IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

UNICORN ENERGY GMBH	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 2:20-cv-338-JRG
	)	
TESLA, INC.	)	**DEMAND FOR JURY TRIAL**
	)	
Defendant.	)	

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Unicorn Energy GmbH ("Unicorn") hereby alleges, for its First Amended Complaint against Defendant Tesla, Inc. ("Tesla"), on personal knowledge as to Unicorn's own actions and on information and belief as to the actions of others, as follows:

OVERVIEW OF THE ACTION

1. This is a patent infringement action brought under 35 U.S.C. § 271 arising from Tesla's infringement of Unicorn's United States Patent No. 10,008,869 by the manufacture, use, and sale of, and offer to sell scalable energy storage products that include modular energy storing components, i.e., pods, comprising a switch for separating the energy storing component from electrical energy in response to an autonomous identification of incompatibility of the respective energy storing component with the present supply network, including but not limited to, (i) commercial-scale energy storage systems ("Commercial Products"), including but not limited to the Powerpack and Megapack, and (ii) residential or light commercial-scale battery systems ("Residential or Light Commercial Products"), including but not limited to the Powerwall to the extent multiple Powerwall products are connected in a stacked configuration (hereafter, Commercial Products and Residential or Light Commercial Products are referred to collectively

as "Accused Products"). Tesla uses Unicorn's patented energy storage technology in Tesla's Accused Products. Unicorn brings this action to remedy Tesla's infringement of Unicorn's innovative, patented technology.

THE PARTIES

2. Unicorn, previously known as EnergyTube Holding GmbH and as Ropa Engineering GmbH, is a foreign company organized and existing under the laws of Germany, having a principal place of business at Universitätspark 1, 73525 Schwäbisch-Gmünd, Germany.

3. Tesla is a corporation organized and existing under the laws of the state of Delaware, having a principal place of business at 3500 Deer Creek Road, Palo Alto, CA 94304.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq*. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because this is a civil action arising under the Patent Act.

5. This Court has personal jurisdiction over Tesla. Tesla has continuous and systematic business contacts with the State of Texas, including with the Eastern District of Texas. Tesla, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), conducts its business extensively throughout Texas, by shipping, distributing, offering for sale, selling, and advertising (including through interactive web pages) the Accused Products in the State of Texas and the Eastern District of Texas.

6. Tesla, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), has purposefully and voluntarily placed its infringing Accused Products into this District and into the stream of commerce with the intention and expectation that they will be purchased for use in this District. Tesla has offered and sold and continues to offer and sell the Accused Products for delivery and use in this District.

7. Venue is proper in this Court under 28 U.S.C. § 1400(b) because Tesla has a regular and established place of business in this District and has committed acts of infringement in this District.

8. Tesla occupies several permanent, physical places within this District from which it conducts business. For example, Tesla has physical stores, including in some cases service centers as well, in the following locations in this District: (1) 5800 Democracy Drive, Plano, Texas, 75024; (2) 7500 Windrose Avenue Space B185, Plano, Texas, 75024; and (3) 3408 S SW Loop 323, Tyler, Texas, 75701.

Tesla Gallery and Service Center located at 5800 Democracy Drive, Plano, Texas, 75024

9. As another example of permanent, physical places within this District from which Tesla carries out its business, Tesla has a number of Supercharger stations in this District, including at least the following: (1) Texarkana Supercharger, 3101 Mall Drive, Texarkana, Texas 75503; (2) Sulphur Springs Supercharger, 300 West Tomlinson Street, Sulphur Springs, Texas 75482; (3) Lindale Supercharger, 17044 I-20, Lindale, Texas 75706; and (4) Nacogdoches Supercharger, 2615 NW Stallings Drive, Nacogdoches, Texas 75964. These Supercharger stations have commercial signage identifying the location as a regular and established place of Tesla's business, are operated by Tesla to provide charging for Tesla vehicles for a fee, and are closely monitored and serviced by Tesla service technicians.

10. Tesla has committed acts of infringement in this District by offering to sell Commercial Products for delivery, installation, and/or use in this District.

11. Tesla has committed acts of infringement in this District by offering for sale and selling directly and/or through authorized resale/installation partners, delivering, installing, and/or using Residential or Light Commercial Products for delivery, installation, and/or use in this District. For example, Tesla displays and offers Powerwalls for sale in the showroom at its 7500 Windrose Avenue Space B185, Plano, Texas, 75024 location in the District:

12. Pursuant to these sales, Tesla has delivered, installed (either itself or through authorized agents), and used (at least for testing) Residential or Light Commercial Products at multiple locations in this District. Tesla has further induced infringement in this District by providing manuals and documentation teaching installation and use of the Residential or Light Commercial Products in an infringing manner, as well as by providing software to owners and/or

operators of Residential or Light Commercial Products located in this District that enable the owners and/or operators to (1) monitor and control the Residential or Light Commercial Products, including energy production and consumption in real time; (2) customize preferences to optimize for energy independence, outage protection, or savings; and (3) receive instant alerts and remote access to control the Residential or Light Commercial Products from anywhere.

COUNT I

(Infringement of U.S. Patent No. 10,008,869: Commercial Products)

13. On June 26, 2018, the United States Patent and Trademark Office duly issued U.S. Patent No. 10,008,869, entitled "SUPPLY NETWORK COMPONENT FOR A SUPPLY NETWORK" (the "'869 patent"). A true and correct copy of the '869 patent is attached hereto as Exhibit A. The '869 patent is directed to an energy storing component that communicates with and transfers electrical energy to at least one further energy storing component for a supply network.

14. The '869 patent has been in full force and effect since its issuance. Unicorn owns by assignment the entire right, title, and interest in and to the '869 patent, including the right to seek damages for past, current, and future infringement thereof.

15. Tesla began selling and offering to sell the Commercial Products, including but not limited to the Powerpack and Megapack, in or about September 2016. Tesla manufactures the Commercial Products, including but not limited to the Powerpack and Megapack, in the United States.

16. Tesla has infringed and continues to infringe the '869 patent, including at least claims 1 and 27, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, selling, exporting from, and/or exporting into the United States Tesla's Commercial Products, without authority or license. Tesla has delivered, installed (either

itself or through authorized agents), and used (at least for testing) the Commercial Products at multiple locations in the United States.

17. Tesla indirectly infringes the '869 patent, including at least claims 1 and 27, pursuant to 35 U.S.C. § 271(b), by (among other things) and with specific intent or willful blindness, actively aiding and abetting infringement by others, such as Tesla's partners, customers and end-users in the United States. For example, Tesla's partners, customers and end-users directly infringe through their use of the inventions claimed in the '869 patent. Tesla induces this direct infringement through its affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Commercial Products, and providing instructions, documentation, and other information to customers and end-users informing them to use the Commercial Products in an infringing manner, including on-site technical support and services, online technical support, training, marketing, product manuals, and advertisements, and providing software and mobile applications enabling customers and end-users to control and operate the Commercial Products. Tesla has further induced infringement by providing software to owners and/or operators of the Commercial Products located in the United States that enable the owners and/or operators to (1) monitor and control the Commercial Products, including site energy consumption in real time; (2) view a live graph of daily, weekly, monthly or annual energy generation and consumption, as well as Commercial Product charge and discharge activity; and (3) receive real-time notifications of power outages and knowledge of when the Commercial Product begins powering at the installation site. As a result of Tesla's inducement, Tesla's partners, customers and end-users use the Commercial Products in the way that Tesla intends and that directly infringes the '869 patent. Tesla has known of the '869 patent, and that the Commercial Products infringe the '869 patent, or has been willfully blind to such infringement, since at least the filing of the original Complaint.

Despite this knowledge of the '869 patent and that the Commercial Products infringe the '869 patent, Tesla has continued to perform these affirmative acts with the intent, or willful blindness, that the induced acts directly infringe the '869 patent.

18. Tesla also indirectly infringes the '869 patent, including at least claims 1 and 27, pursuant to 35 U.S.C. § 271(c), by contributing to direct infringement committed by others, such as customers and end-users in the United States. Tesla's affirmative acts of selling and offering to sell the Commercial Products and causing the Commercial Products to be manufactured, used, sold, and offered for sale in the United States, contribute to Tesla's customers' and end-users' use of the Commercial Products, such that the '869 patent is directly infringed. The Commercial Products are a material part of the invention of the '869 patent, are not a staple article or commodity of commerce, have no substantial non-infringing use, and are known by Tesla to be especially made or adapted for use in the infringement of the '869 patent. Tesla has known of the '869 patent, and that the Commercial Products infringe the '869 patent, or has been willfully blind to such infringement, since at least the filing of the original Complaint. Despite this knowledge of the '869 patent and that the Commercial Products infringe the '869 patent, Tesla has continued to perform these affirmative acts with knowledge of the '869 patent and with intent, or willful blindness, that they cause the direct infringement of the '869 patent.

19. Claim 1 of the '869 patent is reproduced below with the addition of labels [a], [b], [c], [d], and [e] corresponding to limitations of the claim.

> 1. An energy storing component for a supply network for electrical energy as a network medium, comprising:
>
> [a] at least one contact unit for contacting a further energy storing component of the supply network;

[b] an energy store comprising at least one battery cell, and

[c] at least one gateway for coupling the at least one contact unit with the energy store,

[d] wherein the at least one contact unit has a communication interface for communicating with a further energy storing component of the supply network and a transport interface for transporting the electrical energy to the further energy storing component;

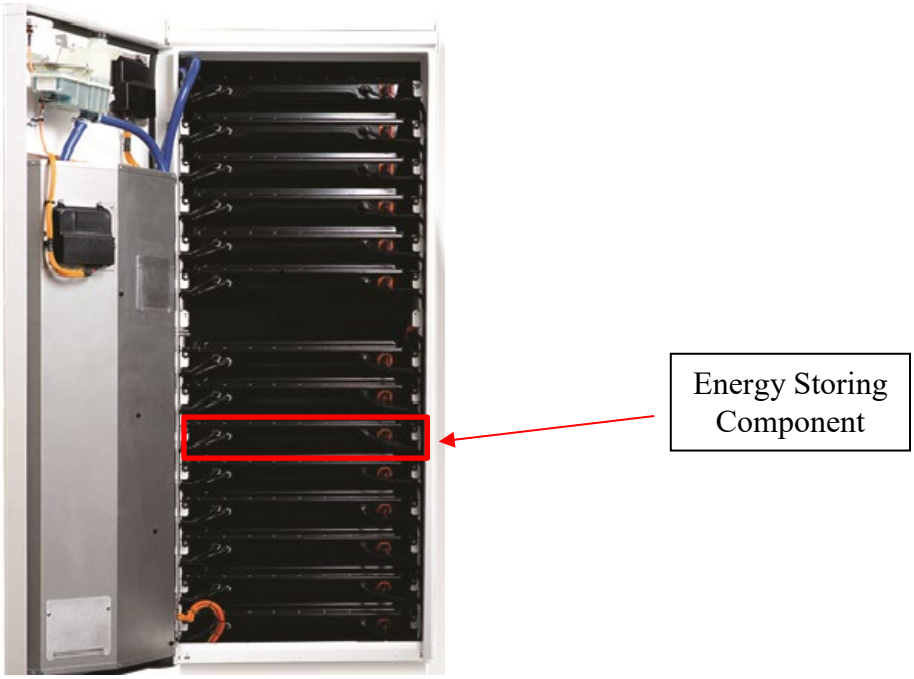
[e] wherein the energy storing component comprises at least one switch for separating the energy store from the network medium, the energy storing component being configured to cooperate with the communication interface such that the energy storing component is separated from the network medium in response to an autonomous identification of incompatibility of the energy storing component with the present supply network.

20. The Commercial Products, including but not limited to Tesla's Powerpack and Megapack, embody each and every limitation of at least claims 1 and 27 of the '869 patent, literally or under the doctrine of equivalents, as described in the non-limiting examples set forth below. These non-limiting examples are preliminary and are not intended to limit Unicorn's right to modify these non-limiting examples or allege that other aspects of the Commercial Products infringe the identified claims, or any other claims, of the '869 patent.

21. On information and belief, Tesla's Megapack includes battery modules with pod architecture that is substantially similar to the pod architecture within the Powerpack. Accordingly, the following non-limiting examples citing the Powerpack apply to both the Powerpack and Megapack, i.e., to the Commercial Products.

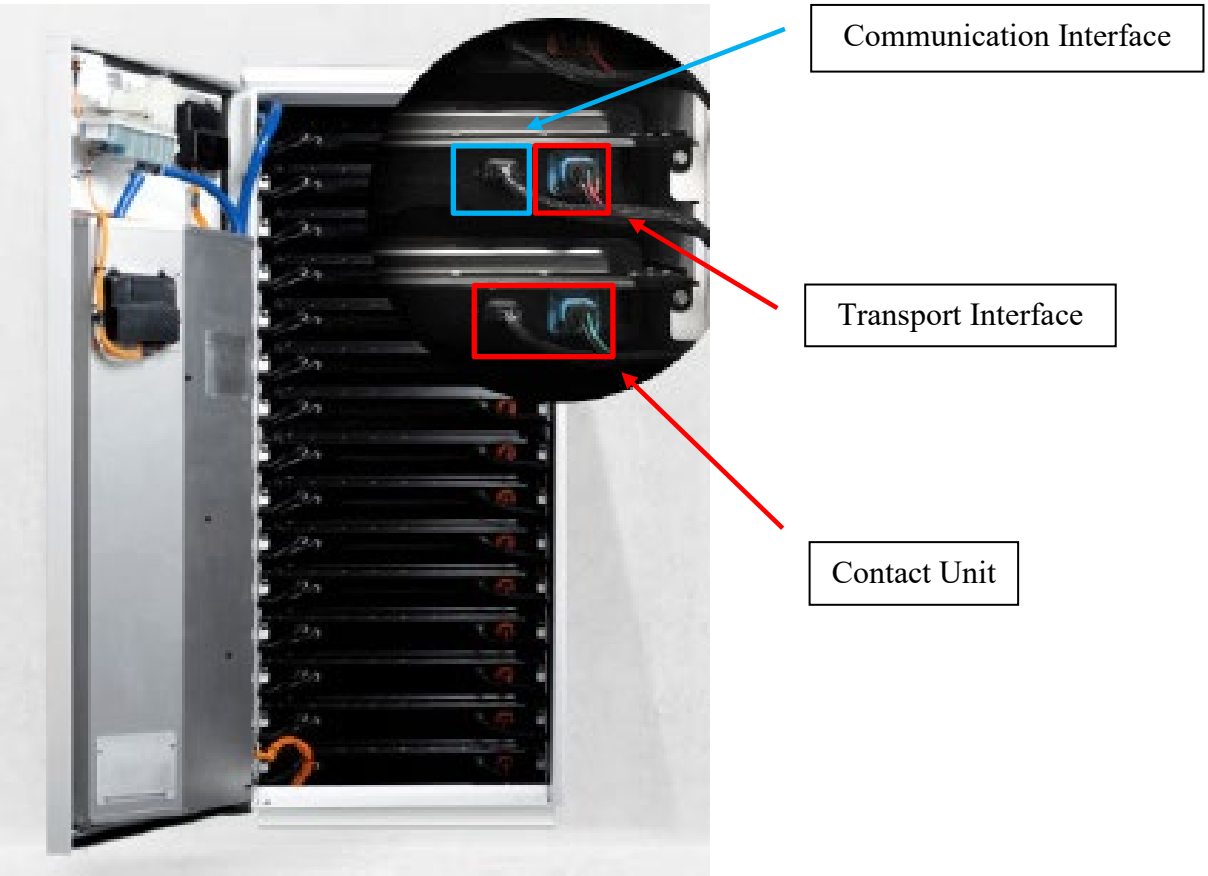
"1. An energy storing component for a supply network for electrical energy as a network medium, comprising:"

22. The Commercial Products have multiple energy storing components, referred to as pods, each with an isolated DC/DC converter. The architecture of the Commercial Products' energy storing components and onboard power electronics optimize performance across the array and enable easy swapping of energy storing components. An energy storing component of the Powerpack is identified in the image below.



"[a] at least one contact unit for contacting a further energy storing component of the supply network;"

23. Each energy storing component of the Commercial Products has a contact unit that includes a communication interface that communicates data and a transport interface that transports electrical energy. The contact unit is connected to other energy storing components of the Commercial Products via a central line, or system bus. The contact unit, communication interface, and transport interface of a Powerpack are identified in the image below.



"[b] an energy store comprising at least one battery cell, and"

24. Each energy storing component of the Commercial Products has one or more battery cells.

"[c] at least one gateway for coupling the at least one contact unit with the energy store,"

25. Each energy storing component of the Commercial Products has an isolated DC/DC converter that can convert between a low-voltage battery DC and a high-voltage bus DC. The DC/DC converter is used for DC/DC conversion to and from the battery of each individual energy storing component, and transmits voltage to the bus through the contact unit. Accordingly, the DC/DC converter serves as a gateway that couples the battery with the contact unit (and thereby to the central bus).

"[d] wherein the at least one contact unit has a communication interface for communicating with a further energy storing component of the supply network and a transport interface for transporting the electrical energy to the further energy storing component;"

26. Each energy storing component of the Commercial Products has a contact unit that includes a communication interface and a transport interface. The contact unit is connected to other energy storing components of the Commercial Products via a central line, or system bus. The communication interface communicates data to other energy storing components and the transport interface transports electrical energy to other energy storing components. The contact unit, communication interface, and transport interface are identified in the image following paragraph 23 above.

"[e] wherein the energy storing component comprises at least one switch for separating the energy store from the network medium, the energy storing component being configured to cooperate with the communication interface such that the energy storing component is separated from the network medium in response to an autonomous identification of incompatibility of the energy storing component with the present supply network."

27. Each energy storing component of the Commercial Products has an isolated DC/DC converter. The isolated DC/DC converter includes at least one switch, which can be used to separate the energy store (i.e., one or more battery cells) from the network medium (i.e., electrical energy).

28. Each isolated DC/DC converter is configured to cooperate with the communication interface. Each isolated DC/DC converter includes battery management hardware that can

communicate with the rest of the network about the health and power of the battery cell in the energy storing component. This communication is facilitated by the communication line located within the contact unit.

29. The isolated DC/DC converter itself (i.e., autonomously) identifies incompatibility of the energy storing component with the electrical energy network based on one or more signals received by the energy storing component from the system bus. Upon such identification of incompatibility, and as determined by the converter circuitry of the DC/DC converter based on the one or more signals, the converter circuitry interrupts the flow of electricity from the one or more battery cells in the energy storing component to the electrical energy network.

30. Claim 27 of the '869 patent is reproduced below with the addition of labels [a], [b], [c], [d], [e], and [f] corresponding to limitations of the claim.

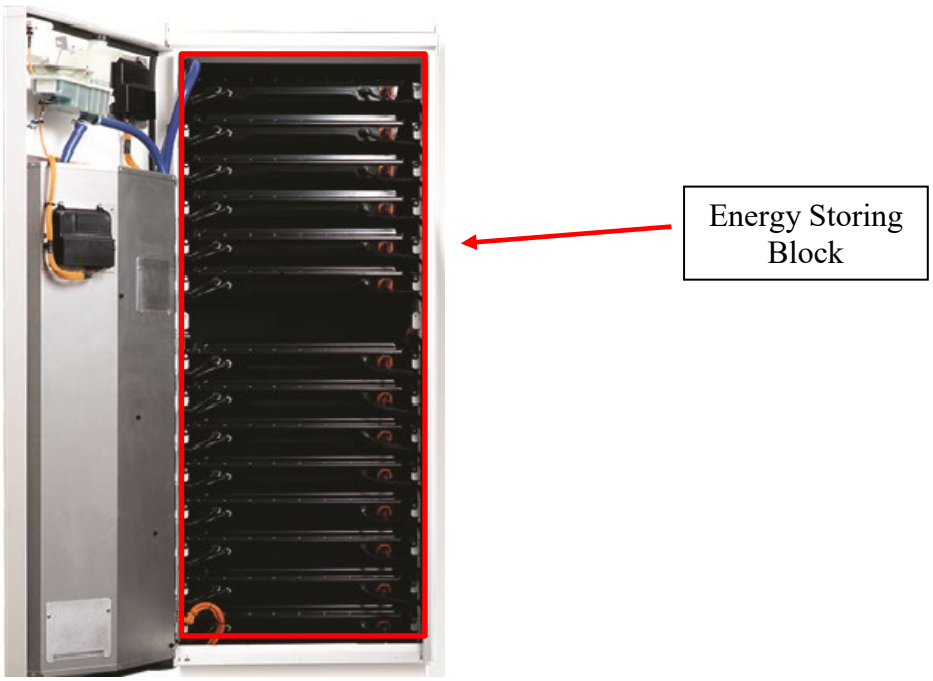
> 27. An energy storage block for a supply network for electrical energy as a network medium, wherein the energy storage block comprises:
>
> [a] a plurality of energy storing components for a supply network for electrical energy as a network medium, each supply network component comprising:
>
> [b] at least one contact unit for contacting a further energy storing component of the supply network;
>
> [c] an energy store comprising at least one battery cell, and
>
> [d] at least one gateway for coupling the at least one contact unit with the energy store;
>
> [e] wherein the at least one contact unit has a communication interface for communicating with a further energy storing component of the supply network

and a transport interface for transporting the electrical energy to the further energy storing component, wherein the plurality of supply network components are connected in parallel or in series with one another;

[f] wherein each of the energy storing components comprises at least one switch for separating its respective energy store from the network medium, each of the energy storing component being configured to cooperate with the communication interface such that the respective energy storing component is separated from the network medium in response to an autonomous identification of incompatibility of the respective energy storing component with the present supply network.

"27. An energy storage block for a supply network for electrical energy as a network medium, wherein the energy storage block comprises:"

31. The Commercial Products include an energy storing block having multiple energy storing components, referred to as pods, each with an isolated DC/DC converter. The architecture of the electronic storing components and onboard power electronics optimize performance across the array and enable easy swapping of electronic storing components. The energy storing block of the Powerpack is identified in the image below.



32. The remaining limitations of claim 27 are satisfied by the non-limiting examples set forth in paragraphs 22 through 29 above, except for limitation [e] which recites the following additional language not found in the corresponding limitation of claim 1: "wherein the plurality of supply network components are connected in parallel or in series with one another." The Tesla Commercial Products satisfy this limitation because the supply network components are connected in parallel.

33. Unicorn has been damaged as a result of Tesla's acts of infringement in an amount subject to proof at trial.

34. Tesla's infringement of the '869 patent from and after the filing of this Complaint is willful, making this an exceptional case that warrants an award of attorneys' fees to Unicorn pursuant to 35 U.S.C. § 285.

35. As a result of Tesla's infringement of the '869 patent, Unicorn has suffered monetary damages in an amount not yet determined and will continue to suffer damages in the future unless Tesla's infringing activities are enjoined by this Court.

36. Unless a permanent injunction is issued enjoining Tesla and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on Tesla's behalf from infringing the '869 patent, Unicorn will be irreparably harmed.

COUNT II

(Infringement of U.S. Patent No. 10,008,869: Residential or Light Commercial Products)

37. Unicorn incorporates by reference each of the paragraphs above as if fully stated herein.

38. Tesla began selling and offering to sell the Residential or Light Commercial Products, such as the Powerwall, in or about April 2015. On information and belief, Tesla began selling and offering to sell the Powerwall 2 in October 2016. Tesla manufactures the Residential or Light Commercial Products in the United States.

39. Tesla has infringed and continues to infringe the '869 patent, including at least claims 1 and 27, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, selling, exporting from, and/or exporting into the United States Tesla's Residential or Light Commercial Products, without authority or license.

40. Tesla indirectly infringes the '869 patent, including at least claims 1 and 27, pursuant to 35 U.S.C. § 271(b), by (among other things) and with specific intent or willful blindness, actively aiding and abetting infringement by others, such as Tesla's partners, customers and end-users, in this District and elsewhere in the United States. For example, Tesla's partners, customers and end-users directly infringe through their use of the inventions claimed in the '869 patent. Tesla induces this direct infringement through its affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Residential or Light Commercial Products, and providing instructions, documentation, and other information to customers and end-

users informing them to use the Residential or Light Commercial Products in an infringing manner, including on-site technical support and services, online technical support, training, marketing, product manuals, and advertisements, and providing software and mobile applications enabling customers and end-users to control and operate the Residential or Light Commercial Products. As a result of Tesla's inducement, Tesla's partners, customers and end-users use the Residential or Light Commercial Products in the way that Tesla intends and that directly infringes the '869 patent. Tesla has known of the '869 patent, and that the Residential or Light Commercial Products infringe the '869 patent, or has been willfully blind to such infringement, since at least the filing of this First Amended Complaint. Despite this knowledge of the '869 patent and that the Residential or Light Commercial Products infringe the '869 patent, Tesla has continued to perform these affirmative acts with the intent, or willful blindness, that the induced acts directly infringe the '869 patent.

41. Tesla also indirectly infringes the '869 patent, including at least claims 1 and 27, pursuant to 35 U.S.C. § 271(c), by contributing to direct infringement committed by others, such as customers and end-users, in this District and elsewhere in the United States. Tesla's affirmative acts of selling and offering to sell, in this District and elsewhere in the United States, the Residential or Light Commercial Products and causing the Residential or Light Commercial Products to be manufactured, used, sold, and offered for sale, contribute to Tesla's customers' and end-users' use of Residential or Light Commercial Products, such that the '869 patent is directly infringed. The Residential or Light Commercial Products are a material part of the invention of the '869 patent, is not a staple article or commodity of commerce, has no substantial non-infringing use, and is known by Tesla to be especially made or adapted for use in the infringement of the '869 patent. Tesla has known of the '869 patent, and that the Residential or Light Commercial Products

infringe the '869 patent, or has been willfully blind to such infringement, since at least the filing of this First Amended Complaint. Despite this knowledge of the '869 patent and that the Residential or Light Commercial Products infringe the '869 patent, Tesla has continued to perform these affirmative acts with knowledge of the '869 patent and with intent, or willful blindness, that they cause the direct infringement of the '869 patent.

42. Claim 1 of the '869 patent is reproduced below with the addition of labels [a], [b], [c], [d], and [e] corresponding to limitations of the claim.

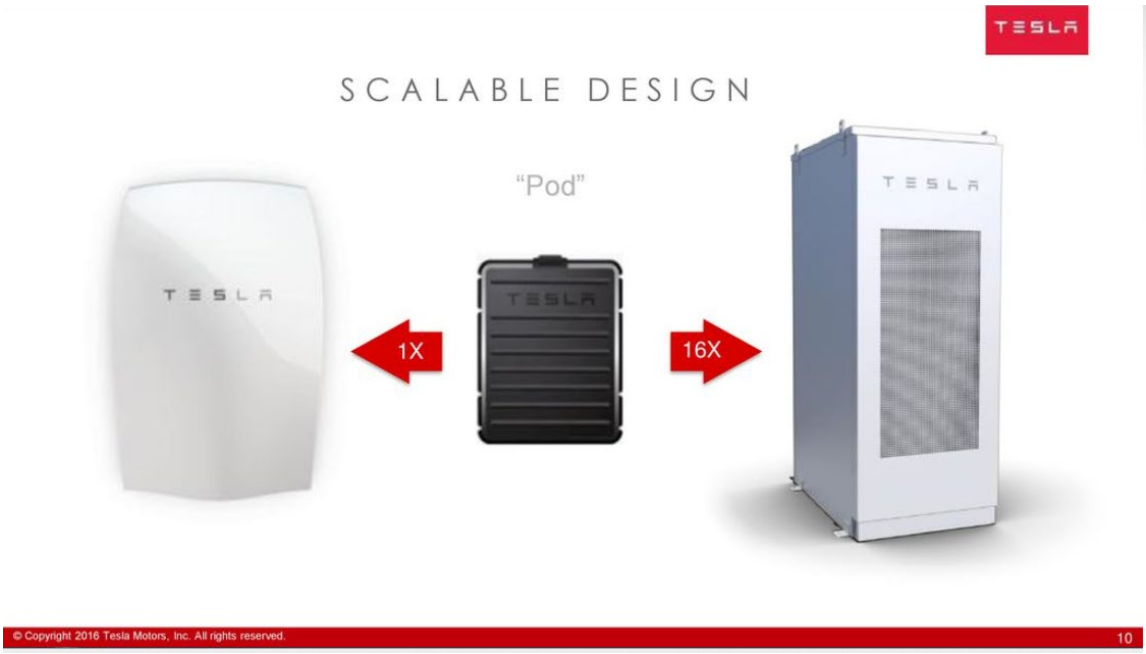
> 1. An energy storing component for a supply network for electrical energy as a network medium, comprising:
>
> [a] at least one contact unit for contacting a further energy storing component of the supply network;
>
> [b] an energy store comprising at least one battery cell, and
>
> [c] at least one gateway for coupling the at least one contact unit with the energy store,
>
> [d] wherein the at least one contact unit has a communication interface for communicating with a further energy storing component of the supply network and a transport interface for transporting the electrical energy to the further energy storing component;
>
> [e] wherein the energy storing component comprises at least one switch for separating the energy store from the network medium, the energy storing component being configured to cooperate with the communication interface such that the energy storing component is separated from the network

medium in response to an autonomous identification of incompatibility of the energy storing component with the present supply network.

43. The Residential or Light Commercial Products, including but not limited to stacked Powerwalls, embody each and every limitation of at least claims 1 and 27 of the '869 patent, literally or under the doctrine of equivalents, as described in the non-limiting examples set forth below. These non-limiting examples are preliminary and are not intended to limit Unicorn's right to modify these non-limiting examples or allege that other aspects of the Residential or Light Commercial Products infringe the identified claims, or any other claims, of the '869 patent.

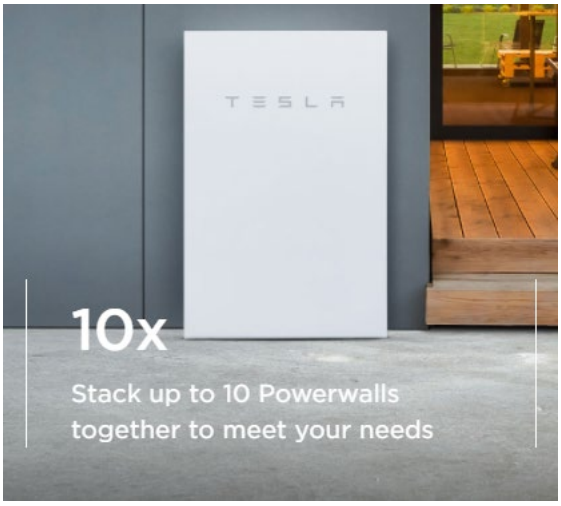
"1. An energy storing component for a supply network for electrical energy as a network medium, comprising:"

44. The Residential or Light Commercial Products comprise an energy storing component, referred to as a pod, with an isolated DC/DC converter. On information and belief, the pods within each Residential or Light Commercial Product are substantially the same pods that are within the Commercial Products, but whereas the Residential or Light Commercial Products are equipped with a single pod, the Commercial Products are typically equipped with at least two pods. An energy storing component of the Powerwall is identified in the image below:



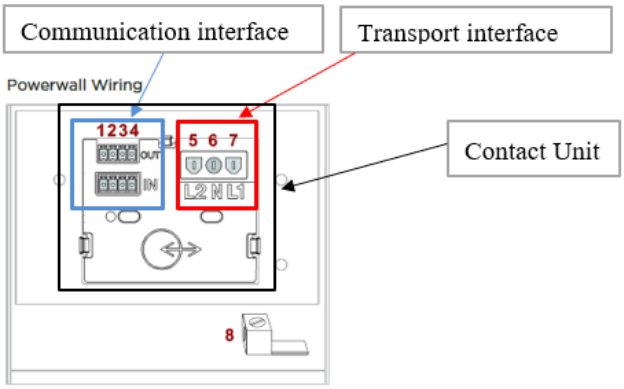
"[a] at least one contact unit for contacting a further energy storing component of the supply network;"

45. Tesla encourages users to stack multiple Residential or Light Commercial Products, including but not limited to Powerwalls, to meet energy needs:



46. Each stacked Residential or Light Commercial Products energy storing component has a contact unit that includes a communication interface that communicates data and a transport interface that transports electrical energy. The contact unit is connected to other energy storing

components. The contact unit, communication interface, and transport interface are identified in the image below:



"[b] an energy store comprising at least one battery cell, and"

47. Each Residential or Light Commercial Product energy storing component, including but not limited to Powerwalls, has one or more battery cells.

"[c] at least one gateway for coupling the at least one contact unit with the energy store,"

48. Each Residential or Light Commercial Product, including but not limited to stacked Powerwall energy storing component, has at least an isolated DC/DC converter that can convert between a low-voltage battery DC and a high-voltage bus DC. The DC/DC converter is used for DC/DC conversion to and from the battery of each individual energy storing component, and transmits voltage to a bus through the contact unit. Accordingly, the DC/DC converter serves as a gateway that couples the battery with the contact unit (and thereby to the bus).

"[d] wherein the at least one contact unit has a communication interface for communicating with a further energy storing component of the supply network and

a transport interface for transporting the electrical energy to the further energy storing component;"

49. Each Residential or Light Commercial Product, including but not limited to stacked Powerwall energy storing component, has a contact unit that includes a communication interface and a transport interface. The contact unit is connected to other energy storing components of the Residential or Light Commercial Products. The communication interface communicates data to other energy storing components and the transport interface transports electrical energy to other energy storing components. The contact unit, communication interface, and transport interface are identified in the image following paragraph 46 above.

"[e] wherein the energy storing component comprises at least one switch for separating the energy store from the network medium, the energy storing component being configured to cooperate with the communication interface such that the energy storing component is separated from the network medium in response to an autonomous identification of incompatibility of the energy storing component with the present supply network."

50. Each Residential or Light Commercial Product, including but not limited to a stacked Powerwall energy storing component, has an isolated DC/DC converter. The isolated DC/DC converter includes at least one switch, which can be used to separate the energy store (i.e., one or more battery cells) from the network medium (i.e., electrical energy).

51. Each isolated DC/DC converter is configured to cooperate with the communication interface. Each isolated DC/DC converter includes battery management hardware that can communicate with the rest of the network about the health and power of the battery cell in the

energy storing component. This communication is facilitated by the communication line located within the contact unit.

52. The isolated DC/DC converter itself (i.e., autonomously) identifies incompatibility of the energy storing component with the electrical energy network based on one or more signals received by the energy storing component through the communication interface. Upon such identification of incompatibility, and as determined by the converter circuitry of the DC/DC converter based on the one or more signals, the converter circuitry interrupts the flow of electricity from the one or more battery cells in the energy storing component to the electrical energy network.

53. Claim 27 of the '869 patent is reproduced below with the addition of labels [a], [b], [c], [d], [e], and [f] corresponding to limitations of the claim.

> 27. An energy storage block for a supply network for electrical energy as a network medium, wherein the energy storage block comprises:
>
> [a] a plurality of energy storing components for a supply network for electrical energy as a network medium, each supply network component comprising:
>
> [b] at least one contact unit for contacting a further energy storing component of the supply network;
>
> [c] an energy store comprising at least one battery cell, and
>
> [d] at least one gateway for coupling the at least one contact unit with the energy store;
>
> [e] wherein the at least one contact unit has a communication interface for communicating with a further energy storing component of the supply network and a transport interface for transporting the electrical energy to the further energy

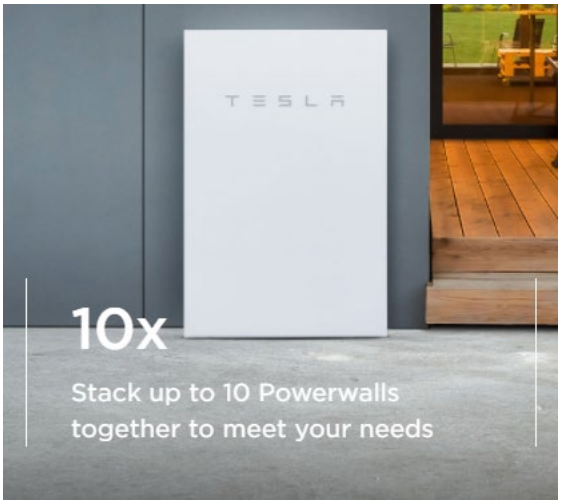
storing component, wherein the plurality of supply network components are connected in parallel or in series with one another;

[f] wherein each of the energy storing components comprises at least one switch for separating its respective energy store from the network medium, each of the energy storing component being configured to cooperate with the communication interface such that the respective energy storing component is separated from the network medium in response to an autonomous identification of incompatibility of the respective energy storing component with the present supply network.

"27. An energy storage block for a supply network for electrical energy as a network medium, wherein the energy storage block comprises:

[a] a plurality of energy storing components for a supply network for electrical energy as a network medium, each supply network component comprising:"

54. Tesla encourages users to stack multiple Residential or Light Commercial Products, including but not limited to Powerwalls, to meet energy needs:



55. The multiple Residential or Light Commercial Products, including but not limited to "stacked" Powerwalls, comprise an energy storing block having a plurality of energy storing components, referred to as pods, each with an isolated DC/DC converter.

56. The remaining limitations of claim 27 are satisfied by the non-limiting examples set forth in paragraphs 44 through 52 above, except for limitation [e] which recites the following additional language not found in the corresponding limitation of claim 1: "wherein the plurality of supply network components are connected in parallel or in series with one another." The Tesla Residential or Light Commercial Products, including but not limited to the Powerwall, satisfy this limitation because the multiple stacked Residential or Light Commercial Product supply network components are connected in parallel.

57. Unicorn has been damaged as a result of Tesla's acts of infringement in an amount subject to proof at trial.

58. Tesla's infringement of the '869 patent from and after the filing of this Complaint is willful, making this an exceptional case that warrants an award of attorneys' fees to Unicorn pursuant to 35 U.S.C. § 285.

59. As a result of Tesla's infringement of the '869 patent, Unicorn has suffered monetary damages in an amount not yet determined and will continue to suffer damages in the future unless Tesla's infringing activities are enjoined by this Court.

60. Unless a permanent injunction is issued enjoining Tesla and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on Tesla's behalf from infringing the '869 patent, Unicorn will be irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Unicorn prays for a judgment in its favor and against Tesla and respectfully requests the following relief:

A. A judgment that Tesla infringes the ’869 patent;

B. Damages for infringement of the ’869 patent in an amount to be determined at trial;

C. An order permanently enjoining Tesla from further infringement of the ’869 patent;

D. For other monetary relief, including costs and expenses and pre- and post-judgment interest;

E. A determination that Tesla’s infringement of the ’869 patent patents has been and is willful from and after the filing of this Complaint, and an award of enhanced damages, up to and including trebling of the damages awarded to Unicorn;

F. A determination that this is an exceptional case under 35 U.S.C. § 285 and an award of attorneys’ fees and costs to Unicorn;

G. An order awarding Unicorn any such other relief as the Court may deem just and proper under the circumstances.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Unicorn hereby demands a jury trial as to all issues so triable.

Dated: Februrary 9, 2021

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