

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

ARS S.R.L.,)
)
 Plaintiff,) C.A. No. _____
)
 v.) **JURY TRIAL DEMANDED**
)
 ENSIGHT SOLUTIONS, LLC,)
)
 Defendant.)

COMPLAINT

Plaintiff, ARS S.R.L. (“ARS”), states the following as its complaint for patent infringement against the Defendant, EnSight Solutions, LLC (“EnSight”):

THE PARTIES

1. Plaintiff ARS is an Italian corporation having a principal place of business at Via Giambattista Vico 7, Arezzo 52100, Italy.
2. Upon information and belief, Defendant EnSight is a limited liability company organized under the laws of Delaware and having a principal place of business at 597 Evergreen Road, Strafford, Missouri 65757.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 U.S.C. § 1, *et seq.* This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).
4. This Court has personal jurisdiction over EnSight because EnSight is a resident of this District in that it is a limited liability company organized in Delaware and, further, on information and belief, has regularly conducted business activities in this District; has committed infringing activities in this District by at least offering for sale products and systems that infringe

the patent-in-suit; and has placed products that infringe the patent-in-suit in the stream of commerce with the knowledge and intent that they would be used, offered for sale and sold by others in this District.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400 because EnSight resides in this District.

THE PATENT-IN-SUIT

6. ARS is the owner by assignment of U.S. Patent No. 8,479,913 (“the ’913 patent”), entitled “Feeder For Robots, Automation Means And The Like”, which was duly and legally issued by the United States Patent and Trademark Office on July 9, 2013. A true and correct copy of the ’913 patent is attached hereto as Exhibit A.

7. The ’913 patent is generally directed to automated feeders for robots, including automated bowl separator machines. Exemplary claim 1 of the ’913 recites:

A feeder for robots and automation means, comprising

a frame that has a supporting bed for the parts to be fed and vision means for recognizing said parts to be fed, wherein said supporting bed is connected to rotation means for rotation about a direction that is substantially perpendicular to the plane of arrangement of said parts to be fed,

the feeder further comprising impulse generation means which are connected to said frame and operate on said supporting bed, wherein the impulses activated by said impulse generation means are substantially normal with respect to the plane of arrangement of the objects to be gripped, so as to make the part or parts jump that lie proximate to the point of contact with said supporting bed changing completely the spatial orientation thereof.

ENSIGHT’S INFRINGING ACTIVITIES

8. EnSight, without authorization from ARS, makes, uses, imports, offers for sale, and/or sells in the United States bowl separator machines that infringe the ’913 patent. In

particular, EnSight makes, uses, imports, offers for sale, and/or sells in the United States a bowl separator machine, coupled with a Stäubli SCARA robot, as shown in Figure 1 below (the “Accused Product”). For example, EnSight publicly demonstrated the Accused Product in operation at the Pack Expo Las Vegas in or about September 27-29, 2021. EnSight also promoted the Accused Product on various social media platforms, including posting a video of the Accused Product in operation at the Pack Expo Las Vegas on LinkedIn (“the Pack Expo video”).

FIG. 1 – The Accused Product Displayed at the Pack Expo Las Vegas



9. After the Pack Expo Las Vegas, ARS contacted EnSight directly via email and LinkedIn messages on or about November 16, 2021 to notify EnSight of the infringement of the '913 patent. After receiving no response, ARS, through counsel, again notified EnSight of the infringement in a letter dated December 6, 2021.

10. EnSight's counsel responded to ARS directly in a letter dated December 6, 2021 and to ARS's counsel in an email dated December 8, 2021. In the December 6, 2021 letter, EnSight's counsel stated that they had reviewed the '913 patent and, further, that “[a]s an initial

matter, we note that the bowl separator device in question is not a product that EnSight was offering for sale at the Product Expo tradeshow. Rather, such device was merely used to demonstrate the capabilities of other of EnSight's products." EnSight's counsel further stated that,

in our review of the claims of the '913 Patent, we note that all claims require impulse generation means which activate impulses substantially normal with respect to the plane of arrangement of objects to be gripped so as to make the objects that lie proximate to the point of contact with the supporting bed jump, changing the spatial orientation thereof. Thus, feeder devices and methods of use thereof which do not include impulse generation means for producing impulses substantially normal, or perpendicular, with respect to the plane of a supporting bed for objects to be gripped are not covered by the claims of the '913 Patent. In the event that EnSight decides to commercialize a feeder device for objects to be gripped in the future, such a feeder device will not include impulse generation means which activate impulses substantially normal with respect to the plane of arrangement of the objects to be gripped, as required by the '913 Patent.

11. Similarly, in the December 8, 2021 email, EnSight's counsel stated that "EnSight has never sold nor offered for sale the device in question, and EnSight has no intention to do so in the future. Specifically referring to the Product Expo tradeshow, EnSight merely used the device in question to demonstrate capabilities of other EnSight products." EnSight's counsel also represented that "[i]n the event that EnSight ever decides to commercialize a feeder device for objects to be gripped in the future, such a feeder device will not include impulse generation means which activate impulses substantially normal with respect to the plane of arrangement of the objects to be gripped, as required by the '913 Patent."

12. On December 21, 2021, ARS's counsel sent a letter to EnSight's counsel stating the following:

This is in response to your email to me of December 8, 2021 and your letter to Mr. Mazzini of December 6, 2021, regarding the bowl separator machine used by EnSight at the Pack Expo Las Vegas this past September. We appreciate your representations that EnSight has never sold nor offered for sale the device in question and, further, that EnSight has no intention to do so in the future. We also appreciate your representations that all video footage showing the device in question has been removed from EnSight's

social media accounts. I remind you that any use of an infringing device in the U.S., regardless of sales or offers for sale, is equally an infringement under 35 U.S.C. §271. Therefore, with the added clarification that EnSight will not repeat its use of an infringing device in the U.S., for any purpose, we are willing to consider this matter closed based upon your representations. Of course, my client reserves all rights to assert the '913 patent and/or any other applicable intellectual property rights against EnSight in the future in the event of any inaccuracy in, or deviation from, your representations.

13. Notwithstanding EnSight's representations that it would not make, use, sell, or offer to sell the Accused Product or otherwise infringe the '913 patent going forward, EnSight again promoted the Accused Product and offered it for sale at the International Production & Processing Expo (IPPE Expo) in Atlanta, Georgia, in or about January 25-27, 2022. For example, a video of EnSight using and promoting the Accused Product at the IPPE Expo was posted at the following web address: <https://www.industrialsage.com/ensights-heath-clifton-director-of-automation-controls-interviewed-at-ippe/> ("the IPPE Expo video"). The IPPE Expo video remains posted as of the date of this filing. The IPPE Expo video shows the Accused Product in operation as an EnSight representative describes providing the Accused Products to EnSight's customers for "hundreds" of applications, including for separating food products such as chicken and other proteins.

14. As evidenced by at least its activities at the Pack Expo Las Vegas and the IPPE Expo in Atlanta, EnSight has infringed and continues to infringe one or more claims of the '913 patent under 35 U.S.C. § 271 by manufacturing, providing, selling, offering to sell, importing and/or distributing the Accused Product without authority. For example, the Accused Product comprises a "feeder for robots and automation means" as set forth in claim 1 of the '913 patent. The claim chart below details how the Accused Product satisfies each and every claim element of *at least* claim 1:

Claim No.	Claim Term	Accused Machine
1[preamble]	A feeder for robots and automation means, comprising	The Accused Product is a parts feeder for robots and automation means.
1[a]	a frame that has a supporting bed for the parts to be fed and vision means for recognizing said parts to be fed,	As shown in the Pack Expo video and the IPPE Expo video, the Accused Product has a frame with a supporting bed for the parts to be fed. The parts to be fed are the blue-colored discs seen in the Pack Expo video and the chicken wings seen in the IPPE video. Further, the movement and actions of the Stäubli robot as shown in both videos clearly establish that it has vision means for recognizing the parts to be fed.
1[b]	wherein said supporting bed is connected to rotation means for rotation about a direction that is substantially perpendicular to the plane of arrangement of said parts to be fed,	As shown in the Pack Expo video and the IPPE Expo video, the supporting bed is connected to a rotating mechanism that rotates the bed about a direction that is substantially perpendicular to the plane of arrangement of the parts to be fed.
1[c]	the feeder further comprising impulse generation means which are connected to said frame and operate on said supporting bed, wherein the impulses activated by said impulse generation means are substantially normal with respect to the plane of arrangement of the objects to be gripped, so as to make the part or parts jump that lie proximate to the point of contact with said supporting bed changing completely the spatial orientation thereof.	As shown in the Pack Expo video and the IPPE Expo video, the Accused Product includes an impulse generating means connected to the frame and which operates on the bed. In other words, it can be seen in both videos that an impulse is directed upward from the underside of the bed, thereby causing the parts to be fed to jump and change their arrangement. (<i>See, e.g.</i> , Pack Expo video at 00:17-19, 01:10-12; IPPE Expo video at 01:20-02:10.) It is evident from both videos that these impulses generated by the Accused Product are sufficient to completely change the spatial orientation of the parts to be fed.

COUNT I

Infringement of U.S. Patent No. 8,479,913

15. Plaintiff realleges and incorporates herein by reference the allegations set forth above.

16. EnSight infringes one or more claims of the '913 patent, directly or indirectly, and either literally or under the doctrine of equivalents, including at least claim 1, by, without authority from ARS, making, using, importing, offering for sale, and/or selling the Accused Product in violation of 35 U.S.C. § 271(a).

17. The Accused Product embodies all the elements of at least claim 1 of the '913 patent.

18. The acts of infringement of the '913 patent by EnSight were undertaken without permission or license from ARS.

19. EnSight has also infringed the '913 patent by contributing to the infringement of the patent by others and/or by inducing others to infringe the '913 patent. For example, the use by EnSight's customers of the Accused Product also constitutes infringement of at least claim 1 of the '913 patent. The Accused Product meets every limitation of at least claim 1 of the '913 patent. When the Accused Product is sold to and used by end users, those end users infringe at least claim 1 of the '913 patent and there are no other substantial non-infringing uses of the Accused Product.

20. EnSight has also intentionally induced and continues to induce infringement of the '913 patent by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused its customers to use the Accused Product in an infringing manner. Despite knowledge of the '913 patent at least as of November 16, 2021, EnSight continues to encourage, instruct, enable, and otherwise cause its customers to use its products in a manner which infringes the '913 patent. For example, EnSight encourages infringement by end users at least by providing instructions on how to use the Accused Product

in an infringing manner. For example, EnSight provides instruction on the use of the Accused Product in both the Pack Expo video and the IPPE Expo video referenced above.

21. ARS has suffered monetary damages and other injuries as a result of the past and continuing infringement of the '913 patent by EnSight. ARS is entitled to recover damages in an amount to be determined at trial, but in no event less than a reasonable royalty.

22. ARS has, and continues to suffer irreparable harm by the past and continuing infringement of the '913 patent by EnSight, and unless enjoined by this Court, these acts of infringement will continue to cause such harm and damage to ARS.

23. EnSight, having prior knowledge of its infringing activity, has willfully infringed the '913 patent, entitling ARS to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

24. By reason of the foregoing, ARS is entitled to relief against EnSight, pursuant to at least 35 U.S.C. §§ 283-85.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment and seeks relief against Defendant as follows:

A. That this Court enter judgment that the '913 patent has been and continues to be infringed by Defendant.

B. That this Court preliminarily and permanently enjoin the Defendant, its officers, agents, servants, employees, subsidiaries and those persons acting in concert with it, including related individuals and entities, customers, representatives, dealers and distributors, from infringing the '913 patent as provided in 35 U.S.C. § 283.

C. That this Court award Plaintiff damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the inventions of the '913 patent as provided in 35 U.S.C. § 284.

D. That this Court award Plaintiff treble damages as provided in 35 U.S.C. § 284 for infringement of the '913 patent.

E. That this Court declare this to be an exceptional case entitling Plaintiff to its reasonable attorneys' fees under 35 U.S.C. § 285.

G. That this Court award Plaintiff interest and costs in this action pursuant to 35 U.S.C. § 284.

I. That this Court grant such other and further relief as it shall deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Andrew C. Ryan, Esq.
CANTOR COLBURN LLP
20 Church Street, 22nd Floor
Hartford, CT 06103
Tel: 860-286-2929

By: /s/ David E. Moore

David E. Moore (#3983)
Bindu A. Palapura (#5370)
Carson R. Bartlett (#6750)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
cbartlett@potteranderson.com

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Attorneys for Plaintiff ARS S.R.L.