

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**POWER REGENERATION, LLC,**

Plaintiff,

v.

**SIEMENS CORPORATION and  
SIEMENS AG,**

Defendants.

Case No. 6:15-cv-380

**PATENT CASE**

**JURY TRIAL DEMANDED**

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**COMPLAINT**

Plaintiff Power Regeneration, LLC files this Complaint against Defendants Siemens Corporation and Siemens AG, for infringement of United States Patent No. 7,085,123 (the “123 Patent”).

**PARTIES AND JURISDICTION**

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff Power Regeneration, LLC (“Plaintiff” or “Power Regeneration”) is a Texas limited liability company with its principal office located in Texas, at 719 W. Front Street, Suite 211, Tyler, Texas 75702.

4. Upon information and belief, Defendant Siemens Corporation is a Delaware corporation with a principal place of business at 300 New Jersey Avenue, Suite 1000, Washington, D.C. 20001. Upon information and belief, Siemens Corporation is a subsidiary of Siemens AG.

5. Upon information and belief, Defendant Siemens AG is a German corporation with a principal place of business at Wittelsbacherplatz 2, 80333 Munich, Germany. Upon information and belief, Siemens AG is the ultimate corporate parent of Siemens Corporation.

6. Siemens Corporation and Siemens AG are collectively referred to as “Defendants.”

7. Defendants have one or more offices in this District, including without limitation an office at 5800 Granite Parkway, Plano, Texas 75024.

8. This action is for Defendants’ infringement of patents owned by Power Regeneration, and it arises out of the patent laws of the United States.

9. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. Personal jurisdiction exists generally over the Defendants because they (either directly or through their subsidiaries, divisions, groups or distributors) have sufficient minimum contacts with the forum as a result of business conducted within the State of Texas and this District; and/or specifically over the Defendants (either directly or through their subsidiaries, divisions, groups or distributors) because of their infringing conduct within or directed at the State of Texas and this District. At a minimum, upon information and belief, Defendants have offered for sale systems that infringe the ‘123 Patent for use in the State of Texas and this District.

### **VENUE**

11. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendants are deemed to reside in this district. In addition, and in the alternative, Defendants have committed acts of infringement in this district.

### **COUNT I** **(INFRINGEMENT OF UNITED STATES PATENT NO. 7,085,123)**

12. Plaintiff incorporates paragraphs 1 through 11 herein by reference.

13. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

14. Plaintiff is the owner by assignment of the '123 Patent with sole rights to enforce the '123 Patent and sue infringers.

15. A copy of the '123 Patent, titled "Power Supply Apparatus and Power Supply Method," is attached hereto as Exhibit A.

16. The '123 Patent is valid and enforceable, and it was duly issued in full compliance with Title 35 of the United States Code.

**(Direct Infringement)**

17. Upon information and belief, Defendant has infringed and continues to directly infringe one or more claims of the '123 Patent, including at least claim 1, by making, having made, selling, offering for sale, using and/or importing into the United States energy storage systems for rail vehicles and mass transit systems using regenerative braking, including without limitation the Sitras SES energy storage system, the Sitras HES hybrid energy storage system, and the Sitras MES mobile energy storage system (the "Accused Instrumentalities").

18. Defendants' actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

19. Plaintiff is in compliance with 35 U.S.C. § 287.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of all issues so triable by right.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court to:

- a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- b) Enjoin Defendants, their agents, officers, servants, employees, attorneys and all persons in active concert or participation with either Defendant who receive notice of the order from further infringement of United States Patent No. 7,085,123 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- c) Award Plaintiff damages resulting from Defendants' infringement in accordance with 35 U.S.C. § 284;
- d) Declare this an "exceptional case" pursuant to 35 U.S.C. § 285 and award Plaintiff its attorney's fees and any other appropriate relief;
- e) Award Plaintiff pre-judgment and post-judgment interest and costs; and
- f) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: April 6, 2015

Respectfully submitted,

/s/ Craig Tadlock  
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