of Georgia; Brian Thomson, an individual domiciled in Macon, Georgia, and a citizen of Georgia; and Angela Glynn, domiciled in Fort Myers, Florida, and a citizen of Florida.

6. At all times material hereto, Defendant Thomson Global Holdings, Inc. was and is a Georgia corporation with its principal place of business at 7800 NE

Industrial Blvd., Macon, Georgia 31216. Thomson Global Holdings, Inc. is domiciled in Georgia and is a citizen of Georgia.

7. At all times material hereto, Defendant Terry S. Lacy was and is domiciled in, and is a resident of, Macon, Georgia.

8. At all times material hereto, Defendant Brian Thomson was and is domiciled in, and is a resident of, Macon, Georgia.

9. At all times material hereto, Defendant Angela Glynn was and is domiciled in, and is a resident of Fort Myers, Florida.

SUBJECT MATTER JURISDICTION

10. This Court has jurisdiction under 35 U.S.C. § 256, and 28 U.S.C. §§ 1331 (federal question jurisdiction), and 1338(a).

11. Declaratory and equitable relief is sought pursuant to 35 U.S.C. § 256.

12. Costs and attorney's fees are sought pursuant to 35 U.S.C. § 285, and Rule 54 of the Federal Rules of Civil Procedure.

PERSONAL JURISDICTION

13. Defendants First Response, Thomson Global, Terry S. Lacy, Brian Thomson, and Angela Glynn are subject to personal jurisdiction in this Court. In particular, this Court has personal jurisdiction over Defendants because each has

engaged in continuous, systematic and substantial activities within this judicial district, including the engagement of significant relevant legal services, in this judicial district. Furthermore, upon information and belief, this Court has personal jurisdiction over Defendants because each has committed acts giving rise to Plaintiff's claims within and directed to this judicial district.

14. The Court has personal jurisdiction over Defendants First Response, Thomson Global, Terry S. Lacy, Brian Thomson, and Angela Glynn because Defendants, among other things, conduct business in, and purposely avail themselves of the laws of, the State of Florida. Plaintiff's claims arise directly from Defendants business contacts and other activities in the State of Florida and in this judicial district.

15. Further, the Court has personal jurisdiction over Defendant Angela Glynn in that she is a resident of and domiciled in the State of Florida.

VENUE

16. Venue is proper in the Middle District of Florida pursuant to 28 U.S.C. § 1391 because a substantial part of the events giving rise to Plaintiff's claims occurred in this District and Defendants' conduct giving rise to the claims set forth herein occurred in, and originated and emanated from, this District.

FACTS

17. On February 27, 2017, after a period of negotiations, Plaintiff and Thomson Response, LLC formed First Response.

18. Defendant Thomson is the principal of Thomson Response, LLC.

19. Bauldree and Defendant Glynn are the originating members of FRLS Inc.

20. Bauldree is the inventor of the “First Response Locator System” (hereinafter, “Locator”).

21. Bauldree first conceived of the ideas and technology for the Locator in 2015.

22. Bauldree created the first prototypes for the Locator in 2015.

23. Bauldree and Defendant Glynn submitted the first patent application, as co-inventors, for the Locator while operating under FRLS, Inc.

24. Bauldree and Defendant Glynn applied for the patent with the United States Patent and Trademark Office (“USPTO”) on May 2, 2017. The U.S. 9,928,702 Patent for the Locator was issued on March 27, 2018 (the “702 Patent”). See **Exhibit A.**

25. The Locator's technology and intellectual property, including the '702 Patent, was assigned to FRLS, Inc..

26. Bauldree's main objective in working with Defendants was to develop, manufacture, and market the Locator.

27. Beginning sometime in 2019, Bauldree's relationship with Defendants began to deteriorate after Defendants failed to produce a workable or marketable prototype of the Locator.

28. A fractured relationship between Bauldree and Defendants quickly turned volatile as Defendants began excluding Bauldree from meetings, calls, decisions, and all communications related to the Locator.

29. In addition to Defendants' failure to fulfill their obligations to produce and market a workable Locator, Defendant Lacy, while sitting on the Board of Directors and as Managing Members of First Response, and Defendant Thomson misappropriated trade secret inventions and technology from Bauldree by filing U.S. and foreign patent applications under each of their names as sole inventors, respectively, for said Locator technology.

30. Defendant Lacy submitted a patent application with the USPTO on April 5, 2019, which included the technology that Plaintiff Bauldree invented. The

U.S. 10,636,269 Patent was issued on April 28, 2020 (the “’269 Patent”). See **Exhibit B**.

31. Defendant Thomson submitted a patent application with the USPTO on November 22, 2019, which also included the technology and design that Plaintiff Bauldree invented. The U.S. D948,365 Patent was issued on April 12, 2022 (the “’365 Design Patent”). See **Exhibit C**.

32. Defendants had full knowledge the technology and the design were invented by Bauldree at the time of filing the patents.

33. Bauldree has established a reputation for himself as an inventor.

34. An inventor designation is a clear, and important, mark of success in the industry.

35. Bauldree has suffered financially and socially as a direct result of the reputational harm from Defendants not including Bauldree as a co-inventor on the ‘269 Patent and the ‘365 Design Patent.

36. Defendants intended to expend attention and financial resources of First Response into filing multiple continuation patent applications and foreign patent applications on inventions conceived of and reduced to practice by Bauldree for Defendants’ own benefit.

37. On June 26, 2020, Brian Thomson, falsely representing himself as “President” of First Response Locator Systems, Inc., revoked all former appointments of agent and appointed Hicks Intellectual Property Law as its patent agent. See **Exhibit D**.

38. FRLS, Inc.’s former counsel, Daniel Law Offices, P.A. of Orlando, Florida, stopped any and all communications with Bauldree per Defendants’ instructions.

39. Daniel Law Offices, P.A. represented Bauldree and, per Defendants’ instructions, violated its professional and fiduciary responsibilities to Bauldree by refusing to communicate with him regarding his intellectual property and other rights.

40. Additionally, Daniel Law Offices, P.A. prepared and filed all of Defendants’ fraudulent patent applications while still representing FRLS, Inc. See **Exhibit E**.

41. Despite the obvious conflict of interest, Daniel Law Offices, P.A. ceased all communications with Bauldree during the fraudulent filings.

42. Additionally, Defendant Glynn has improperly and falsely claimed that she should be listed as a co-inventor on the ‘269 Patent and the ‘365 Design Patent.

COUNT I.
DECLARATORY JUDGMENT TO CORRECT INVENTORSHIP
UNDER 35 U.S.C. § 256

43. Plaintiff incorporates and realleges paragraphs 1 through 42 above as if fully set forth herein.

44. Plaintiff is one of the true co-inventors of the subject matter claimed in the '269 Patent and the '365 Design Patent (collectively, the "Incorrect Inventor Patents").

45. The '269 Patent falsely lists Defendant Lacy as the sole inventor.

46. The '365 Design Patent falsely lists Defendant Thomson as the sole inventor.

47. Defendant Glynn falsely claims to be a co-inventor of the Incorrect Inventor Patents.

48. The Incorrect Inventor Patents generally relate to the similar concepts of emergency response location detection.

49. Plaintiff, while employed at FLRS, Inc., contributed to the conception and reduction to practice of emergency alert detection including the technology and design for the Incorrect Inventor Patents.

50. Defendants were aware of Plaintiff's invention and were taught technical details about the functionality and features of the emergency response

location detection device, yet Defendants intentionally omitted and failed to name Plaintiff as a co-inventor on any claim in the applications for the Incorrect Inventor Patents.

51. Plaintiff assigned to First Response his rights in the '702 Patent.

52. There is a dispute as to the correct naming of inventors on the Incorrect Inventor Patents.

53. Defendants falsely represented to the United States Patent and Trademark Office ("USPTO") that Defendants Lacy and Thomson are the true and sole inventors of the subject matter claimed in the Incorrect Inventor Patents.

54. Defendants filed the applications for the Incorrect Inventor Patents and obtained patent protection for the invention claimed in the Incorrect Inventor Patents without including Plaintiff.

55. Defendants' wrongful actions as detailed above have deprived Plaintiff of his inventorship and assignable ownership interest in the Incorrect Inventor Patents and the proceeds, reputational goodwill, and commercial opportunities that would have resulted therefrom.

56. Plaintiff requests that the Court issue a declaratory judgment correcting the inventorship of the Incorrect Inventor Patents.

57. As a direct and proximate result of Defendants' actions, Plaintiff has suffered diminution of his rights to control his inventions, financial loss, and injury to his professional reputation, and he has been deprived of recognition of his work to which he was entitled.

58. As a direct and proximate result of Defendants' actions, Plaintiff has lost employment opportunities, which has harmed his reputation.

WHEREFORE, Bauldree prays that this Court enter final judgment that Plaintiff Bauldree is a co-inventor of the subject matter claimed in the Incorrect Inventor Patents, enter an Order directing the USPTO to correct the Incorrect Inventor Patents to name Plaintiff Bauldree as a co-inventor thereof, pursuant to 35 U.S.C. § 256, and grant Plaintiff such other relief as this Court deems just and proper.

COUNT II.
CONVERSION

59. Plaintiff incorporates and realleges paragraphs 1 through 58 above as if fully set forth herein.

60. At all times material hereto, Plaintiff maintained the right to possession of the intellectual property underlying the Incorrect Inventor Patents technology and design.

61. As part of Defendants' scheme to cut Plaintiff out of the inventorship and ownership rights of the Incorrect Inventor Patents, Defendants wrongfully exercised control of Plaintiff's intellectual property by filing the applications for the Incorrect Inventor Patents with the USPTO in Alexandria, Virginia.

62. As part of Defendants' scheme to cut Plaintiff out of the inventorship and ownership rights of the Incorrect Inventor Patents, Defendants deprived Plaintiff of possession of his intellectual property.

63. As a direct and proximate result of Defendants' conversion, Plaintiff has suffered diminution of his rights to control his inventions, financial loss, injury to his professional reputation, and he has been deprived of recognition of his work to which he was entitled.

WHEREFORE, Plaintiff Bauldree prays for this Court to enter a final judgment granting monetary damages, together with pre-judgment interest, attorneys fees, costs, and punitive damages and grant Plaintiff such other relief as this Court deems just and proper.

COUNT III.

TORTIOUS INTERFERENCE WITH CONTRACT

64. Plaintiff incorporates and realleges paragraphs 1 through 63 above as if fully set forth herein.

65. Plaintiff had a valid and existing representation agreement (the “Agreement”) with Daniel Law Offices, P.A. which has legal rights.

66. Defendants knew about the Agreement between Plaintiff and Daniel Law Offices, P.A.

67. Defendants, without a right or privilege, intentionally and unjustifiably interfered with the Agreement between Plaintiff and Daniel Law Offices, P.A. by causing Daniel Law Offices, P.A. to breach said agreement and ceasing all communications with Plaintiff.

68. Defendants interference was wanton, willful, and malicious and intended to, or done with such want of care as to, trick and deceive Daniel Law Offices, P.A. into breaching its Agreement with Plaintiff.

69. Defendants intentional and unjustified interference with the Agreement was the direct and proximate cause of Daniel Law Offices, P.A.’s breach.

70. The foregoing acts were conducted illegally, intentionally, and maliciously by the Defendants, wherefore they are liable for punitive damages.

71. Based on the foregoing intentional acts conducted in flagrant disregard for their professional obligations and ethics requirements, the actions of Defendants rendered them direct, joint, and conspiratorial tortfeasors, independently liable for their willful, wanton actions.

72. As a result of Defendants' intentional and unjustified interference with the Agreement, Plaintiff has suffered monetary damages in amounts to be proven at trial.

WHEREFORE, Plaintiff Bauldree requests the Court enter final judgment against Defendants for monetary damages, including, without limitation, loss of revenue, lost profits, lost business value, costs, interest, and such other relief as the Court deems just and proper.

COUNT IV.
TORTIOUS INTERFERENCE WITH PROSPECTIVE ECONOMIC
ADVANTAGE

73. Plaintiff incorporates and realleges paragraphs 1 through 72 above as if fully set forth herein.

74. Defendants tortiously interfered with Plaintiff's prospective economic advantage.

75. Plaintiff had a prior and ongoing relationship with Defendants and the commercialization of the patents he invented.

76. Defendants knew about the details of the business relationship they had with Plaintiff.

77. Defendants were aware that the business relationship they had with Plaintiff represented a prospective economic advantage for Plaintiff.

78. Defendants were aware that the Incorrect Inventor Patents would yield additional prospective economic advantage for Plaintiff.

79. Defendants, without a right or privilege, intentionally and unjustifiably interfered with Plaintiff's prospective economic advantage by falsely filing patent applications that listed Defendant Lacy and Defendant Thomson as sole inventors, respectively.

80. Plaintiff has suffered actual damages as a direct and proximate result of Defendants' wrongful conduct.

WHEREFORE, Plaintiff Bauldree requests the Court enter final judgment against Defendants for monetary damages, including, without limitation, loss of revenue, lost profits, lost business value, costs, interest, and such other relief as the Court deems just and proper.

COUNT V.
ACCOUNTING

81. Plaintiff incorporates and realleges paragraphs 1 through 80 above as if fully set forth herein.

82. Plaintiff is entitled to an accounting from Defendants of the profits made by Defendants in violation of Plaintiff's rights in the Incorrect Inventor Patents (as previously alleged herein).

JURY TRIAL DEMANDED

Plaintiff Kenneth Bauldree demands trial by jury of all issues so triable.

Dated: March 16, 2023

Respectfully submitted,

GREENSPOON MARDER, LLP

By: /s/Monifa Hall

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Complaint has been furnished electronically on March 16, 2023 with the Clerk of the Court using CM/ECF. The undersigned also certifies that the foregoing document is being served this day on all counsel of record via transmission of Notice of Electronic Filing generated by CM/ECF.

By: /s/Monifa Hall

Monifa Hall