

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

BEE WAREHOUSE, LLC;	)	
DAVIS PRODUCT CREATION	)	
AND CONSULTING, LLC d/b/a	)	
BEESENTHINGS,	)	
	)	
Plaintiffs,	)	
	)	Civil Action Number: _____
v.	)	
	)	
BRADLEY JEROME BLAZER,	)	
	)	
	)	
Defendant.	)	

**COMPLAINT**

Plaintiffs Bee Warehouse, LLC (“Bee Warehouse”) and Davis Product Creation and Consulting, LLC d/b/a BeesNThings (“DPCC”) (collectively, Bee Warehouse and DPCC may be referred to herein as “Plaintiffs”), by and through its undersigned counsel, file this complaint Bradley Jerome Blazer (“Bradley Blazer”), and show the Court as follows:

Nature of the Action

1. Plaintiffs seek monetary damages and other relief against Bradley Blazer regarding his individual actions as well as actions taken in concert with his brother, Brian Blazer (“Brian Blazer”), regarding U.S. Patent Reissue No. 46,421

(the “421 Patent,” a true and correct copy of which is attached hereto as Exhibit A) with respect to certain carpenter bee traps sold by Plaintiffs.

### Parties

2. DPCC is a limited liability company organized and existing under the laws of the State of Alabama. DPCC sells, offers for sale and imports various models of insect traps, specifically, carpenter bee traps.

3. Bee Warehouse is a limited liability company organized and existing under the laws of the State of Alabama. Among other things, Bee Warehouse is a distributor and retailer of carpenter bee traps manufactured by DPCC. One of Bee Warehouse’s most important markets is the on-line sale of carpenter bee traps.

4. Upon information and belief, Bradley Blazer is an adult individual residing in the State of North Carolina with an address of 5378 Hazel Lane, Granite Falls, North Carolina 28630.

### Jurisdiction & Venue

5. This Court has jurisdiction over Plaintiffs’ claims pursuant to 28 U.S.C. §§ 1338, 1331 and 1332 because (i) this Complaint states claims arising under the Patent Act and (ii) Bradley Blazer is domiciled in North Carolina and the amount in controversy exceeds \$75,000. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

6. This Court has personal jurisdiction over Bradley Blazer as the actions complained of herein were purposely aimed or directed at the State of Alabama and, upon information and belief, he regularly conducts acts similar to those complained of within this state and within the Northern District of Alabama in concert with his brother, Brian Blazer, who resides in the Northern District of Alabama with an address of 230 County Road 880, Heflin, Alabama 36264.

Facts Common to All Counts

7. Brian Blazer has a long history of claiming infringement of the '421 Patent (or the prior version of the '421 Patent, namely U.S. Patent No. 8,375,624). (See *Bee Warehouse, LLC et al. v. Brian Blazer*, Case No. 1:22-cv-1623-CLM (“Bee Warehouse I”), pending in the Northern District of Alabama at doc. 1 at para. 8).

8. DPCC and Brian Blazer are currently involved in three (3) separate civil actions across the United States. (Bee Warehouse I at doc. 1, para. 9).

9. DPCC designed a new carpenter bee trap (based in part on Brian Blazer’s allegations of infringement in one of his other lawsuits) which is sold by Bee Warehouse, among others (the new trap will be referred to as the “Bee Warehouse Trap” herein for simplicity). The photos below show the Bee Warehouse Trap:

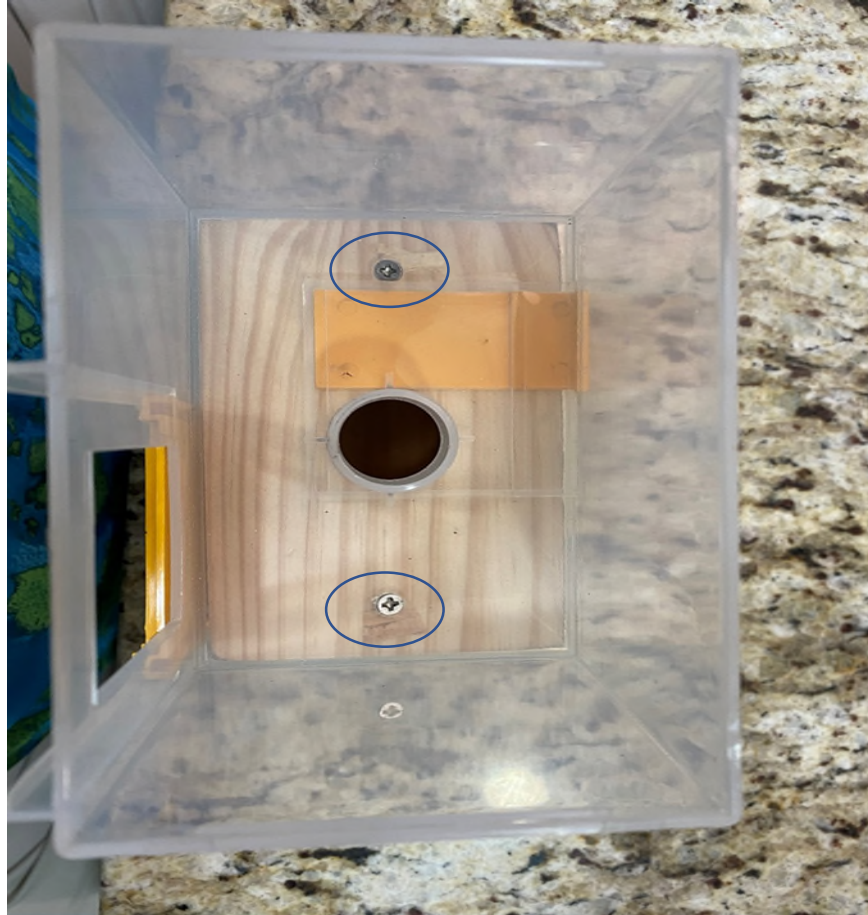












10. Bradley Blazer is no stranger to the world of patent applications, patent prosecution or patent litigation as detailed below.

11. Bradley Blazer was one of the co-inventors, along with his brother, of the '421 Patent. Upon information and belief, Bradley Blazer drafted the original patent application at issue in this matter and substantially handled the prosecution thereof. (Exhibit B, a true and correct copy of Bradley Blazer's deposition in the matter styled *Davis Product Creation and Consulting, LLC v. Brian Blazer d/b/a Carpenter Bee Solutions* Case No. 1:19-cv-00848-CLM (the "DPCC Case"), at pp. 25, 28, 33 and 37-39 (each of which detail a discussion about the early development

of the carpenter bee traps disclosed and claimed in the ‘421 Patent as well as the filing and eventual grant of the ‘421 Patent, or its predecessor)).

12. Bradley Blazer is a licensed professional engineer with a degree in mechanical engineering, magna cum laude, from North Carolina State University. (Exhibit C, Vol. III of Trial Transcript from the DPCC Case, at pg. 504).

13. Bradley Blazer is a named inventor on forty-three (43) utility patents, forty-two (42) of which relate to “cable utility” inventions and the ‘421 Patent itself. (Id. at pg. 508).

14. Bradley Blazer has testified that he at least occasionally sees or discovers carpenter bee traps offered for sale by third parties that he believes infringe the ‘421 Patent and he sends information about those third-party traps to Brian Blazer. (Exhibit B at pp. 55-57).

15. In point of fact, in at least one instance, Bradley Blazer communicated with Brian Blazer about a carpenter bee trap allegedly sold by DPCC (of a different model than the trap at issue here) on eBay.com. (Id. at pp. 56-57).

16. Additionally, Bradley Blazer has served as *de facto* counsel for his brother in certain matters involving the ‘421 Patent. (Id. at pg. 58 (discussing Bradley Blazer’s review of some agreement for his brother)). In fact, Brian Blazer has, in the past, paid for Bradley Blazer’s legal representation in matters involving the ‘421 Patent. (Id. at pg. 8, ll. 14-22).



17. It is undisputed that Bradley Blazer has, at times, produced or created documents (generally referred to as claim charts) for presentation to Amazon.com (“Amazon”), on his brother’s behalf. (Exhibit C at pg. 510). In fact, Bradley Blazer testified that creating these claim charts often takes a couple of hours per chart. (Id. at 511). Accordingly, it is also undisputed that Bradley Blazer devotes substantial time to enforcing the ‘421 Patent.

18. Brian Blazer also testified, under oath, numerous times that Bradley Blazer is deeply and substantially involved in making the determination of whether a carpenter bee trap infringes the ‘421 Patent. For example, at the hearing on Plaintiffs’ Motion for Preliminary Injunction in Bee Warehouse I, Brian Blazer testified that Bradley Blazer, his brother, created the chart that Brian Blazer claims was sent to Amazon which eventually resulted in Amazon de-listing, or removing, the Bee Warehouse Trap (the “Amazon Claim Chart”). (Exhibit D, Reporter’s Official Transcript of Preliminary Injunction Hearing, at pp. 25-26).

19. The theory(ies) of infringement, both legally and factually, set forth in the Amazon Claim Chart were frivolous and made in bad faith.

20. Bee Warehouse was selling/offering for sale the Bee Warehouse Trap on Amazon’s marketplace until Brian Blazer submitted a frivolous and bad-faith notice of infringement along with the Amazon Claim Chart created by Bradley

Blazer to Amazon claiming that the Bee Warehouse Trap infringed the '421 Patent. (See Exhibit E).

21. Upon information and belief, as part of the terms of Brian Blazer's prior infringement suit against Amazon, Amazon provided him an expedited process that allows Brian Blazer, or someone acting on his behalf, to remove allegedly infringing items from Amazon that is not available to the general public. (See, e.g., Exhibit F, a true and correct copy of Blazer's complaint in the case styled *Brian Robert Blazer v. Best Bee Brothers LLC, et al.* (Case No. 2:20-cv-00480-BHL), at ¶ 15.)

22. The Federal Circuit Court of Appeals, in another litigation involving the '421 Patent, recently construed the term "receptacle adapter as "a structure configured to receive and help retain a receptacle." (See Exhibit G, a true and correct copy of the Federal Circuit's Opinion at pp. 2,11).

23. Counsel for the Plaintiffs asked Brian Blazer to withdraw his claim of infringement to Amazon after reviewing the frivolous and bad faith argument concocted by Bradley Blazer and Brian Blazer refused. (See Exhibits I and J, respectively). Rather, he resorted to conspiracy theory like rantings about animal killings and Chinese crime lords. (*Id.*)

24. The Bee Warehouse Trap does not contain a receptacle adapter as defined by the Federal Circuit. In fact, the Court in Bee Warehouse I rejected, soundly, any arguments put forth by Brian Blazer that the required receptacle adapter

was present. (See Exhibit H at pp. 6-10). The Court then granted summary judgment in Plaintiffs' favor finding that the Bee Warehouse Trap did not infringe any claim of the '421 Patent. (Id. at 11). The arguments made by Brian Blazer in opposition to Plaintiffs' summary judgment motion were frivolous and made in bad faith. Those arguments were premised partly, if not wholly, upon the Amazon Claim Chart created by Bradley Blazer which Bradley Blazer knew, or should have known, contained frivolous, meritless and bad faith theories of infringement, especially given his substantial experience with patents.

25. The arguments concocted by Bradley Blazer were meritless. For example, the receptacle adapter of claim 13 must include (1) a structure; (2) located at the exit opening of the trap entrance unit; (3) configured to receive at least one receptacle; (4) configured to help retain a receptacle; and (5) that allows at least some ambient light to enter the interior of the trap entrance unit via the exit opening.

26. In an attempt to claim infringement of claim 13, "Brian Blazer says the bottom corner of the trap entrance unit, together with the plastic lip around the top of [the] receptacle, serves as a formfitting receptacle adapter." (Bee Warehouse I at doc. 36-8 at p. 8). The Court, in rejecting this theory, held:

A. First, this combination is not located at the exit opening of the trap entrance unit, in fact "It's as far from the bottom opening as possible." (Id. at pg. 8). This alone establishes non-infringement of claim 13 under this theory.

B. Second, this argument runs afoul of any understanding of the word “receive,” in that “Blazer says the combination of the bottom edge of the trap entrance unit and the plastic lip around the receptacle, serve as a receptacle adapter. If that is true, then the receptacle is the receptacle adapter—meaning that the receptacle ‘receives’ itself.” (Id. at pg. 9). This argument fails logically and was correctly rejected by the Court. (Id.).

C. Third, this alleged receptacle adapter does not allow light to enter the exit opening of the trap entrance unit as once the plastic lip of the receptacle form fits to the bottom of the wooden trap entrance unit, no light can pass through this area.

27. Not content with that frivolous, bad faith, and frankly nonsensical argument, Brian Blazer argued that the Philips-head screws that run through the receptacle into the bottom of the entrance unit serve as a receptacle adapter. This argument was rejected as well as the screws are not located at the exit opening of the trap entrance unit. If the screws were located at the exit opening, which they are not, the screws do not allow at least some ambient light to enter the interior of the trap entrance unit via the exit opening as required by claim 13. In fact, this is precisely what the Court found: “Screws do not allow any light to pass through them.” (Id.).

28. Finally, in a last Hail Mary, Brian Blazer argued that the combination of (1) the bottom of the trap entrance unit, (2) the clear plastic lip around the



receptacle, and (3) the screws which secure the receptacle to the trap entrance unit constitute a receptacle adapter. (Id. at pg. 11). Again, this theory fails because “because the combination of these three items still is not located at the exit opening of the trap, and still is not adapted to allow ambient light to enter the trap entrance unit via the exit opening.” (Id.).

29. Upon information and belief, Bradly Blazer played a significant role in developing these arguments in addition to creating the Amazon Claim Chart.

30. Bradley Blazer’s actions, individually and in concert with his brother, prevented Bee Warehouse from selling an obviously non-infringing bee trap on Amazon for many months, most importantly during the height of the bee season when many sales occur.

31. Bradley Blazer’s actions, in concert with his brother, are anti-competitive and amount to patent misuse.

Count I – Tortious Interference with Business/Contract Relations

32. Plaintiffs hereby incorporates paragraphs 1 through 31, inclusive, as if fully set forth herein.

33. Bradley Blazer, in concert with his brother, has made bad faith allegations of infringement concerning the Bee Warehouse Trap.

34. Bee Warehouse had a business or contractual relationship with Amazon of which Bradley Blazer was aware and to which Bradley Blazer was a stranger.

35. Bradley Blazer intentionally interfered with Bee Warehouse's business or contractual relationship with Amazon by claiming infringement of the '421 Patent without justification.

36. Bee Warehouse has suffered and will continue to suffer damages as a result of Bradley Blazer's and/or his agents' actions.

Count II – Violation of Ala. Code § 8-12A-1 et seq. (1975)

37. Plaintiffs hereby incorporates paragraphs 1 through 31, inclusive, as if fully set forth herein.

38. Bradley Blazer has made, in concert with his brother, bad faith claims of infringement of the '421 Patent in violation of Ala. Code § 8-12A-2 (1975).

39. Bee Warehouse has suffered damages as a result of Bradley Blazer's actions.

Count III – Civil Conspiracy

40. Plaintiffs hereby incorporate paragraphs 1 through 31, inclusive, as if fully set forth herein.

41. Bradley Blazer, in concerted action with his brother as detailed above, acted to unlawfully and wrongly interfere with Bee Warehouse's contractual relationship with Amazon and violate Ala. Code § 8-12A-2 (1975).

42. Bee Warehouse has suffered damage as a result of Bradley Blazer's actions.

Jury Demand

43. Plaintiffs demand a trial by jury on all issues so triable.

Prayer For Relief

44. Plaintiffs respectfully request the following relief:

a. An adjudication that Bradley Blazer has tortiously interfered with Plaintiffs' business and/or contractual relations with an award of compensatory and punitive damages to Plaintiffs in an amount to be determined at trial;

b. An adjudication that Bradley Blazer has violated Ala. Code § 8-12A-1 et seq. (1975) with an award of compensatory and exemplary damages to Plaintiffs in an amount to be determined at trial, plus attorneys' fees and costs;

c. A judgment declaring that this case is exceptional and awarding DPCC its expenses, costs, and attorneys' fees in accordance with 35 U.S.C. §§ 284 and 285; and

d. Such other and further relief as the Court deems just and proper.

*S/C. Gregory Burgess*

C. Gregory Burgess (ASB-1519-R79C)

Jeremy A. Smith (ASB-1731-J73S)

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**Defendant is to be served at the following address by special process server:**

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5378 Hazel Lane  
Granite Falls, North Carolina 28630.