

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

NEXTRACKER INC.,

Plaintiff,

v.

NEVADOS ENGINEERING, INC.,

Defendant.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Nextracker Inc., a Delaware Corporation (“Nextracker”), files this Original Complaint and demand for jury trial seeking relief from patent infringement by Nevados Engineering, Inc., (“Nevados”), alleging as follows:

NATURE OF THE ACTION

1. Nextracker and Nevados compete in the solar tracker industry. Both companies sell solar tracker systems that are designed for rugged terrain to improve the power production and stability of solar panels in those areas. Nextracker is a pioneer in the solar tracker industry, and has developed and acquired patents on key tracker technology. Nevados has improperly made use of Nextracker patented technology. This infringement has resulted in Nextracker bringing this complaint to hold Nevados responsible for its infringement and to protect Nextracker’s innovations.

THE PARTIES

2. Plaintiff Nextracker is a Delaware corporation with its principal place of business located at 6200 Paseo Padre Parkway, Fremont, California 94555.

3. On information and belief, Defendant Nevados is a Delaware corporation with its principal place of business at 350 Townsend Street, Suite 408, San Francisco, CA 94107.

JURISDICTION

4. Nextracker brings this action for patent infringement under Title 35 of the United States Code. Thus, this Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a) (2012).

PERSONAL JURISDICTION AND VENUE

5. This Court has general personal jurisdiction over Nevados because it is incorporated in this judicial district. Moreover, this Court has specific personal jurisdiction over Nevados because Nevados has conducted business in this judicial district, purposefully availing itself of the benefits of doing business in Delaware.

6. Venue is proper in this judicial district under 28 U.S.C. § 1400(b) because Nevados is incorporated in this judicial district.

PATENTS-IN-SUIT

7. On August 24, 2021, United States Patent No. 11,101,768 (“the ’768 Patent”), entitled “Self-Powered Solar Tracker Apparatus,” was duly and legally issued by the United States Patent and Trademark Office. At a high level, the ’768 Patent is directed to a tracker system that can power itself, avoiding the need for an external power source to move the solar panels. A detailed discussion of the ’768 Patent is provided below. A true and correct copy of the ’768 Patent is attached as Exhibit 1 to this complaint.

8. On June 22, 2021, United States Patent No. 11,043,607 (“the ’607 Patent”), entitled “Horizontal Balanced Solar Tracker,” was duly and legally issued by the United States

Patent and Trademark Office. At a high level, the '607 Patent is directed to a tracker in which the torque tube (supporting the solar panels) is offset from the drive motor, thereby reducing load on the motor. A detailed discussion of the '607 Patent is provided below. A true and correct copy of the '607 Patent is attached as Exhibit 2 to this complaint.

9. The '768 and '607 Patents are referred to herein as the "Patents-in-Suit."

10. By assignment, Nextracker owns all right, title, and interest in and to each of the Patents-in-Suit. Nextracker possesses the sole, exclusive, and undivided right to sue for infringement and collect damages for past and future infringement of the Patents-in-Suit. Nevados had and has no license or authority under the Patents-in-Suit.

FACTUAL BACKGROUND

11. Nextracker was founded in 2013 to transform the solar tracking industry with breakthrough technology and exceptional customer service that enables solar technology to be an effective, flexible, and cost-efficient solution for power plants around the world. Solar trackers adjust the positioning of solar panels or photovoltaic (PV) modules to increase the efficiency of their solar power capture.

12. Nextracker introduced key innovations to the solar tracking industry, benefiting customers with lower cost, faster installation, and greater energy production. In addition to the Patents-in-Suit, Nextracker's innovations include the first successfully commercialized tracker with eighty (80) or more solar panels, the first certified self-grounded tracker, and the first successfully commercialized self-powered tracker.

13. Customers responded quickly and favorably to Nextracker's products. Driven by its innovations and customer service, Nextracker quickly garnered the largest market share in the tracker industry. Its technology powers more than 10 million homes, generating roughly 50 Gigawatts of electricity.

14. In recognition of its impact on the solar industry, Nextracker received the 2016 Edison Award (named after Thomas Edison), which honors the “best in innovation and excellence in the development of new products and services.”



15. Nextracker’s technology continues to be recognized throughout the industry. Most recently in May 2021, Nextracker received Fast Company’s World Changing Ideas Award for its continued innovation and improvements in solar power technology.

16. On information and belief, Nevados designs, manufactures, uses, offers for sale, sells, or imports solar trackers within the United States. On information and belief, Nevados began operating in 2014. On information and belief, in 2017, Nevados introduced its “Nevados All Terrain Tracker System,” which Nevados designed and manufactured, and which it uses, offers for sale, sells, or imports within the United States. Nevados now offers its infringing Nevados All Terrain Trackers in competition with Nextracker.

17. On information and belief, Nevados designs and manufactures its All Terrain Trackers at Nevados’s facilities in Davis, California. Then, Nevados uses, offers for sale, and sells its All Terrain Trackers throughout the United States.

18. For example, Nevados has offered for sale, sold, and installed its solar trackers in at least California and Utah.

19. Nevados All Terrain Trackers in fact bear a striking resemblance to Nextracker's own patented solar trackers.

Nextracker Solar Tracker



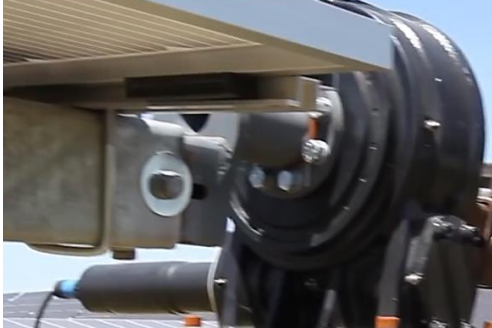
Nevados Solar Tracker



Exhibits 6 and 14.

20. As detailed herein, the Nevados products include patented Nextracker features such as self-powered trackers and offset cranks, which allow for greater flexibility as well as more efficient and reliable operation due to the balanced nature of the tracker.

Nextracker Solar Tracker Self-Powered Tracker	Nevados Solar Tracker Self-Powered Tracker
	

Nextracker Solar Tracker Offset Crank	Nevados Solar Tracker Offset Crank
	

Exhibits 13, 15 and 16.

21. On information and belief, Nevados offered its self-powered solar trackers for sale at conferences in the United States, including at least Solar Power International 2015 and Solar Power International 2018. Exhibits 3, 4, and 5.

22. On information and belief, Nevados also contributes to the infringing installation and/or use of solar trackers by others. For example, Nevados sells some of its Nevados All Terrain Trackers as a collection of components. Some of Nevados's customers assemble those components into a solar tracker and then install and/or use that solar tracker. Exhibit 6.

23. On information and belief, Nevados induces others to infringe by making and/or using its solar trackers. For example, Nevados marketed its products by attending conferences in the United States, including Solar Power International 2015 and Solar Power International 2018. Exhibits 3, 4, and 5. On its website, Nevados states that "Preliminary layouts [are] available from Nevados for projects you are working on," "Complete drawing packages [are] available," and that "Installation, Operations, and Maintenance manuals [are] available." Exhibit 7. On information and belief, in these materials, Nevados provides instructions for how to use its infringing solar trackers and induces others to use its infringing solar trackers.

24. As another example, Nevados actively markets its solar trackers on its website and on YouTube. On information and belief, in this marketing, Nevados provides information for how to use its infringing solar trackers and induces others to use its solar trackers in a manner that infringes Nextracker's patents. Exhibits 8, 9, 10, 11, 12, and 13.

FIRST CLAIM FOR RELIEF

(Infringement of the '768 Patent)

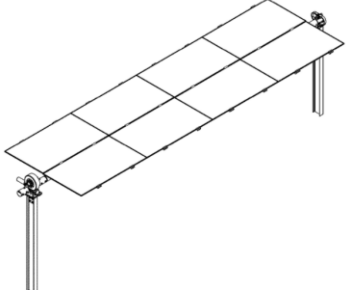
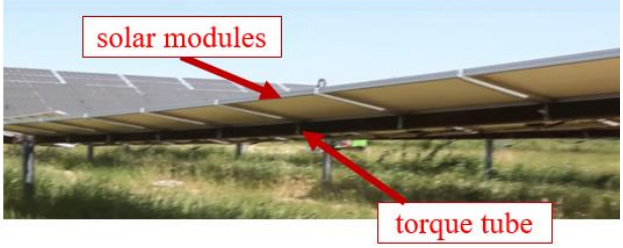
25. Nextracker repeats and re-alleges Paragraphs 1 through 24 above as if fully set forth herein.

26. On information and belief, Nevados directly infringes the '768 Patent under 35 U.S.C. § 271(a), both literally and under the doctrine of equivalents.

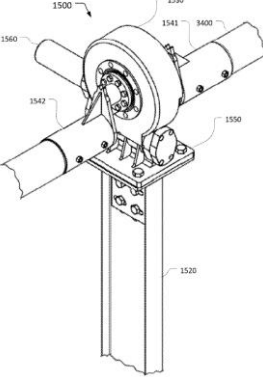
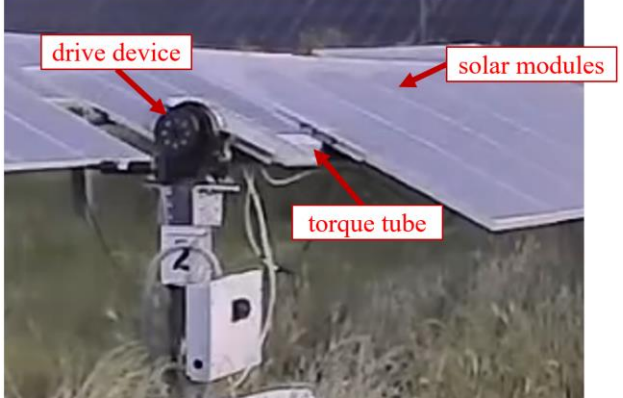
27. For example, Nevados has directly infringed, both literally and under the doctrine of equivalents, at least claim 1 of the '768 Patent. Nevados makes, uses, offers for sale, sells, or imports within the United States tracker products, including the Nevados All Terrain Trackers, that meet every limitation of at least claim 1.

28. By way of example, Claim 1 of the '768 Patent is directed to a self-powered tracker apparatus comprising (1) a torque tube; (2) a plurality of solar modules coupled to the torque tube such that rotation of the torque tube about the single axis of rotation orients the plurality of solar modules to track the position of the sun; (3) a drive device operably coupled to the torque tube, the drive device configured to rotate the torque tube and the plurality of solar modules about the single axis of rotation; (4) at least one crank connected to the drive device and connected to the torque tube such that the torque tube is offset from the drive device, wherein the crank transfers rotational movement of the drive device to the torque tube to enable the solar modules to track the position of the sun; (5) a solar panel energy source smaller than each of the plurality of solar modules configured to power the drive device, the solar panel energy source mounted on the torque tube and disposed side by side with one of the plurality of solar modules on an upper portion of the torque tube such that rotation of the torque tube about the single axis of rotation orients the solar panel energy source to track the position of the sun; and (6) a box mounted on a lower portion of the torque tube spatially separated from the solar panel energy source, the box including an electronic module, wherein the box and the solar panel energy source are between the plurality of solar modules and the drive device.

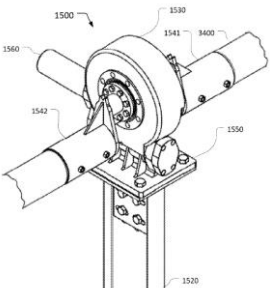
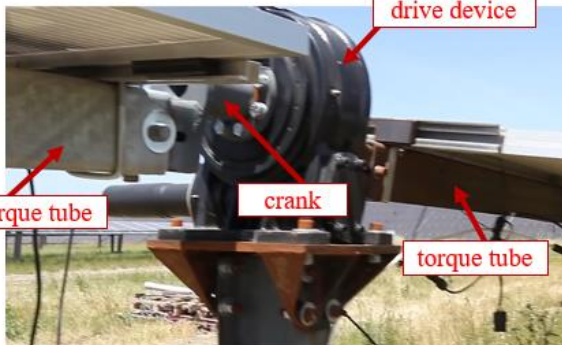
29. Nevados All Terrain Trackers contain a torque tube defining a substantially horizontal single axis of rotation; as well as a plurality of solar modules coupled to the torque tube such that rotation of the torque tube about the single axis of rotation orients the plurality of solar modules to track the position of the sun.

Nextracker '768 Patent Figure 1	Excerpt from Nevados Website Video See Exhibit 13 (annotated)
	

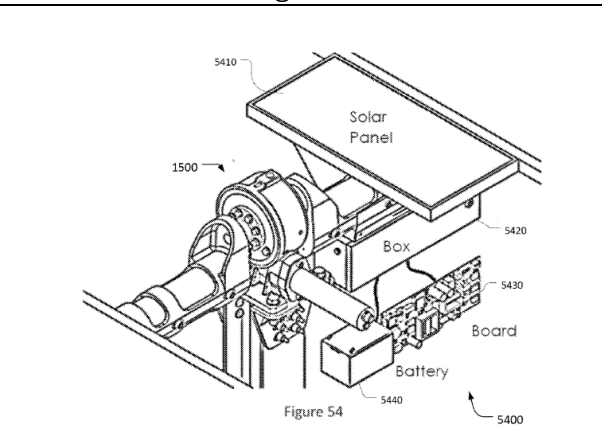
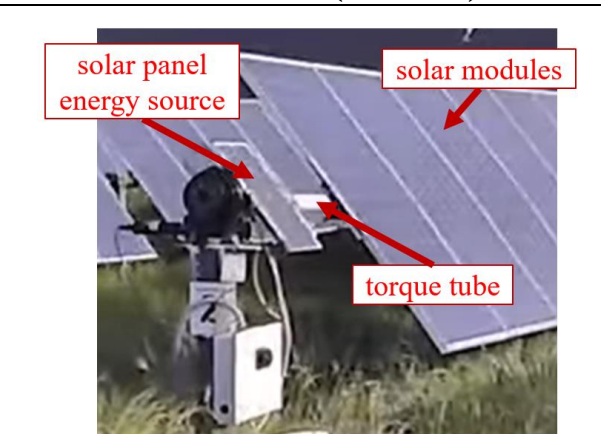
30. Nevados All Terrain Trackers contain a drive device operably coupled to the torque tube, the drive device configured to rotate the torque tube and the plurality of solar modules about the single axis of rotation.

Nextracker '768 Patent Figure 15	Excerpt from Nevados Website Video See Exhibit 13 (annotated)
	

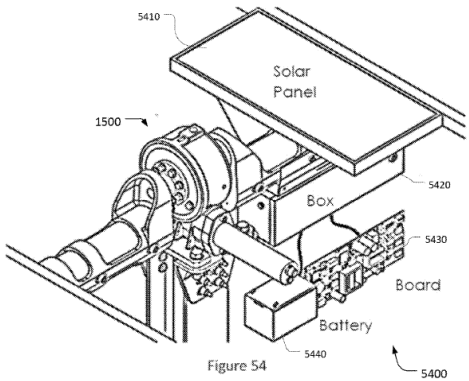
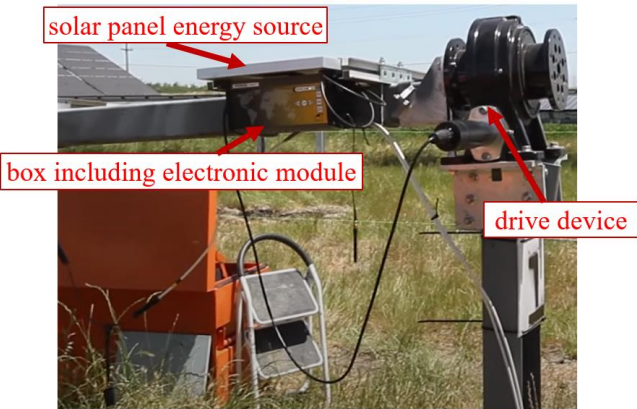
31. Nevados All Terrain Trackers contain at least one crank connected to the drive device and connected to the torque tube such that the torque tube is offset from the drive device, wherein the crank transfers rotational movement of the drive device to the torque tube to enable the solar modules to track the position of the sun.

Nextracker '768 Patent Figure 15  A technical drawing of a mechanical assembly. It shows a central vertical shaft (1530) with a horizontal arm (1540) extending from it. The arm has a curved end (1542) and a circular component (1544) with a central hole. A drive device (1548) is mounted on the arm. A torque tube (1560) is connected to the drive device. A crank (1550) is also shown, connected to the drive device. The entire assembly is mounted on a base (1530).	Excerpt from Nevada Website Video See Exhibit 13 (annotated)  A photograph of a mechanical assembly, likely the same one as in the technical drawing. Red arrows point to various parts, which are labeled in red boxes: "drive device" (pointing to the top circular component), "torque tube" (pointing to the horizontal arm), "crank" (pointing to the central vertical shaft), and "torque tube" (pointing to the base of the assembly).
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32. Nevados All Terrain Trackers contain a solar panel energy source smaller than each of the plurality of solar modules configured to power the drive device, the solar panel energy source mounted on the torque tube and disposed side by side with one of the plurality of solar modules on an upper portion of the torque tube such that rotation of the torque tube about the single axis of rotation orients the solar panel energy source to track the position of the sun.

Nextracker '768 Patent Figure 54	Excerpt from Nevados Website Video See Exhibit 13 (annotated)
 Figure 54 is a technical drawing of a solar tracking system. It shows a Solar Panel (5410) mounted on a Box (5420). The Box (5420) is connected to a Board (5430) and a Battery (5440). A torque tube (1500) is also shown. The entire assembly is labeled 5400.	 The photograph shows a solar tracking system in operation. Red arrows point to the solar panel, solar modules, and the torque tube. The system is mounted on a structure and is surrounded by grass.

33. Nevados All Terrain Trackers contain a box mounted on a lower portion of the torque tube spatially separated from the solar panel energy source, the box including an electronic module, wherein the box and the solar panel energy source are between the plurality of solar modules and the drive device.

Nextracker '768 Patent Figure 54	Excerpt from Nevados Website Video See Exhibit 13 (annotated)
 Figure 54	 solar panel energy source box including electronic module drive device

34. The Nevados All Terrain Trackers thus infringes at least claim 1 of the '768 Patent, literally and under the doctrine of equivalents.

35. On information and belief, Nevados contributes to the infringement of the '768 Patent by others under 35 U.S.C. § 271(c).

36. As described in Paragraph 22, Nevados sells some of its solar trackers as a collection of components. When Nevados's customers assemble and/or use those trackers, the customers directly infringe the '768 Patent. See Paragraphs 25–34.

37. On information and belief, the collection of components supplied by Nevados is especially made or adapted for use in an infringing manner and is not a common component suitable for non-infringing use.

38. On information and belief, Nevados supplied the components for its solar trackers with knowledge that the components were especially made or adapted for use in an infringing manner.

39. On information and belief, Nevados induces others to infringe the '768 Patent under 35 U.S.C. § 271(b).

40. As described in Paragraphs 20 through 24, Nevados induces others to install or use its infringing solar trackers, including its All Terrain Trackers.

41. On information and belief, Nevados's conduct described in Paragraphs 20 through 24 was intentional: Nevados acted with specific intent that its customers would install and/or use Nevados's solar trackers in a manner that infringes the '768 patent.

42. The installation and/or use of Nevados's solar trackers by others constitutes direct infringement of the '768 Patent. *See* Paragraphs 25–34.

43. Nevados has known of the '768 Patent since at least as of the filing of this Complaint.

44. Nextracker has suffered and continues to suffer harm as a result of Nevados's direct, contributory and induced infringement.

45. Nextracker has no adequate remedy at law for Nevados's infringement. As a direct and proximate result of Nevados's infringement, Nextracker has suffered and continues to suffer irreparable harm. Unless this Court enjoins Nevados's acts, Nextracker will continue to suffer irreparable harm.

46. Nextracker is entitled to injunctive relief in accordance with 35 U.S.C. §§ 271, 281, 283, and 284.

SECOND CLAIM FOR RELIEF

(Infringement of the '607 Patent)

47. Nextracker repeats and re-alleges Paragraphs 1 through 24 above as if fully set forth herein.

48. On information and belief, Nevados directly infringes the '607 Patent under 35 U.S.C. § 271(a), both literally and under the doctrine of equivalents.

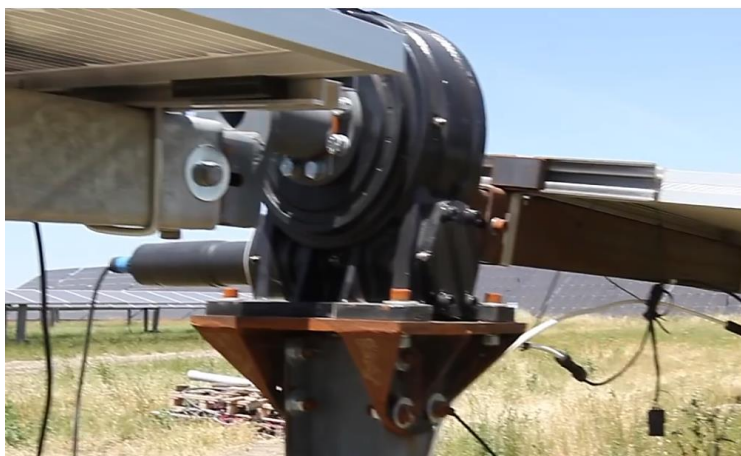
49. For example, Nevados has directly infringed, both literally and under the doctrine of equivalents, at least claim 1 of the '607 Patent. Nevados makes, uses, offers for sale, sells, or

imports within the United States products, such as the Nevados All Terrain Tracker, that meet every limitation of at least claim 1.

50. By way of example, Claim 1 of the '607 Patent is directed to a tracker apparatus comprising (1) a slew gear drive device; (2) a torque tube; (3) a crank extending between first and second end portions, the first end portion including a flange coupled to the slew gear drive device, the second end portion coupled to an end portion of the torque tube such that the longitudinal axis of the torque tube is offset from a center of rotation of the flange coupled to the slew gear drive device; (4) wherein a frame assembly is coupled to a plurality of solar modules.

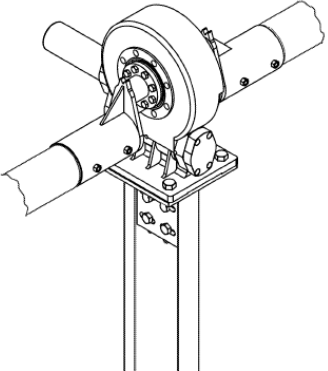
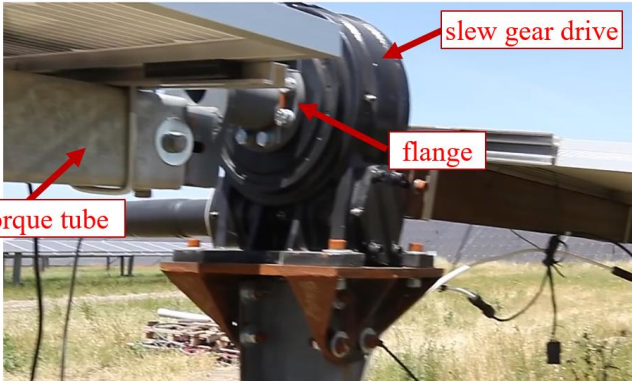
51. Nevados All Terrain Trackers contain a slew gear drive device.

Excerpt from Nevados Website Video
See Exhibit 13



52. Nevados All Terrain Trackers contain a torque tube. *See, e.g.*, annotated image in paragraph 53 below.

53. Nevados All Terrain Trackers contain a crank extending between first and second end portions, the first end portion including a flange coupled to the slew gear drive device, the second end portion coupled to an end portion of the torque tube such that the longitudinal axis of the torque tube is offset from a center of rotation of the flange coupled to the slew gear drive device.

Nextracker '607 Patent Figure 15	Excerpt from Nevados Website Video See Exhibit 13 (annotated)
	

54. Nevados All Terrain Trackers contain a frame assembly that is coupled to a plurality of solar modules.

Nevados Website (annotated)
See Exhibit 13



55. The Nevados All Terrain Tracker thus infringes at least claim 1 of the '607 Patent, literally and under the doctrine of equivalents.

56. On information and belief, Nevados contributes to the infringement of the '607 Patent by others under 35 U.S.C. § 271(c).

57. As described in Paragraph 22, Nevados sells some of its solar trackers as a collection of components. When Nevados's customers assemble and use those trackers, the customers directly infringe on the '607 Patent. See Paragraphs 47–55.

58. On information and belief, the collection of components supplied by Nevados is especially made or adapted for use in an infringing manner and is not a common component suitable for non-infringing use.

59. On information and belief, Nevados supplied the components for its solar trackers with knowledge that the components were especially made or adapted for use in an infringing manner.

60. On information and belief, Nevados induces others to infringe the '607 Patent under 35 U.S.C. § 271(b).

61. As described in Paragraphs 20 through 24, Nevados induces others to install or use its infringing solar trackers, including its Nevados All Terrain Trackers.

62. On information and belief, Nevados's conduct described in Paragraphs 20 through 24 was intentional: Nevados acted with specific intent that its customers would install and/or use Nevados's solar trackers in a manner that infringes the '607 Patent.

63. The installation and/or use of Nevados's solar trackers by others constitutes direct infringement of the '607 Patent. *See* Paragraphs 47–55.

64. Nevados has known of the '607 Patent at least as of the filing of this complaint.

65. Nextracker has suffered and continues to suffer harm as a result of Nevados's direct, contributory and induced infringement.

66. Nextracker has no adequate remedy at law for Nevados's infringement. As a direct and proximate result of Nevados's infringement, Nextracker has suffered and continues to suffer irreparable harm. Unless this Court enjoins Nevados's acts, Nextracker will continue to suffer irreparable harm.

67. Nextracker is entitled to injunctive relief in accordance with 35 U.S.C. §§ 271, 281, 283, and 284.

PRAYER FOR RELIEF

Nextracker respectfully requests the following relief:

- a) For a judgment in favor of Nextracker that Nevados has infringed, induced others to infringe, and/or contributorily infringed the Patents-in-Suit;
- b) For an award of damages sufficient to compensate Nextracker for Nevados's infringement, in an amount to be determined at trial;
- c) For a judgment in favor of Nextracker permanently enjoining Nevados, their directors, officers, agents, servants and employees, and those acting in privity with them, and their parents, subsidiaries, divisions, branches, affiliates, successors and assigns, from further acts of infringement, induced infringement, or contributory infringement of the Patents-in-Suit;
- d) For an award of pre and post-judgment interest, and the taxation of all allowable costs against Nevados;
- e) That Nevados be ordered to provide an accounting for the damages resulting from the infringement of the Patents-in-Suit, together with interest and costs, and all other damages permitted by 35 U.S.C. § 284, including an accounting for infringing acts not presented at trial and an award by the court of additional damages for any such infringing acts; and
- f) For any other and further relief as this Court shall deem appropriate.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Nextracker demands a trial by jury on all issues on which a jury trial is available under applicable law.

Dated: August 25, 2021

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