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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

Leanpath, Inc. an Oregon corporation,

Plaintiff,

v.

Winnow Solutions Limited, a U.K.
corporation,

Defendant.

Case No. 3:19-cv-01626

COMPLAINT
Declaratory Judgment of Patent
Noninfringement
DEMAND FOR JURY TRIAL

Plaintiff Leanpath, Inc. (“Leanpath”) alleges against Defendant Winnow Solutions Limited (“Winnow Solutions”) as follows, based upon actual knowledge with respect to Leanpath and Leanpath’s acts, and based upon information and belief with respect to all other matters:

NATURE OF THE CASE

1. This is a civil action seeking a declaratory judgment that Plaintiff Leanpath's products, do not infringe any intellectual property right of Defendant. Specifically, Leanpath seeks a declaratory judgment that Leanpath's products do not infringe U.S. Patent No. 10,290,226 (the '226 patent, Exhibit A).

THE PARTIES

2. Plaintiff Leanpath is an Oregon Corporation with a principal place of business at 8305 SW Creekside Place, Suite A, Beaverton OR 97008.

3. Defendant Winnow Solutions Limited is believed to be a United Kingdom corporation with a principal place of business at Pitfield House, 41 Pitfield St., Hoxton, London N1 6DA, UK.

JURISDICTION AND VENUE

4. This is a declaratory judgment action brought under 28 U.S.C. § 2201.

5. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because this case involves federal questions arising under the patent laws of the United States. 35 U.S.C. § 1 *et seq.*

6. This Court has supplemental jurisdiction over any state law claim that may arise during this litigation.

7. This Court has personal jurisdiction over Defendant at least because of the intended and actual effects of Defendant's actions in making accusations of patent infringement implicating Leanpath, Inc.

8. Venue is proper in this Court under 28 U.S.C. § 1391(c).

BACKGROUND FACTS

9. IKEA is a global company with subsidiaries in the U.S., including IKEA North America Services, LLC based in Pennsylvania, and is a customer of Leanpath and of Defendant Winnow Solutions, in both cases for food waste prevention products.

10. Defendant filed a US Provisional Patent Application, Ser. No. 61/982,012 on April 21, 2014, entitled Systems and Methods for Managing and Reducing Commercial Food Waste.

11. Defendant filed on April 21, 2015 an International (PCT) patent application, Ser. No., PCT/GB2015/051184, entitled A System and Method for Monitoring Food Waste, claiming priority to the US Provisional Patent Application, Ser. No. 61/982,012.

12. Defendant filed on October 21, 2016 a U.S. Patent Application, Ser. No. 15/305,840, entitled A System and Method for Monitoring Food Waste.

13. Defendant asserted to IKEA and to Leanpath, on multiple occasions in 2016 that Defendant's patent applications, including the PCT application, included claims reciting a system for monitoring food waste that cover Leanpath's food waste prevention systems with incremental floor scales ("the Accused Products") and Defendant further asserted that the Accused Products would infringe a patent or patents expected to issue from Defendant's pending patent applications.

14. Defendant filed on March 28, 2019 a U.S. Continuation Patent Application, Ser. No. 16/367,571, claiming priority to U.S. Patent Application, Ser. No. 15/305,840.

15. The '226 patent issued on May 14, 2019 from U.S. Patent Application, Ser. No. 15/305,840 with claims reciting a system for monitoring food waste.

**COUNT I – DECLARATORY JUDGMENT OF
NONINFRINGEMENT OF THE '226 PATENT**

(28 U.S.C. § 2201)

16. Leanpath hereby realleges and incorporates by reference the allegations in the foregoing paragraphs as though fully set forth herein.

17. Leanpath does not infringe, either directly or indirectly, the '226 patent, or any other patent that may subsequently issue from the same family as the '226 patent, by making, using, selling, offering for sale, and/or importing the Accused Products.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Leanpath prays for judgment and declaratory relief as follows:

- A. Declaring that the Accused Products do not infringe the '226 patent, or any other patent that may subsequently issue, during the pendency of this litigation, from the same family as the '226 patent;
- B. Awarding Plaintiff its costs and attorney's fees incurred in conjunction with this lawsuit; and
- C. Awarding Plaintiff any other relief that this Court deems just and proper.

JURY DEMAND

Plaintiff Leanpath hereby demands a trial by jury of all issues so triable.

DATED October 10, 2019.

Respectfully submitted,

KOLISCH HARTWELL, P.C.

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