

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

MB&A ROBOTWAYS,

Plaintiff,

v.

TENNANT COMPANY,

Defendant.

Case No. _____

Patent Case

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff MB&A Robotways (“Robotways”), through its attorney, complains of Tennant Company (“Tennant”), and alleges the following:

PARTIES

1. Plaintiff, MB&A Robotways is a corporation organized and existing under the laws of Italy with a principal place of business located in Bolzano, Italy.
2. Defendant Tennant Company is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 701 N. Lilac Drive, Minneapolis, MN 55422.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.
4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
5. This Court has personal jurisdiction over Tennant because it has engaged in systematic and continuous business activities in the District of Delaware. Specifically, Tennant provides its

full range of services to residents in this District. As described below, Tennant has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Tennant has committed acts of patent infringement in this District and has a regular and established place of business in this District. Specifically, Tennant provides its full range of services to residents in this District. In addition, Robotways has suffered harm in this district.

PATENT-IN-SUIT

7. Robotways is the assignee of all right, title and interest in United States Patent No. 8,021,077 (the "'077 Patent" or the "Patent-in-Suit"), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Robotways possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Tennant.

The '077 Patent

8. On September 20, 2011, the United States Patent and Trademark Office issued the '077 Patent. The '077 Patent is titled "Self-Moved Device Colouring or Spraying a Device." The application leading to the '077 Patent was filed on October 13, 2008, and is a national stage entry of the PCT application PCT/IB07/51353, which was filed on April 16, 2007. A true and correct copy of the '077 Patent is attached hereto as Exhibit A and incorporated herein by reference.
9. The '077 Patent is valid and enforceable.
10. The invention in the '077 Patent provides a self-moved device suitable for spraying a fluid substance on a surface, comprising a moving system for motion on the surface, at least one

tank suitable for containing the fluid substance, a spraying system for spraying the fluid substance, and a management and control system for managing and controlling the moving and spraying system. Ex. A at 1:63-65; 5:21-29.

11. The inventors recognized that creating colorings and graphics manually on surfaces, which required human intervention and labor, along with the possibility of human error. *Id.* at 1:48-50. Further, humans were also exposed to solvents that could cause health problems. *Id.* at 1:51-56. The invention reduces human error, reduce costs for painting complex patterns, and protect human health. *See id.* at 1:63-65.

COUNT I: INFRINGEMENT OF THE '077 PATENT

12. Robotways incorporates the above paragraphs herein by reference.
13. **Direct Infringement.** Tennant has been and continues to directly infringe at least claim 1 of the '077 Patent in this District and elsewhere in the United States by providing products, for example, Tennant's T350 Stand-On Scrubber that provides a device suitable for spraying a fluid substance on a surface. *See* Figure 1;

https://www.tennantco.com/en_us/1/machines/scrubbers/product.t350.stand-on-scrubber.M-T350.html?icid=home-col2-1-T350.

- Estimated Coverage/Productivity: Up to 30903 sq ft / 2874 sq m with optional ec-H2O NanoClean technology
- Application: Indoor
- Cleaning Path: 20 in / 500 mm, 24 in / 600 mm
- Machine Type: Stand-On
- Recovery Tank Capacity: 18.4 gal / 70 L
- Sound Level: As low as 63.7 dBA (quiet-mode 59.7)
- Solution Tank Capacity: 14.1 gal / 53 L
- Service Plans: Gold, Silver, Pay as You Go, Safety Inspection

Figure 1. Tennant's T350 Stand-On Scrubber is a device that sprays a fluid substance on a floor to improve the cleaning of surfaces such as floors.

14. Tennant provides a device with a moving system for motion on the surface. For example, Tennant's T350 Stand-On Scrubber allows users to move the device on a variety of surfaces. See Figure 2.



Figure 2. Tennant's T350 Stand-On Scrubber allows users to move the device on a variety of surfaces.

15. Tennant provides a device with at least one tank suitable for containing the fluid substance.

For example, Tennant's T350 Stand-On Scrubber has a solution tank capacity of 14.1 gal.

See Figure 1.

16. Tennant provides a device with a spraying system for spraying the fluid substance. For

example, Tennant's T350 Stand-On Scrubber can dispense detergent with the Severe

Environment switch. See Figure 3.

- Clean a variety of floor surfaces, including textured and grouted floors, with excellent down pressure and multiple cleaning pad and brush choices.
- Minimize secondary cleaning operations on tougher soils like heavy oils by dispensing detergent on demand with the optional Severe Environment™ switch.

Figure 3. Tennant's T350 Stand-On Scrubber has a can dispense detergent with the Severe Environment switch.

17. Tennant provides a device having a management and control system for managing and controlling the moving system and spraying system, and the management and control system is suitable for processing signals produced by cameras to detect a position of the self-moved device on the surface, the cameras being adapted to frame the surface along framing axes for guiding the motion of the self-moved device on the surface and activating the spraying system in a plurality of spots of the surface according to a predetermined scheme. For example, Tennant's T350 Stand-On Scrubber has a management system that allows users to program Zone-Settings, so the device can automatically clean a variety of surfaces. *See* Figure 4.

Enhance Facility Image

Clean a variety of hard floor surfaces consistently, even in obstructed spaces, with the efficient and maneuverable T350 Stand-On Scrubber.

Close Learn More —

- Ensure consistent results with programmable Zone-Settings that reduce dependence on operator set-up for different surfaces and areas.
- Incorporate daytime cleaning with Quiet-Mode™ operation that reduces machine noise levels to as low as 59.7 dBA.

Figure 4. Tennant's T350 Stand-On Scrubber has a management system that allows users to program Zone-Settings, so the device can automatically clean a variety of surfaces.

18. **Induced Infringement.** Tennant has also actively induced, and continues to induce, the infringement of at least claim 1 of the '077 Patent by actively inducing its customers, including merchants and end-users to use Tennant's products in an infringing manner as described above. Upon information and belief, Tennant has specifically intended that its customers use its products that infringe at least claim 1 of the '077 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the '077 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '077 Patent is

accomplished by Tennant and Tennant's customer jointly, Tennant's actions have solely caused all of the steps to be performed.

19. Robotways is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.
20. Robotways will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

JURY DEMAND

21. Under Rule 38(b) of the Federal Rules of Civil Procedure, Robotways respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Robotways asks this Court to enter judgment against Tennant, granting the following relief:

- A. A declaration that Tennant has infringed the Patent-in-Suit;
- B. An award of damages to compensate Robotways for Tennant's direct infringement of the Patent-in-Suit;
- C. An order that Tennant and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patent-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy Tennant's willful infringement of the Patent-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Robotways of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;

- F. An award of prejudgment and post-judgment interest; and
- G. Such other relief as this Court or jury may deem proper and just.

Respectfully submitted,
/s/ Stamatios Stamoulis
Counsel for Plaintiff

Stamatios Stamoulis (#4606)
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
(302) 999-1540
Stamoulis@swdelaw.com

Richard C. Weinblatt (#5080)
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
(302) 999-1540
Weinblatt@swdelaw.com

Isaac Rabicoff
(*Pro Hac Vice Admission Pending*)
RABICOFF LAW LLC
73 W Monroe St
Chicago, IL 60603
773.669.4590
isaac@rabilaw.com

Kenneth Matuszewski
(*Pro Hac Vice Admission Pending*)
RABICOFF LAW LLC
73 W Monroe St
Chicago, IL 60603
(708) 870-5803
kenneth@rabilaw.com