

**U.S. DISTRICT COURT**

**FOR THE DISTRICT OF MASSACHUSETTS**

FRANK NOGUEIRA AND  
TAC LIFE SYSTEMS LLC

Plaintiffs,

v.

PETER GIANNOPOULOS AND  
JOSHUA DELISLE

Defendants.

Case No. \_\_\_\_\_

COMPLAINT FOR THE  
CORRECTION OF INVENTORSHIP  
AND FOR DECLARATORY  
JUDGMENT OF PATENT  
OWNERSHIP

U.S. Patent D 823593

U.S. Patent 10,358,255

U.S. Patent Application 16/672,793

## **I. INTRODUCTION**

1. Plaintiffs Frank Nogueira (“Nogueira”) and TAC Life Systems, LLC (“TAC”) hereby request that this Court enter and order correcting the inventorship on United States Patents D823593 (‘593 Patent, Ex. 1) and 10,358,255 (‘255 Patent, Ex. 2) (collectively “Narcase Patents”) pursuant to 35 U.S.C. § 256 to Nogueira as the true inventor. TAC Life Systems, LLC, as requests that this Court exercise its supplemental jurisdiction to determine the ownership of the pending application 16/672,793 (Ex. 3) (“Narcase Application”) currently in prosecution before the United States Patent and Trademark Office.

2. During the prosecution of these patents, the prosecuting patent attorney, Brian Dingman, did not make an adequate determination of proper inventorship. Further two alleged co-inventors of the Narcase Application have not assigned the ‘793 application to TAC Life Systems, LLC despite a legal obligation to do so.

## **II. JURISDICTION AND VENUE**

3. This Court has exclusive federal question jurisdiction to correct the inventorship of an issued United States Patent pursuant to 35 U.S.C. § 254, 28 U.S.C. §1331, 28 U.S.C. §1367, and 28 U.S.C. §1338.

4. Venue is proper under 35 U.S.C. § 1400.

5. This Court has jurisdiction over the ownership of the ‘593 and ‘255 patents; and the ‘793 application.

### **III. PARTIES**

6. Plaintiff TAC Life Systems LLC, (“TAC”) is Massachusetts Limited Liability Company, located in Norfolk County, Massachusetts.

7. Plaintiff Frank Nogueira (“Nogueira”), is a resident of Plymouth County, Massachusetts.

8. Defendant Peter Giannopolous (“Giannopolous”) is a resident of Norfolk County Massachusetts.

9. Defendant Joshua Delisle (“Delisle”) is a resident of Plymouth County, Massachusetts.

10. Giannopolous, Nogueira, Delisle, and non-party Leo Manning (“Manning”) are each one fourth interest owners in TAC Life Systems, Inc. Collectively Manning, Giannopolous, Noguiera, and Delisle, will be referred to as the “TAC Members”.

### **IV. FACTUAL BACKGROUND**

11. In 2015, Nogueira saw a need for a case that would hold the pharmaceutical product Narcan/Naloxone. Narcan/Naloxone is used by police, and other emergency personnel, to treat drug overdoses. This problem that Nogueira

identified led to his invention of a safe carrying case for police officers to carry Naloxone on their persons.

12. Nogueira had three friends in the Boston Police Department: Giannopolus, Delisle, and Manning. He discussed his idea with them and together they decided to form a company, TAC.

13. TAC hired patent counsel to draft and file two patent applications, which subsequently were issued: the '593 and '255 patents. Patent counsel did not interview the true inventor, Nogueira. Instead, patent counsel simply designated the four members of the LLC as co-inventors.

14. TAC thereafter funded all preparation and prosecution of the '593 and '255 patents. There was no question that patent counsel was retained by TAC and owed a fiduciary duty to TAC.

15. Sometime in 2016, two of the members of TAC, Giannopolous and Delisle (“Competing Members”), wanted to develop new Narcan products unrelated to the products sold by TAC.

16. Giannopoulos and Delisle represented to Manning and Nogueira, that they intended to create these new Narcan unrelated products by forming a separate entity and they would not affect the success of the products TAC currently sold.

17. The same patent counsel who prepared and prosecuted the '593 and '255 patents, also worked (on the side) for the Competing Members in their new

venture. The Competing Members did not form a new company, rather they used the assets of TAC without informing Nogueira, and Manning of this business arrangement. *Id.* TAC also funded the preparation and prosecution of the ‘793 application. Pursuant to the operating agreement of TAC (Ex. 5) the ‘793 is owned by TAC Life Systems.

18. Understandably this led to a rift in the company and a claim was brought in Massachusetts state court. (See Ex. 4). That case is still pending.

## **V. CLAIMS FOR RELIEF**

### **COUNT ONE – CORRECTION OF INVENTORSHIP 35 U.S.C. § 256**

19. Nogueira and TAC hereby incorporate paragraphs 1 to 18 in their entirety.

20. Nogueira was the true inventor of the ‘598 and ‘255 patents. He solely conceived the invention described in the two patent applications. The other named inventors participated in the marketing, distribution, and manufacturing of the products sold by TAC, but they are not the legal inventors.

21. Manning will stipulate that Nogueira was the true inventor.

## **COUNT TWO – DECLARATORY RELIEF**

22. Nogueira and TAC hereby incorporate paragraphs 1 to 21 in their entirety.

23. There is a case or controversy regarding the ownership of the ‘793 application. This Court has jurisdiction pursuant to the Declaratory Relief Act.

24. The aforementioned issued patents and patent application were developed under the TAC operating agreement.

25. The aforementioned patents and patent application were developed with funding from TAC.

Pursuant to the TAC operating agreement, and principles of equity, since TAC funded the development of the inventions at issue, the ‘598 patent, the ‘255 patent, and the ‘793 application are to be assigned to TAC.

## **VI. PRAYER FOR RELIEF**

### **AS TO COUNT ONE – CORRECTION OF INVENTORSHIP**

A. For an Order correcting inventorship to name Nogueira as the sole inventor of the ‘598 patent and the ‘255 patent;

B. An award of costs upon proof;

C. For any relief that this Court finds just and equitable.

### **AS TO COUNT TWO – DECLARATORY RELIEF**

- D. For an Order that the '598 patent, the '255 patent, and the '793 application are owned by TAC;
- E. An award of costs upon proof;
- F. For any relief that this Court finds just and equitable.

Respectfully submitted,  
Plaintiffs Frank Nogueira  
TAC Life Systems, LLC  
By their Attorney,

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