

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TRIDINETWORKS LTD.,

No. _____

Plaintiff,

v.

JURY TRIAL DEMANDED

STMICROELECTRONICS, INC.,
STMICROELECTRONICS N.V., and
STMICROELECTRONICS
INTERNATIONAL N.V.,

Defendants.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff TriDiNetworks Ltd. brings this action against the defendants for infringement of U.S. Patent No. 8,437,276 B2 (the “’276 Patent”), and alleges as follows:

PARTIES

1. Plaintiff TRIDINETWORKS LTD. (“TDN” or “Plaintiff”) is a corporation organized under the laws of Israel, Israel Corporation Number 513983908, with its principal place of business at 195 Derech Bar Yehuda, Neshar 3688307, Israel. TDN has developed, and markets, a cloud-based platform for wireless M2M (Machine-to-Machine) and IoT (Internet of Things) networks, with applications including without limitation lighting, heating, ventilation, and air conditioning (HVAC) control, smart meters, home automation, smart appliances and wearable devices.

2. Defendant STMICROELECTRONICS, INC. is a corporation incorporated in Delaware with its principal place of business located at 750 Canyon Drive, Suite 300, Coppell Texas 75019.

3. Defendant STMICROELECTRONICS N.V. is a corporation organized under the laws of The Netherlands with its principal place of business at WTC Schiphol Airport, Schiphol boulevard 265, 1118 BH Luchthaven Schiphol, Amsterdam, The Netherlands. Defendant STMicroelectronics, Inc. is the principal U.S. affiliate of defendant STMicroelectronics N.V.

4. Defendant STMICROELECTRONICS INTERNATIONAL N.V. is a corporation organized under the laws of The Netherlands with its principal place of business at 39 Chemin du Champ des Filles, 1228 Plan-Les-Ouates, Geneva, Switzerland. Defendant STMicroelectronics International N.V. is a wholly-owned subsidiary of defendant STMicroelectronics N.V. and manages the headquarters and operational offices of defendant STMicroelectronics N.V.

5. On information and belief, defendant STMicroelectronics N.V. and its direct and indirect subsidiaries (including defendant STMicroelectronics, Inc.), as well as other ST companies throughout the world, operate the multinational and worldwide “STMicroelectronics” business, under management and direction of defendant STMicroelectronics International N.V. The aforementioned ST entities are referred collectively herein as “ST.” ST, itself and through its subsidiaries, is engaged in substantial development, manufacturing, marketing, sales, and distribution of ST-branded products worldwide. ST is also the registered owner of the website ST.com (with substantial content directed at the United States) and responsible for its contents.

JURISDICTION AND VENUE

6. Defendant STMicroelectronics, Inc. is generally subject to personal jurisdiction in this Court by reason of its incorporation in Delaware, and further is also specially subject to

jurisdiction in this Court by reason of a substantial volume of commercial activity on its part, including activity that gives rise to the claims for patent infringement asserted herein, conducted in and/or purposefully directed at the State of Delaware.

7. Defendants STMicroelectronics International N.V., and STMicroelectronics N.V., being foreign corporations, are subject to personal jurisdiction in this Court by reason of a substantial volume of commercial activity on their parts, including activity that gives rise to the claims for patent infringement asserted herein, conducted in and/or purposefully directed at the United States as a whole and the State of Delaware in particular.

8. Venue is proper in this district as against defendant STMicroelectronics, Inc. under 28 U.S.C. § 1400(b), in that it is incorporated in Delaware.

9. Venue is proper in this district as against defendants STMicroelectronics International N.V. and STMicroelectronics N.V. in that they are each foreign corporations, as to which venue is proper in any district wherein personal jurisdiction may be found over it, under applicable controlling judicial decisions. Furthermore, to the extent 28 U.S.C. § 1391 may be deemed to apply to foreign corporations accused of patent infringement, all defendants herein reside in this district under the provisions of 28 U.S.C. § 1391(c), thereby alternatively supporting venue as to defendants STMicroelectronics International N.V. and STMicroelectronics N.V. under 28 U.S.C. § 1391(b).

THE PATENT IN SUIT

10. On May 7, 2013, U.S. Patent No. 8,437,276 B2 (the aforementioned '276 Patent), titled "CONTROL SYSTEMS, COMMISSIONING TOOLS, CONFIGURATION ADAPTERS AND METHOD FOR WIRELESS AND WIRED NETWORKS DESIGN, INSTALLATION AND AUTOMATIC FORMATION" was duly and legally issued by the United States Patent and

Trademark Office. Plaintiff TDN is, and at all times from the date of issue as well as the prior date of publication of the '276 Patent has been, the assignee of all rights, title, and interest in the '276 Patent, and it possesses all rights to sue and recover for any current or past infringement of the '276 Patent and or to license the '276 Patent.

11. The '276 Patent represents a breakthrough development in the practical implementation of the Internet of Things and other systems wherein electronic devices are desired to be deployed over communications networks. In particular, the '276 Patent discloses and claims systems and methods for commissioning devices in such an installation, and doing so with greatly reduced labor and expense. For example, it allows workers with only basic skills to set up arbitrarily complex control networks, without the need for special tools, training and documentation.

12. The technology disclosed and claimed in the '276 Patent confers numerous advantages. For example, the NFC signal employed in accordance with various embodiments of the '276 Patent also transfers power, in addition to the commissioning information. As a result, devices may be commissioned contactlessly by way of a mere “tap” on each such device from a “commissioning tool” – without a wired electrical connection. The commissioning tool can be an ordinary smartphone, so long as the smartphone is NFC-enabled (as most current smartphones are). Indeed, commissioning can be performed in accordance with the '276 Patent while the device to be commissioned is still in the box in which it was delivered. NFC typically has a short effective range (under 20 cm). The short range of NFC, limiting commissioning to those in physical proximity to the commissioned device, also enhances the security of device configuration.

13. The ease of use of the invention in the '276 Patent represents a great advance over prior methods, which necessitated, for example, commissioning over a live network connection

(in-band) to the device to be commissioned, typically requiring individual attention to each device by a highly-trained engineer, or factory pre-configuration of each device in accordance with a limited (and very limiting) set of options determined by the manufacturer. Such methods were tedious, required highly trained workers to perform, and were vulnerable to third-party attack. The technology embodied in the '276 Patent improves over the stated disadvantages of the prior art in every such respect (out-of-band commissioning).

ST'S ADOPTION OF THE PATENTED TECHNOLOGY

14. On its website, ST claims to provide “the simplest, fastest and most robust way to develop applications for the Internet of Things (IoT).” <https://web.archive.org/web/20180618191849/http://www.st.com/en/applications/internet-of-things-iot.html>. As developed in further detail below, the “robust way to develop applications,” as advertised by ST, also includes the ability to “commission” the “things” being so developed via contactless near-field communications (NFC) – as taught and claimed by the '276 Patent. Indeed, the suite of products provided by ST also includes everything one would need to incorporate such NFC commissioning into those devices (“things”), together with detailed instructions and encouragement on exactly how to do so. ST practices these methods itself and thus directly infringes the '276 Patent, and causes numerous others to do the same, while purchasing large volumes of ST products designed by ST to practice this mode of infringement.

15. TDN and ST had a course of prior dealings, beginning in 2009. In this prior course of dealing, ST learned TDN's IoT deployment and commissioning technology and of TDN's patent applications with respect thereto. Communications and meetings continued between these parties and ST solicited considerable detailed information from TDN.

16. ST informed TDN that it was not interested in using TDN's technology. Nevertheless, unbeknownst to TDN, ST went on shortly thereafter to develop substantial lines of products, literature, and videos that incorporate TDN's patented technology, completely cutting out TDN from any commercial participation.

17. ST's unauthorized appropriation of the '276 Patent's technology has grown to wholesale adoption, as reflected by the NFC commissioning capability increasingly being embedded in ST's current product lines, and aggressively promoted in ST's trade show demonstrations, product literature, and videos.

18. In the period following the 2013 issuance of the '276 Patent, ST's promotion of its contactless NFC commissioning solutions through trade shows, documents, and videos have driven considerable sales of ST components that were designed to implement technology covered by the '276 Patent.

19. Because of ST's own patenting activity and familiarity with patents in the field, it is reasonable to believe that ST was aware that the '276 Patent had issued, at or about the time of its issuance, or was willfully blind with respect thereto.

20. In May 2012 TDN's Chief Executive Officer, Julian Dinur, sent responsible officials of ST an email (which ST acknowledged having received), notifying them of the grant of TDN's European patent and that TDN was awaiting formal allowance of related patents in other countries.

21. In January 2014 Mr. Dinur notified a responsible ST official, via email, which said official acknowledged having received, that TDN's technology for deploying wireless control networks, of which the official was aware, had by then been patented in the U.S., Europe (Germany, France, and England) and in China.

22. In said 2014 email, TDN proposed to “collaborate with ST in providing the customers a cloud-managed development platform based on our technology and ST SPWF01S Wi-Fi module and M24LR device used for configuration.” ST turned down this proposal, but shortly thereafter developed and launched the platform that TDN had proposed by itself, using TDN’s technology, *e.g.*, the products described herein, including without limitation the X-NUCLEO-IDW01M1 evaluation boards (and the similar STM32L4 Discovery Board for IoT node (B-L475E-IOT01A)) and associated modules including the SPWF01SA module.

23. On June 11, 2018, TDN, through its counsel, sent ST a demand letter, formally bringing the issued ’276 patent to ST’s attention, accusing ST of direct and indirect infringement and explaining the basis for these allegations. This notice opened discussions between the parties, but a resolution was not met. ST has been well aware of the ’276 Patent and of the manner in which it is alleged to infringe and induce and contribute to infringement thereof, and lacks any good faith basis to assert that it is not infringing, rendering its infringement willful and egregious.

24. Following said repeated notices, discussions, and correspondence, ST has continued, and indeed only ramped up, its willful infringement.

EXAMPLES OF WIDESPREAD INFRINGEMENT BY ST

25. ST provides in the U.S. products adapted to perform each and every one of the following steps in accordance with at least claim 1 of the ’276 Patent and to create systems comprising each and every element of at least claim 17 of the ’276 Patent, either literally and/or under the doctrine of equivalents (“Accused Products” and “Accused Processes”).

26. As one example, ST provides X-NUCLEO-IDW01M1 evaluation boards (or the similar STM32L4 Discovery Board for IoT node (B-L475E-IOT01A)) and associated modules including the SPWF01SA module. These products are designed by ST for purposes including

without limitation prototyping and testing proof-of-concept implementations using ST chips and components, to deploy, over Wi-Fi or Ethernet, sensors and motor control devices connected to the Microsoft Azure cloud. The boards' communication links are configurable via NFC. ST also provides software, detailed documentation (User manuals, board manufacturing specifications (Gerber files), Bill of Materials (BOM), schematics) and instructions for creating network designs in which such devices are interconnected over Microsoft Azure or similar systems including without limitation Amazon Web Services and IBM's Watson service, and commissioned for such deployment via NFC. These are networks that comprise wired as well as wireless devices. Customers may deploy these devices directly as purchased from ST, or base a custom manufacturing run, using ST chips and components, on a design whose concept has been proved with the ST-provided devices, as prototypes.

27. The products described in the preceding paragraph, which represent but one example out of many that embody NFC commissioning as promoted by ST, may be used to infringe in the following manner:

- a. *creating a design for a network comprising parameters and design configuration data of devices designed to be in said network*

See for example "Quick Start Guide for STM32 ODE function pack for IoT node with Wi-Fi or Ethernet, NFC, sensors and motor control, connected to Microsoft Azure cloud" (FP-CLD-AZURE1) (Version 3.3.0, May 14, 2018), at 34-36 (WiFi parameters or Ethernet parameters (encryption type, network key), plus a device connection string `HostName=ST-test.azure-devices.net;DeviceId=IOT01A2;SharedAccessKey=TGgOTyQv5Rf4PCNauRVR1hWPn6N6Rw3DwJsdBbZvVSY`, that includes *unique Device Id* (page 26 from Quick Start Guide) for a remote system (in this example, Microsoft Azure)). See also "Smart street lighting solutions" (ST Slide Deck), at 17 (loading "node configuration" for street light controllers via NFC).

- b. *and binding information defining bindings to allow connection between devices to run an application*

E.g., the device connection string (for example, `HostName=ST-test.azure-devices.net;DeviceId=IOT01A2;SharedAccessKey=TGgOTyQv5Rf4PCNauRVR1hWPn6N6Rw3DwJsdBbZvVSY=`”, as result of a process *id.* at 27).

c. *installing the devices according to the created design ... (see below)*

d. *by accessing the created design by a commissioning tool*

E.g., an Android phone running the ST25 NFC mobile app.

e. *and downloading data from the commissioning tool into a configuration adapter comprised in the devices to be configured, before the devices are initialized*

E.g., “approach the mobile phone to the NFC tag and click on Write to tag” (*id.* at 34), which is performed before “Reset the board.”

f. *forming the network and bindings according to said created design ... (see below)*

g. *... by initializing the devices*

Board is reset. *Id.* at each of 34, 35, and 36.

h. *... and by reading said downloaded data from the configuration adapter once the devices are initialized*

Board then reads from NFC (*id.* at each of 34, 35, and 36), and then uses the device connection string to contact to the Azure IoT server (“sample application contact[s] to IoT hub,” *id.* at 37).

i. *wherein the commissioning tool comprises a configuration adapter for a complementary configuration link*

NFC chip in the Android phone.

j. *wherein of the configuration adapters included in the system, only the configuration adapter of the commissioning tool must be powered-up during data communication*

The NFC write from the smartphone app may be performed regardless of whether the Nucleo device is powered. With the ST25DV04K NFC chip (for example) the “RF link [is] activated when [the chip] act[s] as a contactless memory powered by the received carrier electromagnetic wave.” ST25DV04K ST25DV16K ST25DV64K Datasheet (DS10925 - Rev 7 - November 2018), at page 3, paragraph 1.

28. The aforementioned ST products and publications also reflect the use by ST of the “design system,” “commissioning tool,” and “configuration adapter” which together comprise

systems as recited, for example, in claim 17 of the '276 Patent. ST, by one or more items or processes that it provides, practices, or teaches, infringes numerous dependent claims of the '276 Patent as well.

29. The ST publications identified herein, as well as the ST chips and components identified herein in connection therewith, are representative only. There exist many other ST demonstrations, publications, videos, chips and components reflecting and pertinent to said infringement.

COUNT I - DIRECT INFRINGEMENT - 271(a)

30. Plaintiff repeats and realleges paragraphs 1 - 29 as if fully set forth at length herein.

31. ST's acts as aforesaid (including without limitation each of defendant ST Microelectronics, Inc. and defendant ST Microelectronics International N.V.), in which ST itself makes, uses, demonstrates and deploys, as well as sells and offers for sale, the Accused Products and Processes in the manner alleged above, in the United States, during the period from issuance of the '276 Patent to the present and continuing, constitutes direct infringement of the '276 Patent under 35 U.S.C. § 271(a), either literally and/or under the doctrine of equivalents.

32. TDN has suffered and continues to suffer damages including lost profits by reason of the direct infringement of ST and is entitled to recover the same or in any case not less than a reasonable royalty with respect thereto.

33. TDN has been and continues to be irreparably harmed by said infringement, in a manner not fully compensable by monetary damages, with the balance of hardships tipping strongly in TDN's favor such that TDN is entitled to injunctive relief.

34. ST has willfully infringed, and continues to willfully infringe, the '276 Patent despite having knowledge of the '276 Patent and of the manner in which it infringes the same.

COUNT II - INDUCED INFRINGEMENT - U.S. - 271(b)

35. Plaintiff repeats and realleges paragraphs 1- 34 as if fully set forth at length herein.

36. U.S. law establishes a separate cause of action for the act of inducing another to infringe a patent. In this regard, 35 U.S.C. §271(b) provides that “[w]hoever actively induces infringement of a patent shall be liable as an infringer.”

37. ST has induced and continues to induce direct infringement by others of the ’276 Patent in the U.S., literally and/or under the doctrine of equivalents.

38. TDN hereby identifies numerous direct infringers of the ’276 Patent, induced to infringe the same in the United States by ST. For example, persons who practice the NFC commissioning steps prescribed in the ST Quick Start Guide referenced above, and/or use design systems, configuration adapters, commissioning tools, interface chips and /or gateways described therein, and/or integrate such components into their own products, perform each and every step of at least claim 1 of the ’276 Patent, literally and/or under the doctrine of equivalents, and use each and every component of at least claims 17, 20, and/or 25 of the ’276 Patent, literally and/or under the doctrine of equivalents, and thereby directly infringes the ’276 Patent directly and/or under the doctrine of equivalents. In addition to the publications and videos cited above with respect to the ST Nucleo device, ST also provides numerous publications and videos more broadly directed at its product lines that similarly teach network designs implemented through NFC commissioning, using ST chips and components. *See, e.g., ST Developers Conference 2016 - Dynamic NFC Tags to Simplify the Set-Up and Use of IoT Devices*, https://www.slideshare.net/ST_World/track-4-session-5-st-dev-con-2016-simplifying-the-setup-and-use-of-iot-devices, at 6-9; *From ST Developers Conference 2016 - Smart Home: NFC Dynamic Tags*, <https://www.youtube.com/watch?v=DUIXAweNAWA> at 4:30-8:45; *UM2043 User Manual*,

https://www.st.com/content/ccc/resource/technical/document/user_manual/group0/07/bb/bb/fe/ce/90/4c/a0/DM00280570/files/DM00280570.pdf/jcr:content/translations/en.DM00280570.pdf at 11, 16, and 22; The *ST25NFC Tap* mobile application, available at https://play.google.com/store/apps/details?id=com.st.st25nfc&hl=en_US; *ST Developers Conference 2016 - Simplifying Cloud Connectivity* https://www.slideshare.net/ST_World/track-2-session-3-st-dev-con-2016-simplifying-cloud-connectivity at 3-18, NFC Technology is simplifying the IoT (Nov. 29, 2016), <https://blog.st.com/nfc-technology-is-simplifying-the-iot/>; *NFC-Near Field Communication*, https://www.st.com/content/ccc/resource/sales_and_marketing/presentation/product_presentation/group0/68/55/f1/7b/ce/07/4e/13/SensorExpo2018_NFC_Demo/files/SensorExpo2018_NFC_Demo.pdf/jcr:content/translations/en.SensorExpo2018_NFC_Demo.pdf at 5.

39. On information and belief, there are a substantial number of such direct infringers in the fields of lighting, heating, ventilation, and air conditioning (HVAC), and computer control industries, who purchase ST chips and components and/or components that incorporate ST chips and components, and practice the claimed methods and use the claimed systems in accordance with directions supplied by ST, such as those referenced above.

40. ST actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce, infringement of the '276 Patent by said direct infringers, by providing the above-referenced and other demonstrations, publications, and videos on NFC commissioning of connected devices, thereby teaching said direct infringers how to infringe the '276 Patent, and encouraging them to do so, and by profiting therefrom by selling such direct infringers, directly and/or indirectly through distributors, large volumes of ST chips and components to implement what ST has thus taught, including without limitation design software,

detailed documentation (User manuals, board manufacturing specifications (Gerber files), Bill of Materials (BOM), schematics), configuration adapters, commissioning tools, gateways, and chips therefor, which said direct infringers use to directly infringe, literally and/or under the doctrine of equivalents.

41. At least by reason of TDN's demand letters as aforesaid, ST does the foregoing with knowledge of the '276 Patent and its claims; with knowledge that said direct infringers will use, market, sell, and offer to sell such infringing methods and systems, and with the knowledge and intent to encourage and facilitate infringing sales and uses thereof through the creation and dissemination of promotional and marketing materials, instructional materials and videos, product manuals, and technical materials related thereto, including but not limited to those examples of such materials, videos, manuals, and software hereinabove described. Such creation and dissemination are carried out by ST through its personnel and the ST.com website, which ST owns and controls.

42. Accordingly, ST is liable for inducing infringement under 35 U.S.C. Sec. 271(b).

43. TDN has suffered and continues to suffer damages including lost profits by reason of such induced infringement by ST and is entitled to recover the same or in any case not less than a reasonable royalty with respect thereto. The damages for this and related forms of indirect infringement as alleged herein extends not only to the particular pre-built demonstration boards and systems such as the Nucleo evaluation boards and associated modules described herein, but to every instance in which downstream purchasers from ST have infringed and provided products that infringe or are readily used to infringe the '276 Patent by using or integrating ST chips and components and other conveyed items in combinations and procedures as taught by the aforementioned ST printed materials, demonstrations, and videos.

44. TDN has been and continues to be irreparably harmed by said induced infringement, in a manner not fully compensable by monetary damages, with the balance of hardships tipping strongly in TDN's favor such that TDN is entitled to an injunction.

45. ST's induced infringement of the '276 Patent has been and continues to be willful.

COUNT III - INDUCED INFRINGEMENT - 271(f)(1)

46. Plaintiff repeats and realleges paragraphs 1 - 45 as if fully set forth at length herein.

47. U.S. law further provides a cause of action for shipping the components of a patented combination abroad, and inducing their foreign assembly in a manner that would be infringing if done in the U.S.

48. As previously alleged, ST is a global business. On information and belief, among its global activities, ST causes to be supplied in or from the U.S., to purchasers outside the U.S., the components of and used in the claims of the '276 patent as aforesaid (for one example, Nucleo evaluation boards and associated modules), and, by means including without limitation the ST demos, publications, and videos referenced in Counts I and II, induces the combination of such components (*e.g.*, Nucleo evaluation boards and associated modules and the ST25 NFC Tap mobile application) by said purchasers outside the U.S., in a manner that would infringe the '276 patent if such combination occurred in the U.S.

49. Thus, ST has, without authority, supplied or caused to be supplied in or from the United States all or a substantial portion of the components of a patented invention, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States.

50. Accordingly, ST is liable for infringement under 35 U.S.C. § 271(f)(1).

51. TDN has suffered and continues to suffer damages including lost profits by reason of such induced infringement by ST and is entitled to recover the same or in any case not less than a reasonable royalty with respect thereto.

52. TDN has been and continues to be irreparably harmed by said induced infringement, in a manner not fully compensable by monetary damages, with the balance of hardships tipping strongly in TDN's favor such that TDN is entitled to an injunction.

53. ST's induced infringement of the '276 Patent under 35 U.S.C. § 271(f)(1) has been and continues to be willful.

COUNT IV - CONTRIBUTORY INFRINGEMENT - 271(c)

54. Plaintiff repeats and realleges paragraphs 1 - 53 as if fully set forth at length herein.

55. U.S. law further makes it actionable to knowingly supply to another a material part of a patented invention, where the part provided has no substantial use other than to infringe.

56. For example, ST's Nucleo evaluation boards and associated modules and ST25 NFC Tap mobile application when provided together constitute components used in practicing the system and method claims of the '276 Patent, which ST offers to sell within the United States and/or import into the United States, constituting a material part of the invention, which ST knows, at least by reason of TDN's demand letters as aforesaid, to be especially made or especially adapted for use in infringing the '276 Patent, and not staple articles or commodities of commerce suitable for substantial noninfringing use. Direct infringers include, for example, those persons identified in par. 38.

57. Accordingly, ST is liable for contributory infringement under 35 U.S.C. Sec. 271(c).

58. TDN has suffered and continues to suffer damages including lost profits by reason of the contributory infringement of ST and is entitled to recover the same or in any case not less than a reasonable royalty with respect thereto.

59. TDN has been and continues to be irreparably harmed by said contributory infringement, in a manner not fully compensable by monetary damages, with the balance of hardships tipping strongly in TDN's favor such that TDN is entitled to an injunction.

60. ST's contributory infringement of the '276 Patent has been and continues to be willful.

COUNT V - CONTRIBUTORY INFRINGEMENT - 271(f)(2)

61. Plaintiff repeats and realleges paragraphs 1- 60 as if fully set forth at length herein.

62. U.S. law further makes it actionable to knowingly supply a material part of a patented invention to another outside the U.S., where the part provided has no substantial use other than to infringe, knowing that it will be combined outside the U.S. in a manner that would infringe if so combined within the U.S.

63. This conduct occurs in the same manner as alleged in Count IV where the infringing combination is completed outside of the United States with respect to components supplied by ST from the United States, as is the case for a large portion of ST's business.

64. Accordingly, ST is liable for infringement under 35 U.S.C. Sec. 271(f)(2).

65. TDN has suffered and continues to suffer damages including lost profits by reason of such contributory infringement by ST and is entitled to recover the same or in any case not less than a reasonable royalty with respect thereto.

66. TDN has been and continues to be irreparably harmed by said contributory infringement, in a manner not fully compensable by monetary damages, with the balance of hardships tipping strongly in TDN's favor such that TDN is entitled to an injunction.

67. ST's acts of infringement of the '276 Patent under 35 U.S.C. § 271(f)(2) has been and continues to be willful.

PRAYER FOR RELIEF

WHEREFORE, TDN respectfully requests that this Court enter judgment against defendants as follows:

- a. adjudging that the defendants have each infringed, induced infringement of, and/or contributorily infringed, literally or under the doctrine of equivalents, U.S. Patent No. 8,437,276 B2;
- b. adjudging that defendants are liable as infringers of the '276 Patent under 35 U.S.C. § 271(f)(1) and (f)(2).
- c. adjudging that each of said defendants' infringement has been willful;
- d. awarding TDN the damages to which it is entitled under 35 U.S.C. § 284 for defendants' past infringement and any continuing or future infringement up until the date defendants are finally and permanently enjoined from further infringement, including both compensatory damages and enhanced/treble damages for willful infringement, and ordering a full accounting of same;
- e. awarding TDN temporary, preliminary, and permanent injunctive relief;
- f. finding that this case is exceptional and awarding TDN its reasonable attorneys' fees under 35 U.S.C. § 285;

- g. awarding TDN pre-judgment and post-judgment interest on its damages; and awarding TDN such other and further relief in law or equity that the Court deems just and proper.

Dated: June 7, 2019

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