

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

LITHIUMHUB, LLC AND
LITHIUMHUB TECHNOLOGIES,
LLC,

Plaintiffs,

v.

RELION BATTERY (SHENZHEN)
TECHNOLOGY CO.
4th Floor, Cui Hua Sa Industrial Part,
No. 144 Botanical Garden Road,
Shenzhen
China

Defendant.

C.A. No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, LithiumHub, LLC and LithiumHub Technologies, LLC (hereinafter “LithiumHub” or “Plaintiffs”), by and through their attorneys, file this Complaint against Defendant Relion Battery (Shenzhen) Technology Co. (hereinafter “Defendant” or “Relion”) and allege as follows:

NATURE OF THE CASE

1. This is a civil action for patent infringement of U.S. Patent Nos. 9,412,994 and 9,954,207 (collectively, “Asserted Patents”) arising under the laws of the United States 35 U.S.C. §§ 271 *et seq.* The Asserted Patents relate to control circuits for efficient fault detection and correction of Lithium-Ion batteries.

THE PARTIES

2. LithiumHub Technologies, LLC is a limited liability company organized and existing under the laws of the State of Texas, having a principal place of business at 104 E

Houston Street, Suite 150, Marshal, Texas 75670-4144. Lithium Technologies LLC owns the Asserted Patents.

3. LithiumHub, LLC is a limited liability company organized and existing under the laws of South Carolina with a principal place of business at 125 Tate Road, Norris, South Carolina 29667. LithiumHub, LLC is an exclusive licensee to the Asserted Patents and designs and sells ionic lithium batteries, accessories and other lithium products throughout the United States.

4. On information and belief, Defendant Relion is a Chinese corporation with its principal place of business at 4th Floor, Cui Hua Sa Industrial Part, No. 144 Botanical Garden Road, Shenzhen, China.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. The Court has personal jurisdiction over Defendant pursuant to the Constitution of the United States of America and/or the Texas Long Arm Statute. On information and belief, Defendant has purposefully manufactured and/or distributed into the stream of commerce, Lithium-Ion batteries that infringe one or more claims of each of the Asserted Patents, through established distribution channels with the expectation that those products would be sold in the United States, the State of Texas, and in this District. Further, Defendant has (themselves and/or through the activities of subsidiaries, affiliates, or intermediaries) committed and continue to commit acts of patent infringement in the United States, the State of Texas, and this District, including as least inducing others to commit acts of patent infringement in the United States, the State of Texas, and this District.

7. In particular, Defendant sells for importation and/or imports into the United States infringing Lithium-Ion batteries under the brand names “Tracker,” “Cabela’s,” and “RELiOn®” that, on information and belief, are imported and/or sold after importation by at least one or more of Bass Pro LLC, Bass Pro Outdoor World LLC, Cabela’s LLC, and Navico Group Americas, LLC, each of which directly infringes one or more claims of the Asserted Patents by such importation and/or sales.

8. Accordingly, Defendant has established minimum contacts within Texas and purposefully availed itself of the benefits of Texas, and the exercise of personal jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice. In addition, or in the alternative, this Court has personal jurisdiction over Defendant pursuant to Federal Rule of Civil Procedure 4(k)(2).

9. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(c)(3) because Defendant is not a resident in the United States and thus may be sued in any judicial district.

THE ASSERTED PATENTS

10. On August 9, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,412,994 (the “’994 Patent”) entitled “Lithium Starter Battery and Solid State Switch Therefor.” The ’994 Patent is valid and enforceable and is directed to patentable subject matter. A true and correct copy of the ’994 Patent is attached as Exhibit A.

11. On April 24, 2018, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,954,207 (the “’207 Patent”) entitled “Lithium Starter Battery with Solid State Switch.” A true and correct copy of the ’207 Patent is attached as Exhibit B.

12. Plaintiffs, through assignment and license, are the sole and exclusive owners of all rights, title, and interest to and in the ’994 and ’207 Patents. Attached as Exhibit C is a true and

accurate copy of the assignments of the patents to Plaintiff LithiumHub Technologies, LLC as recorded with the United States Patent and Trademark Office.

13. Plaintiffs hold the exclusive right to take all actions necessary to enforce their rights to the '994 and '207 Patents, including the filing of this patent infringement lawsuit. Plaintiffs also have the right to recover all damages for past, present, and future infringement of the '994 and '207 Patents and to seek injunctive relief as appropriate under the law.

BACKGROUND

14. The subject matter of this Complaint relates generally to control circuits for efficient fault detection and correction of lithium-ion batteries.

15. Inventor and entrepreneur Martin Koebler has worked in the rechargeable battery industry for many years. In about 2010, he developed new control circuits for efficient fault detection and correction of Lithium-Ion batteries. These new circuits included a solid-state switching configuration designed to protect the batteries from conditions such as over-charging, over-discharging, and short circuiting.

16. LithiumHub owns a portfolio of patents invented by founder Martin Koebler. Martin Koebler, the named inventor of the Asserted Patents, founded SuperLattice Inc., in 2007. While self-employed at SuperLattice Inc., Mr. Koebler researched, designed, and developed an initial version of the technology that subsequently became the technology covered by the Asserted Patents. SuperLattice, Inc. changed its name to StarkPower, Inc. While self-employed at StarkPower, Inc. Mr. Koebler researched, designed, and developed the technology covered by the Asserted Patents. Mr. Koebler filed provisional patent applications on the developed technology in late 2010 and early 2011. In 2018, StarkPower, Inc. failed to meet its financial obligations and ceased all operations. In 2019 it entered bankruptcy and its assets were sold.

Mr. Koebler purchased the Asserted Patents in the bankruptcy sale in 2020.

17. Following the failure of Stark Power, in 2018, Mr. Koebler started LithiumHub, LLC. While self-employed at LithiumHub, LLC, Mr. Koebler and LithiumHub, LLC researched, developed, and designed Products and associated accessory products covered by the Asserted Patents. Mr. Koebler and through his company Licensee LithiumHub, LLC made significant investments bringing the Products and associated accessories to market. Mr. Koebler through LithiumHub, LLC continue to innovate and invest in new and exciting products for customers in this industry.



18. Mr. Koebler is an Engineer, Inventor, Entrepreneur, and Employer.

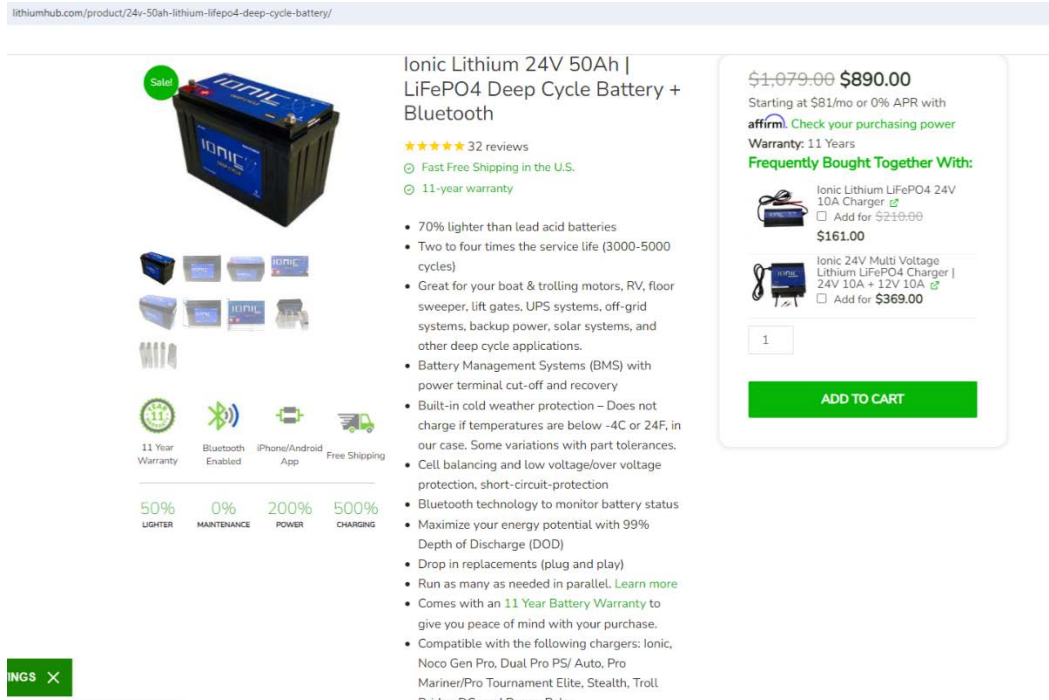
19. Mr. Koebler's discovery included designing circuits in an unconventional manner wherein solid-state switches, for example, Metal Oxide Field Effect Transistors (MOSFETS), could be arranged in a parallel configuration of pairs of switches in series with their "source" terminals or their "drain" terminals connected together within the pair of switches. Mr. Koebler's new control circuits allow normal operations of charging and discharging when both

switches within the pair are “on” allowing current to flow through each switch to the battery cells. However, when a fault condition is detected, the controller can turn “off” one or both of the switches independently of the other. For example, in an over-voltage condition, one switch can be turned off preventing further charging of the battery while the other switch is left on, which allows the battery to continue to supply power. In a fault condition where the battery is supplying too little current, the condition of the switches can be reversed, preventing further discharge of the battery while still allowing it to be charged. By way of additional example, in a condition where the output of the battery forms a short-circuit, the battery may overheat and be permanently damaged. If this condition is detected, the controller can turn both switches off until the condition is no longer present.

20. While these types of circuits are mostly applicable to larger deep cycle batteries, the circuit configuration and control could be advantageous in some other cases.

21. Exclusive licensee LithiumHub LLC’s Ionic branded Lithium-Ion batteries are depicted below:

lithiumhub.com/product/24v-50ah-lithium-lifepo4-deep-cycle-battery/



Sale!

Ionic Lithium 24V 50Ah | LiFePO4 Deep Cycle Battery + Bluetooth

★★★★★ 32 reviews

Fast Free Shipping in the U.S.

11-year warranty

- 70% lighter than lead acid batteries
- Two to four times the service life (3000-5000 cycles)
- Great for your boat & trolling motors, RV, floor sweeper, lift gates, UPS systems, off-grid systems, backup power, solar systems, and other deep cycle applications.
- Battery Management Systems (BMS) with power terminal cut-off and recovery
- Built-in cold weather protection – Does not charge if temperatures are below -4C or 24F, in our case. Some variations with part tolerances.
- Cell balancing and low voltage/over voltage protection, short-circuit-protection
- Bluetooth technology to monitor battery status
- Maximize your energy potential with 99% Depth of Discharge (DOD)
- Drop in replacements (plug and play)
- Run as many as needed in parallel. [Learn more](#)
- Comes with an **11 Year Battery Warranty** to give you peace of mind with your purchase.
- Compatible with the following chargers: Ionic, Noco Gen Pro, Dual Pro PS/ Auto, Pro Mariner/Pro Tournament Elite, Stealth, Troll, Bridae DC, and Power Pole.

11 Year Warranty

Bluetooth Enabled

iPhone/Android App

Free Shipping

50% LIGHTER

0% MAINTENANCE

200% POWER

500% CHARGING

INGRS X

\$1,079.00 \$890.00

Starting at \$81/mo or 0% APR with **affirm**. [Check your purchasing power](#)

Warranty: 11 Years

Frequently Bought Together With:

Ionic Lithium LiFePO4 24V 10A Charger [↗](#)
☐ Add for ~~\$210.00~~
\$161.00

Ionic 24V Multi Voltage Lithium LiFePO4 Charger | 24V 10A + 12V 10A [↗](#)
☐ Add for **\$369.00**

1

ADD TO CART

Available at <https://lithiumhub.com/product/24v-50ah-lithium-lifepo4-deep-cycle-battery/>.

DEFENDANT’S INFRINGING PRODUCTS

22. Defendant manufactures and sells for importation and/or imports into the United States through established distribution channels infringing Lithium-Ion batteries under the brand names “Tracker,” “Cabela’s,” and “RELiOn®” with the expectation that those products would be sold in the United States, the State of Texas, and this District.

23. These products are sold after importation by at least one or more of Bass Pro LLC, Bass Pro Outdoor World LLC, Cabela’s LLC, and Navico Group Americas, LLC, including in this District. More specifically, upon information and belief, each of the “Tracker,” “Cabela’s” and “RELiOn®” branded batteries is manufactured by Defendant in China and imported to the United States by Navico Group Americas, LLC. As a distributor, upon information and belief, Navico Group Americas, LLC sells each of the “Tracker,” “Cabela’s” and “RELiOn®” branded batteries to distributors and retailers for subsequent sale to end users,

constituting direct infringement.

24. In particular, “Tracker” branded infringing Lithium-Ion batteries are sold by at least Bass Pro Outdoor World LLC, thus constituting direct infringement.

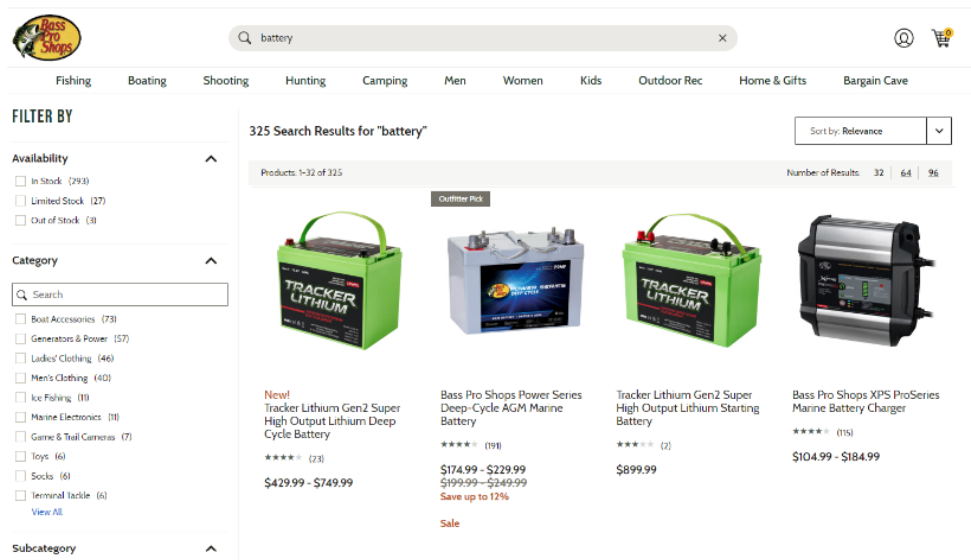


Exhibit D.

25. The Cabela’s branded infringing Lithium-Ion batteries are sold by at least Cabela’s LLC, thus constituting direct infringement.

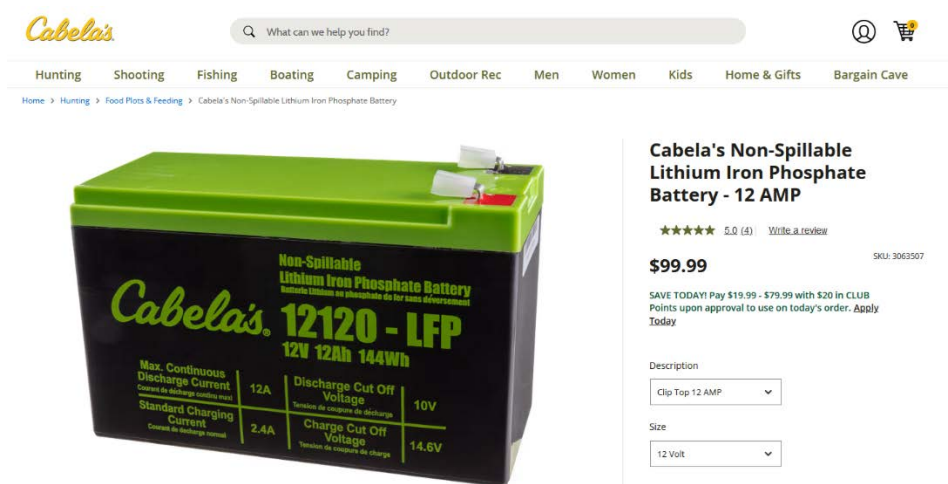


Exhibit E.

26. The RELiOn® branded batteries are sold by at least Navico Group America’s

LLC and at least distributors and retailers throughout the United States, constituting direct infringement.



Exhibits F and G.

27. These batteries include at least: “Tracker High Output Lithium Deep Cycle Battery” SKU 3475683, 3570833, 3570834, and 3570835; “Tracker Lithium Gen2 Super High Output Lithium Starting Battery” SKU 3570836; “Tracker 12V Lithium Iron Phosphate Accessory Battery SKU 2900168, 2900169, and 2900170; “Tracker Lithium Gen2Super High Output Lithium Deep Cycle Battery” SKU SKU 3475683, 3570833, 3570834, and 3570835; “Cabela’s Non-Spillable Lithium Iron Phosphate Battery” SKU 3063503, 3063505, and 3063507, “Garmin ECHOMAP Ultra 126sv Fish Finder Bundle with LVS34 LiveScope Plus, GT54, and Tracker Lithium Deep Cycle Battery” SKU 3961138; “Garmin ECHOMAP UHD 93sv Fish Finder Bundle with LVS34 LiveScope Plus GT54, Tracker Lithium Gen2 Deep Cycle Battery” SKU 3961140; RB12; RB35; RB52; RB52-LT; RB60; RB75; RB80; RB100; RB100-LT; RB100-HP; RB200; RB300; RB300-LT; RB300-HP; RB24V52; RB24V100; 12V120-GC2; 12V120-GC2-LT; Outlaw 1072S; RB36V40; Insight 12V (collectively, “Accused Products”). LithiumHub reserves the right to identify additional infringing products that may be revealed in discovery.

28. With respect to the RELiOn® batteries in particular, on information and belief, that portion of the Accused Products is manufactured by Defendant and sold for importation into the United States through established distribution channels that results in their sale to Continental Battery Systems of Tyler, a retailer in Tyler, TX that sells these batteries in its retail store. Exhibit H; *see also* Exhibit I (excerpt reproduced below).

Continental BATTERY SYSTEMS		Products		Order Online
	RB50	7.80	6.50	6.80
	RB75	10.20	6.60	8.60
	RB80	12.00	6.60	8.60

29. Moreover, the Accused Products are offered for sale into this District through one or more websites available to the general public, including at least www.basspro.com and www.cabelas.com.

DEFENDANT'S INDIRECT INFRINGEMENT

30. Defendant indirectly infringes the Asserted Patents under 35 U.S.C. § 271(b) by inducing third parties, such as importers, distributors, retailers, resellers, customers, and/or end users, to directly infringe the Asserted Patents by using, offering to sell, selling, and/or importing the Accused Products in this District and elsewhere in the United States. For example, the Accused Products are offered for sale and sold in this District and elsewhere in the United States through retailers, such as Continental Battery Systems of Tyler, Texas and Cabela's of Allen,

Texas, and through retailer websites, such as www.basspro.com and www.cabelas.com.

31. On information and belief, Defendant actively encourages and induces third parties to commit acts of direct infringement. For example, Defendant manufactures the Accused Products for importation into the United States. Defendant actively promotes the Accused Products for U.S. market. For example, on information and belief, for every one of the Accused Products sold in the United States, Defendant pursues and obtains approval from U.S. and/or state regulatory agencies to allow sales such Accused Products in the United States. *See, e.g.*, 49 C.F.R. § 173.185. Defendant competes for business in the United States (including by advertising). Defendant further encourages direct infringement, including in this District, by referring customers and potential customer in the United States who visit www.relionbattery.com, operated by or on behalf of Defendant, to local retailers, such as Continental Battery Systems of Tyler, Texas and Cabela's of Allen, Texas. Defendant also is aware of and intends its products to reach the United States through the websites of other retailers and resellers, including at least www.basspro.com and www.cabelas.com.

32. Defendant has induced others' direct infringement despite having had notice of the Asserted Patents and infringement of those Asserted Patents by the Accused Products at least since a complaint was filed against them at the International Trade Commission on September 12, 2024 ("ITC Complaint") alleging and detailing such infringement. Defendant therefore has caused its importers, distributors, retailers, resellers, customers, and/or end users to directly infringe the Asserted Patents with knowledge of the Asserted Patents and with specific intent, or at least willful blindness, that the importers, distributors, retailers, resellers, customers, and/or end users directly infringe.

33. Defendant's acts of indirect infringement, as outlined herein, have caused injury

and damage to LithiumHub and will continue to cause damage and irreparable injury to LithiumHub in the future if not enjoined by this Court.

COUNT I: FIRST CLAIM FOR RELIEF
(Indirect Infringement of the '994 Patent)

34. Plaintiffs incorporate by reference the preceding paragraphs 1-33 as if fully stated herein.

35. Defendant has actively induced the direct infringement of one or more claims of the '994 Patent under 35 U.S.C. § 271(b). Specifically, Defendant intends and encourages the Accused Products to be used, sold, offered for sale, and/or imported into the United States by importers, distributors, retailers, resellers, customers, and/or end users.

36. These importers, distributors, retailers, resellers, customers, and/or end users directly infringe at least one claim of the '994 patent by using, selling, offering to sell, and/or importing the Accused Products. In particular, the importers, distributors, retailers, resellers, customers, and/or end users directly infringe at least claims 1 and 14 of the '994 Patent as set forth in the attached claim chart, which demonstrates how the representative RELiON RB100-HP battery satisfies each and every limitation of these claims. *See Exhibit J.* The RELiON RB100-HP battery is representative of the Accused Products because, on information and belief, each of the RELiON-branded Accused Products is substantially similar to the RELiON RB100-HP battery in all ways material to the claims of the '994 Patent. Further, the claims analyzed in this claim chart are merely exemplary and Plaintiffs reserve the right to assert additional claims in this litigation.

37. The Accused Products satisfy element [1p] of the '994 Patent as shown in Exhibit J.

38. The Accused Products satisfy element [1a] of the '994 Patent as shown in Exhibit J.

39. The Accused Products satisfy element [1b] of the '994 Patent as shown in Exhibit J.

40. The Accused Products satisfy element [1c-i] of the '994 Patent as shown in Exhibit J.

41. The Accused Products satisfy element [1c-ii] of the '994 Patent as shown in Exhibit J.

42. The Accused Products satisfy element [1c-iii] of the '994 Patent as shown in Exhibit J.

43. The Accused Products satisfy element [1d] of the '994 Patent as shown in Exhibit J.

44. The Accused Products satisfy element [14p] of the '994 Patent as shown in Exhibit J.

45. The Accused Products satisfy element [14p] of the '994 Patent as shown in Exhibit J.

46. The Accused Products satisfy element [14a] of the '994 Patent as shown in Exhibit J.

47. The Accused Products satisfy element [14b] of the '994 Patent as shown in Exhibit J.

48. The Accused Products satisfy element [14c-i] of the '994 Patent as shown in Exhibit J.

49. The Accused Products satisfy element [14c-ii] of the '994 Patent as shown in

Exhibit J.

50. The Accused Products satisfy element [14c-iii] of the '994 Patent as shown in Exhibit J.

51. The Accused Products satisfy element [14d] of the '994 Patent as shown in Exhibit J.

52. Therefore, Defendant has indirectly infringed and continues to indirectly infringe the '994 Patent, literally and under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, at least one claim of the '994 Patent including, for example and without limitation, claims 1 and 14 of the '994 Patent. Specifically, Defendant intends and encourages the Accused Products to be used, sold, offered for sale, and/or imported into the United States by importers, distributors, retailers, resellers, customers, and/or end users.

53. Further, the importers, distributors, retailers, resellers, customers, and/or end users directly infringe at least claims 1 and 14 of the '994 Patent as set forth in the attached claim chart, which demonstrates how the representative Tracker Lithium Gen2 12.8V 52AH battery satisfies each and every limitation of these claims. *See* Exhibit K. The Tracker Lithium Gen2 12.8V 52AH battery is representative of the Accused Products because, on information and belief, each of the Tracker and Cabela's-branded Accused Products is substantially similar to the Tracker Lithium Gen2 12.8V 52AH battery in all ways material to the claims of the '994 Patent. Further, the claims analyzed in this claim chart are merely exemplary and Plaintiffs reserve the right to assert additional claims in this litigation.

54. The Accused Products satisfy element [1p] of the '994 Patent as shown in Exhibit K.

55. The Accused Products satisfy element [1a] of the '994 Patent as shown in Exhibit

K.

56. The Accused Products satisfy element [1b] of the '994 Patent as shown in Exhibit

K.

57. The Accused Products satisfy element [1c-i] of the '994 Patent as shown in
Exhibit K.

58. The Accused Products satisfy element [1c-ii] of the '994 Patent as shown in
Exhibit K.

59. The Accused Products satisfy element [1c-iii] of the '994 Patent as shown in
Exhibit K.

60. The Accused Products satisfy element [1d] of the '994 Patent as shown in Exhibit
K.

61. The Accused Products satisfy element [14p] of the '994 Patent as shown in
Exhibit K.

62. The Accused Products satisfy element [14p] of the '994 Patent as shown in
Exhibit K.

63. The Accused Products satisfy element [14a] of the '994 Patent as shown in
Exhibit K.

64. The Accused Products satisfy element [14b] of the '994 Patent as shown in
Exhibit K.

65. The Accused Products satisfy element [14c-i] of the '994 Patent as shown in
Exhibit K.

66. The Accused Products satisfy element [14c-ii] of the '994 Patent as shown in
Exhibit K.

67. The Accused Products satisfy element [14c-iii] of the '994 Patent as shown in Exhibit K.

68. The Accused Products satisfy element [14d] of the '994 Patent as shown in Exhibit K.

69. Therefore, Defendant has indirectly infringed and continues to indirectly infringe the '994 Patent, literally and under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, at least one claim of the '994 Patent including, for example and without limitation, claims 1 and 14 of the '994 Patent. Specifically, Defendant intends and encourages the Accused Products to be used, sold, offered for sale, and/or imported into the United States by importers, distributors, retailers, resellers, customers, and/or end users.

70. Defendant has actual knowledge of the '994 Patent, and knowledge of its infringement of the same, or has been at least willfully blind to such infringement, from at least the filing of the ITC Complaint alleging infringement of the '994 Patent by Defendant and certain of its importers, distributors, retailers, resellers, customers, and/or end users.

71. The above-described acts of indirect infringement committed by Defendant have caused injury and damage to LithiumHub and will continue to cause damage and irreparable harm to LithiumHub unless enjoined.

72. LithiumHub is entitled to recover all damages sustained as a result of Defendant's wrongful acts of infringement, but in no event less than a reasonable royalty pursuant to 35 U.S.C. § 284.

73. Defendant's infringement has been and continues to be willful and exceptional. Accordingly, LithiumHub is entitled to recover enhanced damages up to three times the amount found or assessed at trial pursuant to 35 U.S.C. § 284, as well as its attorneys' fees pursuant to 35

U.S.C. § 285.

COUNT II: SECOND CLAIM FOR RELIEF
(Indirect Infringement of the '207 Patent)

74. Plaintiffs incorporate by reference the preceding paragraphs 1-73 as if fully stated herein.

75. Defendant has actively induced the direct infringement of one or more claims of the '207 Patent under 35 U.S.C. § 271(b). Specifically, Defendant intends and encourages the Accused Products to be used, sold, offered for sale, and/or imported into the United States by importers, distributors, retailers, resellers, customers, and/or end users.

76. These importers, distributors, retailers, resellers, customers, and/or end users directly infringe at least one claim of the '207 patent by using, selling, offering to sell, and/or importing the Accused Products. In particular, the importers, distributors, retailers, resellers, customers, and/or end users directly infringe at least claims 1 and 12 of the '207 Patent as set forth in the attached claim chart, which demonstrates how the representative RELiON RB100-HP battery satisfies each and every limitation of these claims. *See* Exhibit L. The RELiON RB100-HP battery is representative of the Accused Products because, on information and belief, each of the RELiON-branded Accused Products is substantially similar to the RELiON RB100-HP battery in all ways material to the claims of the '207 Patent. Further, the claims analyzed in this claim chart are merely exemplary and Plaintiffs reserve the right to assert additional claims in this litigation.

77. The Accused Products satisfy element [1p] of the '207 Patent as shown in Exhibit L.

78. The Accused Products satisfy element [1a] of the '207 Patent as shown in Exhibit

L.

79. The Accused Products satisfy element [1b] of the '207 Patent as shown in Exhibit

L.

80. The Accused Products satisfy element [1c-i] of the '207 Patent as shown in Exhibit L.

81. The Accused Products satisfy element [1c-ii] of the '207 Patent as shown in Exhibit L.

82. The Accused Products satisfy element [1c-iii] of the '207 Patent as shown in Exhibit L.

83. The Accused Products satisfy element [1d] of the '207 Patent as shown in Exhibit L.

84. The Accused Products satisfy element [12p] of the '207 Patent as shown in Exhibit L.

85. The Accused Products satisfy element [12a] of the '207 Patent as shown in Exhibit L.

86. The Accused Products satisfy element [12b] of the '207 Patent as shown in Exhibit L.

87. The Accused Products satisfy element [12c] of the '207 Patent as shown in Exhibit L.

88. The Accused Products satisfy element [12d-i] of the '207 Patent as shown in Exhibit L.

89. The Accused Products satisfy element [12d-ii] of the '207 Patent as shown in Exhibit L.

90. The Accused Products satisfy element [12d-iii] of the '207 Patent as shown in Exhibit L.

91. The Accused Products satisfy element [12e] of the '207 Patent as shown in Exhibit L.

92. Therefore, Defendant has indirectly infringed and continues to indirectly infringe the '207 Patent, literally and under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, at least one claim of the '207 Patent including, for example and without limitation, claims 1 and 12 of the '207 Patent. Specifically, Defendant intends and encourages the Accused Products to be used, sold, offered for sale, and/or imported into the United States by importers, distributors, retailers, resellers, customers, and/or end users.

93. Further, the importers, distributors, retailers, resellers, customers, and/or end users directly infringe at least claim 1 and 12 of the '207 Patent as set forth in the attached claim chart, which demonstrates how the representative Tracker Lithium Gen2 12.8V 52AH battery satisfies each and every limitation of these claims. *See* Exhibit M. The Tracker Lithium Gen2 12.8V 52AH battery is representative of the Accused Products because, on information and belief, each of the Tracker and Cabela's-branded Accused Products is substantially similar to the Tracker Lithium Gen2 12.8V 52AH battery in all ways material to the claims of the '207 Patent. Further, the claims analyzed in this claim chart are merely exemplary and Plaintiffs reserve the right to assert additional claims in this litigation.

94. The Accused Products satisfy element [1p] of the '207 Patent as shown in Exhibit M.

95. The Accused Products satisfy element [1a] of the '207 Patent as shown in Exhibit M.

96. The Accused Products satisfy element [1b] of the '207 Patent as shown in Exhibit M.

97. The Accused Products satisfy element [1c-i] of the '207 Patent as shown in Exhibit M.

98. The Accused Products satisfy element [1c-ii] of the '207 Patent as shown in Exhibit M.

99. The Accused Products satisfy element [1c-iii] of the '207 Patent as shown in Exhibit M.

100. The Accused Products satisfy element [1d] of the '207 Patent as shown in Exhibit M.

101. The Accused Products satisfy element [12p] of the '207 Patent as shown in Exhibit M.

102. The Accused Products satisfy element [12a] of the '207 Patent as shown in Exhibit M.

103. The Accused Products satisfy element [12b] of the '207 Patent as shown in Exhibit M.

104. The Accused Products satisfy element [12c] of the '207 Patent as shown in Exhibit M.

105. The Accused Products satisfy element [12d-i] of the '207 Patent as shown in Exhibit M.

106. The Accused Products satisfy element [12d-ii] of the '207 Patent as shown in Exhibit M.

107. The Accused Products satisfy element [12d-iii] of the '207 Patent as shown in

Exhibit M.

108. The Accused Products satisfy element [12e] of the '207 Patent as shown in Exhibit M.

109. Therefore, Defendant has indirectly infringed and continues to indirectly infringe the '207 Patent, literally and under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, at least one claim of the '207 Patent including, for example and without limitation, claims 1 and 12 of the '207 Patent. Specifically, Defendant intends and encourages the Accused Products to be used, sold, offered for sale, and/or imported into the United States by importers, distributors, retailers, resellers, customers, and/or end users.

110. Defendant has actual knowledge of the '207 Patent, and knowledge of its infringement of the same, or at least willful blindness to such infringement, from at least the filing of the ITC Complaint on September 12, 2024 alleging infringement of the '207 Patent by Defendant and certain of its importers, distributors, retailers, resellers, customers, and/or end users.

111. The above-described acts of indirect infringement committed by Defendant have caused injury and damage to LithiumHub and will continue to cause damage and irreparable harm to LithiumHub unless enjoined.

112. LithiumHub is entitled to recover all damages sustained as a result of Defendant's wrongful acts of infringement, but in no event less than a reasonable royalty pursuant to 35 U.S.C. § 284.

113. Defendant's infringement has been and continues to be willful and exceptional. Accordingly, LithiumHub is entitled to recover enhanced damages up to three times the amount found or assessed at trial pursuant to 35 U.S.C. § 284, as well as its attorneys' fees pursuant to 35

U.S.C. § 285.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all issues so triable, including Defendant's counterclaims and affirmative defenses, if any.

PRAYER FOR RELIEF

Plaintiffs respectfully request the following relief:

- a. That Defendant has indirectly infringed one or more claims of both the '994 and '207 patents;
- b. A judgment that Defendant has willfully infringed the Asserted Patents;
- c. A permanent injunction enjoining the Defendant, together with its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and those persons in active concert participation with them, from directly and/or indirectly infringing the Asserted Patents;
- d. An award of damages adequate to compensate Plaintiffs for Defendant's infringement of the Asserted Patents pursuant to 35 U.S.C. § 284.
- e. An increase in the damages award up to three times the actual amount assessed, pursuant to 35 U.S.C. § 284;
- f. That Plaintiffs be granted pre-judgment and post-judgment interest on the damages caused by reason of Defendant's infringement of the '994 and '207 patents;
- g. That the Court declare this case exceptional, in favor of Plaintiffs, under 35 U.S.C. § 285 and that Plaintiff be granted its attorneys' fees in this action;
- h. That costs be awarded to the Plaintiffs;
- i. Such other and further relief as the Court deems just and proper.

Dated: September 13, 2024

Respectfully submitted,

/s/Geoff Culbertson

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