THE HONORABLE BENJAMIN H. SETTLE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

MULTISCAN TECHNOLOGIES USA, LLC, an Oregon limited liability company, and **MULTISCAN TECHNOLOGIES, S.L.**, a Spanish company, Plaintiffs, **v.** **AVNER COHN**, an individual Washington resident, Defendant.	No. 3:23-cv-05978-BHS FIRST AMENDED COMPLAINT JURY TRIAL DEMANDED

COMES NOW Plaintiffs, MULTISCAN TECHNOLOGIES USA, LLC ("MTUSA") and MULTISCAN TECHNOLOGIES, S.L. ("MTS") (collectively "Plaintiffs"), by undersigned counsel, and asserts this First Amended Complaint, pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, amending as a matter of course, filed within twenty-one (21) days after the responsive pleading and motion of Defendant AVNER COHN ("Cohn"), and asserts claims, including claims for declaratory relief, for: (1) declaration and correction of inventorship; (2) declaration of ownership of patent by Plaintiffs; (3) declaration of shop right license by Plaintiffs; (4) misappropriation of corporate assets/opportunities of MTUSA; (5) breach of fiduciary duties to MTUSA; (6) declaration of noninfringement of

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patent; (7) declaration of invalidity of patent, and (8) misappropriation of trade secrets, and allege as follows:

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this action. This Court has Diversity Jurisdiction over this action pursuant to 28 U.S.C. § 1332 as an action between citizens of different states and an amount in controversy in excess of $75,000. This Court has Federal Question Jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338 as an action arising under the patent laws of the United States, Title 35 of the United States Code (35 U.S.C. § 1, *et seq*.), and under the Federal Declaratory Judgment Act (28 U.S.C. §§ 2201 and 2202). This Court has jurisdiction over this matter pursuant to 35 U.S.C. § 256(b), as an action to correct inventorship of an issued U.S. patent. This Court also has supplemental jurisdiction pursuant to 28 U.S.C. § 1367. Pursuant to Rule 9(c), Plaintiffs plead that all acts and conditions precedent for establishing jurisdiction have been performed or have occurred.

2. Venue and personal jurisdiction are proper in this district pursuant to 28 U.S.C. § 1391(b) and (c) and § 1400, and, pursuant to FRCP 4, Washington's long arm jurisdictional rules and statutes in that Defendant resides in this district and/or can be found in this district by virtue of their activities, are engaged in substantial and not isolated activities in this district, and engaged in acts in this district.

3. Plaintiffs are informed and believe and on that basis allege that this Court has personal jurisdiction over Defendant by virtue of Defendant residing in, transacting in, and doing business in this judicial district.

PARTIES

4. MTUSA is an Oregon limited liability company.

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5. MTS is a Spanish business entity, currently owning 100% of MTUSA.

6. Cohn is an individual residing in Skamania County, Washington.

COMMON ALLEGATIONS OF FACT

7. Since before 2013, MTS has been a global leader in developing, manufacturing, and selling industrial sorters for the agricultural industry. These sorters are large machines with optical technology which allows sorting by size, shape, weigh, color, defect, among other things. Over its corporate lifetime, MTS has developed, manufactured and sold sorters for olives, tomatoes, cherries, walnuts, pecans, macadamias, pistachios, hazelnuts, etc.

8. An example of a sorter MTS has been selling since at least 2010 is the Multiscan S50C optical cherry sorter, which uses color and NIR (Near Infrared) optical sorting technology. Specifically, HSI (Hue, Saturation, Intensity), and NIR wavelength, acquired from RGB light, to perform computer vision analysis on a pixel-by-pixel basis. This sorter converted and analyzed the HSI and NIR over ranges for each factor.

9. In 2013 MTS and Cohn, through MTS officer Carlos de Miguel and MTS Chief Engineer Simon Van Olmen started discussions for adapting MTS sorters to the pistachio industry. MTS and Cohn created a joint venture for that purpose, which became MTUSA in October 2013. The product development was done by MTS.

10. The purpose of the joint venture was to commercialize the sorting system developed by MTS for manufacture by MTS and to import the systems into the United States and North America to be sold and supported by MTUSA. MTS would sell and support the systems outside North America, either directly or through other distributors or dealers.

11. MTS would not have entered into the joint venture with Cohn, nor formed and

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funded MTUSA with Cohn, nor expended the financial, technical and manpower resources in developing and commercializing the sorting system, nor agreed to allow Cohn to assume the role of Manager and/or officer of MTUSA, if MTS were aware that Cohn asserted, or would assert, personal ownership over the intellectual property embedded in the sorting system and subsequently described and claimed in the '004 Patent, to the exclusion of MTS and MTUSA.

12. Plaintiffs are informed and believe and on that basis allege that throughout 2013 and 2014, and in fact all the way through 2018, Cohn was first a joint venture partner of MTS and then the Manager, a member and an officer as President, of MTUSA. The primary purpose of the joint venture and MTUSA was to adapt MTS existing sorting technology to the pistachio industry.

13. Throughout 2014-2018, Cohn was listed as "Manager of MTUSA in state filings. Cohn frequently referred to himself as the "head" of MTUSA, "President" of MTUSA, such as in magazines, letters he signed as President of MUTSA, and business cards of Cohn identifying him as President of MTUSA, among others.

14. As part of the joint venture, and then company MTUSA, MTS personnel exchanged numerous e-mails and communications with Cohn through 2013, 2014 and 2015, and Cohn visited MTS' factory in Spain.

15. In April 2013, MTS chief engineer Mr. Van Olmen sent an e-mail to Cohn with a video of a pistachio on a roller belt of a sorting machine. Mr. Van Olmen stated: "We will also take some images on another machine, to evaluate the possibility to differentiate the open pistachio any comments on the video ?" Cohn responded, "I did open the file using Real Player. Lokks[sic] VERY VERY promising."

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16. On May 23, 2013, Mr. Van Olmen sent an e-mail to Cohn with video of MTS' prototype pistachio sorter, focusing on the optical system, in which Mr. Van Olmen stated: "all our test are positive, and it seems that it should work fine, as expected."

17. Starting in August 2013, MTS employees regularly sent Cohn documentation and media of pistachio testing being performed by MTS in Spain, including photos of pistachio testing, and testing results of the S60SP prototype pistachio sorter.

18. MTS built and completed the first pistachio sorting prototype between November 2013 and February 2014. By April 2014, it was placed in a real-world testing environment. The User Manual for the S60SP, which was sent by an MTS engineer to Cohn, specifically referenced: "[A] built-in vision system, which uses high-resolution, high-speed cameras," and "[t]he system is based on two cameras that take images of the transport area on a continuous basis. These images are processed to search for objects which are later analyzed to determine their features and, based on these, each product is then sorted into a category. The classification criteria could be color, saturation, intensity…." The accompanying quick reference guide was provided in the same e-mail. The quick reference guide shows explicitly the use of an optical sorting system focusing on color, intensity, saturation, etc.

19. In June 2014, MTS started testing its prototype pistachio sorter, S60SP in a real-world scenario in the United States.

20. On November 27, 2014, Mr. Van Olmen e-mailed Cohn an engineering drawing of the S60SP in aid of a customer sale.

21. Plaintiffs are informed and believe and on that basis allege Cohn did not have any hand in developing the software application; that software development was entirely

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done by MTS engineers; that Cohn did not introduce MTS to sorting by hue and color; that MTS was already doing color sorting of agricultural products by hue and color, including ranges thereof, as well as NIR and HSI, at least as early as 2010.

22. MTS' engineering, design and product development employees are subject to obligations to assign inventor's rights to MTS by agreement and operation of law, by which MTS automatically owns any patent rights to inventions created and/or reduced to practice by them in the course of their employment, including but not limited to the patentable subject matter described and claimed in the '004 Patent.

23. Plaintiffs are informed and believe and on that basis allege throughout 2013 and 2014, Cohn received confidential engineering and prototype development information from MTS directly related to pistachio sorting using an optical sorting system that MTS had developed from its own earlier machines.

24. Plaintiffs are informed and believe and on that basis allege that the information Cohn received from MTS in 2013 and 2014 was considered confidential and was not to be shared with competitors. While not on each and very e-mail, an exemplary e-mail to Cohn during this period from an MTS engineer dated July 14, 2014, an involving real-world testing of the S60SP prototype, included the legend:

> "This message, its content and any document attached thereto is for the exclusive use of its intended recipients and contains privileged, proprietary, or otherwise private information of MULTISCAN TECHNOLOGIES S.L. Therefore any disclosure, copying or use by third parties of this information is prohibited."

25. Plaintiffs are informed and believe and on that basis allege that MTS, and ultimately MTUSA, relied on Cohn's fiduciary obligations, first as a joint venture partner, and then as the Manager, President and a member of MTUSA to maintain the confidentiality.

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26. Plaintiffs are informed and believe and on that basis allege that if competitors had obtained the information shared, it would have given them a competitive advantage, or conversely, a disadvantage to Plaintiffs.

27. Plaintiffs are informed and believe and on that basis allege that in 2015, Cohn used the confidential information he received from MTS when he filed a patent application in his own name, which ultimately became US Patent 9,676,004 B2 (the "'004 Patent"), which described and claimed technology MTS worked on as part of the joint venture and MTUSA company with Cohn; that Cohn secretly, and without the consent of Plaintiffs, filed the application when he was the Manager, an officer and a member of MTUSA; Cohn did so without informing Plaintiffs and while having confidential access to Plaintiffs' trade secrets in development machines and other trade secret technologies; Cohn did so after Plaintiffs had expended substantial time, resources, and money to develop the sorting system technology; and that that thereafter, throughout 2015, 2016, 2017 or 2018, all times during which he was the Manager, President and/or a member of MTUSA and/or Manager of MTUSA, he did not disclose his patent application to MTUSA, nor offer to assign it to MTUSA, nor offer it as a corporate opportunity to MTUSA.

28. Plaintiffs are informed and believe and on that basis allege that, to the extent the '004 Patent claims patentable subject matter, one or more MTS employees are co-inventors for at least independent claim1.

29. Neither MTS nor their employee-inventors intentionally or knowingly caused the USPTO to misname the inventors listed on the '004 Patent. To the extent there was misjoinder of inventorship on the issued '004 Patent, it was not caused by any misconduct or fraud on the part of MTS or their employee-inventors.

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30. Plaintiffs are informed and believe and on that basis allege that in 2016 the first year of sales of the new sorter using the "Sorting System" technology exceeded half a million dollars.

31. Plaintiffs are informed and believe and on that basis allege that MTUSA is and should be declared to be the sole owner or co-owner of the '004 Patent.

32. Plaintiffs are informed and believe and on that basis allege, in the alternative, that Plaintiffs are entitled to a royalty free perpetual license to the '004 Patent.

33. Plaintiffs are informed and believe and on that basis allege that there is an actual, present and existing dispute regarding ownership and shop right of the '004 Patent, and the parties have genuine and opposing interests, that the opposing interests between the parties are direct and substantial, that a judicial determination of the ownership of and/or shop right license to the '004 Patent will be final and conclusive, and that this suit is therefore ripe and appropriate for resolution by this Court.

FIRST CLAIM FOR RELIEF –

DECLARATION AND CORRECTION OF INVENTORSHIP

34. Plaintiffs re-allege every paragraph in this Complaint.

35. The Patent Act, 35 U.S.C. § 100 defines "inventor" as "the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention."

36. The Patent Act, 35 U.S.C. § 256(b) provides a cause of action for a federal court to order the Director of the USPTO to correct the inventorship of issued patents having misnamed the inventorship. Additionally, this actual controversy warrants relief by declaring the rights and liabilities of the parties pursuant to 28 U.S.C. §§ 2201, 2202.

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37. Plaintiffs are informed and believe and on that basis allege one or more of MTS' employees are co-inventors of the subject matter described and claimed in the '004 Patent, at least as to independent claim 1.

38. Plaintiffs seek a declaration from this Court that Defendant is not the inventor, or at least not the sole inventor, of the '004 Patent at least as to independent claim 1, and that MTS' inventor-employees are co-inventors of those claims.

39. Plaintiffs further request this Court order the Director of the United States Patent and Trademark Office to correct the inventorship of the '004 Patent to accurately list MTS' inventor-employees as co-inventors.

40. These actual controversies warrant relief by declaring the rights and liabilities of the parties pursuant to 28 U.S.C. §§ 2201, 2202.

SECOND CLAIM FOR RELIEF—

DECLARATION OF PATENT OWNERSHIP

41. Plaintiffs re-allege every paragraph in this Complaint.

42. The Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.* and Rule 57 of the Federal Rules of Civil Procedure provide for determining questions of actual controversy between parties.

43. Plaintiffs are informed and believe and on that basis allege that at all relevant times Cohn was the Manager, an officer and a member of MTUSA and owed fiduciary duties of loyalty and care to MTUSA; at all relevant times Plaintiffs utilized Plaintiffs' employees and financial and material resources to develop the prototype and software which became the subject of the '004 Patent; Cohn assisted Plaintiffs with incorporating the "Sorting System" technology into the prototype which is the subject matter of the '004 Patent; and that an actual

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controversy exists among Plaintiffs and Defendants as to whether the '004 Patent is owned by MTUSA or Defendant.

44. Plaintiffs seek a declaration from this Court that Defendant does not own the '004 Patent, and that ownership is, by law and equity, vested in MTUSA.

45. Additionally, or alternatively, Plaintiffs are informed and believe and on that basis allege that one or more of Plaintiff MTS' employees were coinventors of at least one claim of the '004 Patent, that those inventor-employees were subject to obligations to automatically assign their rights of inventorship to MTS, that those inventor-employees did not assign their patent rights to Cohn, and that MTS is therefore the owner or at least a co-owner of the '004 Patent, with full right to license the '004 Patent to MTUSA without obligation to account to Cohn.

46. These actual controversies warrant relief by declaring the rights and liabilities of the parties pursuant to 28 U.S.C. §§ 2201, 2202.

THIRD CLAIM FOR RELIEF—

DECLARATION OF LICENSE AND RIGHT TO USE AND/OR

QUANTUM MERUIT

47. Plaintiffs re-allege every paragraph in this Complaint.

48. Plaintiffs are informed and believe and on that basis allege that, if and/or to the extent that Plaintiffs are not found to be the legal or equitable owners of some or all of the inventive subject matter described and claimed in the '004 Patent, then in the alternative, Plaintiffs allege that they are entitled to an irrevocable royalty-free license to make, use, sell, offer for sale, import and otherwise practice the subject matter described and claimed in the '004 Patent, in the United States and throughout the world, based upon an implied-in-fact

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and/or implied-in-law license and/or an equitable Shop Right license.

49. Plaintiffs are informed and believe and on that basis allege that at all relevant times Cohn was the Manager, an officer and a member of MTUSA and owed fiduciary duties of loyalty and care to MTUSA; at all relevant times Plaintiffs utilized their financial, material and personnel resources to develop the prototype and software which became the subject matter claimed in the '004 Patent; Cohn used Plaintiffs financial, material and personnel resources to incorporate the "Sorting System" technology into the prototype which is the subject matter claimed in the '004 Patent; and that an actual controversy exists among Plaintiffs and Defendants as to whether Plaintiffs are entitled to a royalty free license to practice some or all claims of the '004 Patent.

50. Plaintiffs are informed and believe and on that basis allege that Plaintiffs agreed to commit substantial financial, material and personnel resources to develop and commercialize the technology which is described and claimed in the '004 Patent based upon a good faith belief and understanding that Plaintiffs would irrevocably possess exclusive license to practice and exploit the technology in the United States and throughout the world, whether or not Plaintiffs would be owners of some or all of the technology. Allowing Cohn to exclusively retain all rights to the subject matter described and claimed in the '004 Patent and deny Plaintiffs the fruits of their investments and reasonable expectations would be inequitable and contrary to the agreements of the parties as understood by Plaintiffs. Plaintiffs are entitled, at least, to an irrevocable license to the subject matter claimed in the '004 Patent to realize the benefit of their investments and reasonable expectations.

51. Plaintiffs seek a declaration from this Court that, in the event the Court determines Defendant owns the '004 Patent, that Plaintiffs possess, by law and equity, a

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royalty free perpetual license to the '004 Patent.

52. These actual controversies warrant relief by declaring the rights and liabilities of the parties pursuant to 28 U.S.C. §§ 2201, 2202.

FOURTH CLAIM FOR RELIEF—

MISAPPROPRIATION OF CORPORATE ASSETS/OPPORTUNITIES

53. Plaintiffs re-allege every paragraph in this Complaint.

54. Plaintiffs are informed and believe and on that basis allege that Cohn misappropriated a corporate opportunity of MTUSA, diverting it to himself, and which in all fairness belongs to MTUSA; that in Oregon, the corporate opportunity doctrine precludes corporate fiduciaries, such as corporate officers and directors, from diverting to themselves business opportunities in which the corporation has an expectancy, property interest or right, or which in fairness should otherwise belong to the corporation; that at all relevant times Cohn was the Manager, an officer and a member of MTUSA and owed fiduciary duties of loyalty and care to MTUSA; that Cohn directly controlled some or all of the company's management and day-to-day activities; that at all relevant times Plaintiffs utilized employees and resources to develop the prototype and software which became the subject of the '004 Patent; that that Cohn utilized Plaintiffs' employees, technology, and resources to incorporate into a prototype the "Sorting System" technology which is the subject matter of the '004 Patent; that the invention which is the subject matter of the '004 Patent relates to an essential aspect of the MTUSA's business; that the '004 Patent is property, and commercialization and/or licensing of a patented process falls within the scope of MTUSA's "profit or benefit" or "opportunity"; that the '004 Patent and its related applications were a corporate opportunity of MTUSA; that Cohn learned of this opportunity through his position in the

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corporation or utilized corporate resources to discover or pursue the opportunity; that despite his duties of care and loyalty to MTUSA, Cohn secretly, and without the consent of Plaintiffs, filed a patent application on MTUSA's technology in his own name; that filing for the '004 Patent in his own name in 2015 instead of assigning, or disclosing and offering to assign the patent/patent application to MTUSA is a direct conflict between the Cohn's self-interest and the interest of MTUSA; that Cohn failed to fully disclose the opportunity to the corporation's board of directors or other appropriate body and failed to offer the MTUSA the opportunity to pursue it at any time including the time period Cohn was an officer, President and/or Manager, of MTUSA, 2014-2018; that Cohn gained a benefit, ownership of the '004 Patent, directly from misappropriation of the opportunity

FIFTH CLAIM FOR RELIEF—

BREACH OF FIDUCIARY DUTY

55. Plaintiffs re-allege every paragraph in this Complaint.

56. Plaintiffs are informed and believe and on that basis allege that Cohn breached fiduciary duties owed to MTUSA by misappropriating and/or converting company assets, failing to account for use and disposition of company assets, and that these breaches directly, foreseeably, and proximately caused damage to MTUSA.

57. Plaintiffs are informed and believe and on that basis allege that the fiduciary duties of loyalty and care and to avoid self-dealing are critical to maintaining the integrity and proper function of the corporate structure; that Cohn as the Manager and an officer and member, owed these fiduciary duties to MTUSA; that Cohn breach these fiduciary dies by filing a patent application for the '004 Patent in his own name in 2015 and not disclosing and offering to assign it to MTUSA during the time period he was the President and/or Manager,

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of MTUSA, 2014-2018, directly and foreseeably harming and damaging MTUSA.

SIXTH CLAIM FOR RELIEF—

DECLARATION OF NON-INFRINGEMENT

58. Plaintiffs re-allege every paragraph in this Complaint.

59. Plaintiffs are informed and believe and on that basis allege Defendant threatened and/or asserted Plaintiffs infringe and/or are liable for infringement of the ‘004 Patent.

60. Plaintiffs deny they infringe any valid claim of the ‘004 Patent and seek a declaratory judgment that they do not infringe any valid claim of the ‘004 Patent.

61. Alternatively, Plaintiffs seek declaratory judgment that, as owners or co-owners of the ‘004 Patent, they have unlimited rights to practice the subject matter claimed in the ‘004 Patent and therefore cannot be liable for infringement of any claim of the ‘004 Patent.

62. An actual controversy exists between the parties as to whether or not Plaintiffs have infringed, or are infringing, the '004 Patent; have contributed, or are contributing, to infringement of the '004 Patent; or have induced, or are inducing, infringement of the '004 Patent.

63. The controversy is such that, pursuant to Rule 57 of the Federal Rules of Civil and 28 U.S.C. § 2201 *et seq.*, Plaintiffs are entitled to a declaration, in the form of a judgment, that Plaintiffs have not infringed and are not infringing any valid and enforceable claim of the ‘004 Patent; have not contributed to infringement and are not contributing to infringement of the '004 Patent; and/or have not induced infringement and are not inducing infringement of the '004 Patent. Such a determination and declaration are necessary and appropriate.

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SEVENTH CLAIM FOR RELIEF—

DECLARATION OF INVALIDITY

64. Plaintiffs re-allege every paragraph in this Complaint.

65. Plaintiffs are informed and believe and on that basis allege Defendant has threatened and/or asserted Plaintiffs infringe and/or are liable for infringement of the ‘004 Patent.

66. Plaintiffs deny they infringe any valid and enforceable claim of the '004 Patent, and aver the assertions of infringement cannot be maintained consistently with statutory conditions of patentability and the statutory requirements for disclosure and claiming that must be satisfied for patent validity under at least one of 35 U.S.C. §§ 101, 102, 103, and 112.

67. Accordingly, an actual controversy exists between Plaintiffs and Defendant as to the validity of the ‘004 Patent. The controversy is such that, pursuant to Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. § 2201 *et seq.*, Plaintiffs are entitled to a declaration, in the form of a judgment, that the ‘004 Patent is invalid. Such a determination and declaration are necessary and appropriate.

EIGHTH CLAIM FOR RELIEF—

MISAPPROPRIATION OF TRADE SECRETS

68. Plaintiffs re-allege every paragraph in this Complaint.

69. Plaintiffs are informed and believe and on that basis allege Cohn misappropriated trade secrets of Plaintiffs and used the misappropriated trade secrets for his own benefit; that Cohn had access to confidential trade secrets of Plaintiffs related to sorting technology, including optical sorting technology, to which Plaintiffs took reasonable

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measures to maintain confidential, that were not generally known or readily ascertainable by others through proper means in the industry and which had independent economic value including giving Plaintiffs a competitive advantage; that, without Plaintiffs' consent, and while having reason to know the information was confidential, Cohn acquired the trade secrets through improper means, including breaching a duty to maintain secrecy of trade secrets created in the development of Plaintiffs technology while under the guise of working for the benefit of Plaintiffs when in fact Cohn was acquiring information to use for his own benefit; that Cohn used the information without Plaintiffs' consent, such as by filing a patent application derived from Plaintiffs' trade secrets in his own name rather than the name of Plaintiffs and did not disclose to Plaintiffs the application and offer to assign the application to Plaintiffs; and that Plaintiffs suffered damage as a result thereof, including the loss of property, to wit, the '004 Patent, among other damage.

70. Cohn's actions in using trade secrets of Plaintiffs for his own benefit were willful and malicious and/or done in bad faith.

71. As a proximate result thereof, Plaintiffs are entitled damages in an amount to be proven at trial, disgorgement of all fruits of the misappropriation, including the '004 Patent, and attorneys' fees and costs.

DEMAND FOR JUDGMENT & PRAYER FOR RELIEF

WHEREFORE Plaintiffs pray for judgment against the Defendants as follows:

1. Granting judgment in favor of Plaintiffs against Defendant on all claims;

2. Declaring pursuant to 28 U.S.C. § 2201 that the '004 Patent is owned by Multiscan Technologies USA, LLC, and/or that Multiscan Technologies USA, LLC, and Multiscan Technologies S.L. have a nonrevocable, royalty-free worldwide license to the

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subject matter described and claimed in the '004 Patent;

3. Enjoining Defendant to assign the '004 Patent to Multiscan Technologies USA, LLC, or, in the alternative, Declaring Plaintiffs are entitled to and have a royalty-free perpetual unrestricted license to the '004 Patent;

4. Declaring Defendant is not the inventor, or at least not the sole inventor, of '004 Patent at least as to independent claim 1, and that Multiscan Technologies S.L. inventor-employees are co-inventors of those claim(s);

5. Ordering the Director of the USPTO to correct the inventorship of the '004 Patent to accurately list Multiscan Technologies S.L.'s inventor-employees as co-inventors;

6. Declaring Plaintiffs' products do not infringe any valid claim of the '004 Patent;

7. Declaring that one or more claims of the '004 Patent are invalid under one or more of 35 U.S.C. §§ 101, 102, 103;

8. Awarding actual, general and specific, consequential and incidental, damages against Defendant, jointly and severally, in an amount to be determined at trial;

9. Enjoining Defendant to conduct an Accounting for all assets, incomes, and expenses of all assets deemed to have been misappropriated by Defendant from Multiscan Technologies USA, LLC;

10. Ordering Defendant to Disgorge any and all assets of Multiscan Technologies USA, LLC that have been misappropriated by Defendant;

11. Awarding Plaintiffs their reasonable attorneys' fees and costs, including costs for experts, pursuant to State and Federal law, including 35 U.S.C. § 285;

12. Awarding Pre- and post- judgment interest; and

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13. Such further and necessary relief as may be appropriate under either 28 U.S.C. § 2201 and Rule 57 of the Federal Rules of Civil Procedure or as this Court deems just and proper as a matter of law or equity.

14. Entering such other and further relief as the Court deems appropriate under the circumstances.

JURY DEMAND

Plaintiffs hereby demand trial by jury on all issues so triable in this action.

DATED December 15, 2023

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