

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

CAMBRIA COUNTY ASSOCIATION FOR THE BLIND AND HANDICAPPED, INC.	)	
	)	
Plaintiff,	)	Civil Action No. ____
	)	<b>JURY TRIAL DEMANDED</b>
v.	)	
	)	
AFFORDABLE WIRE MANAGEMENT, LLC.,	)	
	)	
Defendant.	)	
	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Cambria County Association for the Blind and Handicapped, Inc. (“Plaintiff” or “CAB”), by and through its undersigned counsel, files this Complaint for patent infringement against Defendant Affordable Wire Management, LLC. (“Defendant” or “AWM”), and hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement brought under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.* arising out of Defendant AWM’s infringement of Plaintiff CAB’s intellectual property, including United States Patent No. 10,177,551 entitled “*Grounding System*” (“the ‘551 Patent”), a copy of which is attached hereto as Exhibit 1; and United States Patent No. 11,349,291 entitled “*Locking Cable Hanger and Method of Using*” (“the ‘291 Patent”), a copy of which is attached hereto as Exhibit 2.

## **PARTIES**

2. Plaintiff CAB is a non-profit organization with its principal place of business at 211 Central Ave., Johnstown, Pennsylvania 15902.

3. CAB's mission for over 80 years has been to develop and support an environment for persons with disabilities which promotes vocational and employment training, independence, and community involvement through rehabilitative, recreation and low-vision services, and education for the prevention of blindness. CAB unites vocational training and a manufacturing business producing quality products, that offers employment for persons with disabilities while ensuring worldwide customer satisfaction.

4. Among other products, CAB develops, manufactures, and sells innovative electrical cable and wiring support and grounding systems and products, including various components thereof, for use in various industries, including particularly in the solar energy industry.<sup>1</sup> CAB's solar cable management systems and products deliver safe, strong, and durable support for all types of wiring in utility scale, ground-mount solar power plants. CAB's patented cabling systems have gained wide industry acceptance and recognition because they meet and exceed the most stringent quality standards, are quick and easy to install and provide significant cost savings in engineering, installation labor, materials, and long-term maintenance.

5. Defendant AWM is a Delaware Corporation with its principal place of business at, on information and belief, 90 Washington Valley Rd, Bedminster, New Jersey 07921.

6. Defendant AWM can be served with process through its registered agent, Corporate Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

---

<sup>1</sup> See <https://www.cabproducts.com/> (last visited Jan. 23, 2023).

7. Defendant AWM offers to sell, and on information and belief manufactures and sells, electrical cable and wire management solutions, including various components thereof, to the solar energy industry.<sup>2</sup>

### **JURISDICTION AND VENUE**

8. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

9. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§1331 and 1338(a).

10. Defendant AWM is subject to this Court's personal jurisdiction at least because AWM is incorporated in this judicial district.

11. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) at least because AWM is incorporated and resides in Delaware.

### **THE PATENTS IN SUIT**

12. The '551 Patent was duly and legally issued on January 8, 2019, naming Allen Garrett Smith, Gregory Stephen Platt and Timothy Joseph Wedding as inventors, after a full and fair examination by the United States Patent and Trademark Office from U.S. Patent Application No. 15/725,668 filed on October 5, 2017.

13. Plaintiff CAB is the owner by assignment of the '551 Patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and to enforce the '551 Patent against infringers, and to collect damages for all relevant times.

14. The '551 Patent is valid and enforceable.

---

<sup>2</sup> See <https://affordablewm.com/> (last visited Jan. 23, 2023).

15. As discussed further below, the claims of the '551 Patent relate to electrical grounding systems, structured to ground electrical cables supported by a support assembly, including a multi-function line assembly and a number of conductive mounting assemblies.

16. For the reasons stated below, AWM infringes, directly and/or indirectly, literally and/or under the doctrine of equivalents, at least claim 19 of the '551 Patent.

17. The '291 Patent was duly and legally issued on May 31, 2022, naming Allen Garrett Smith, Frank Edward Hodge, David James Prasko and Timothy Joseph Wedding as inventors, after a full and fair examination by the United States Patent and Trademark Office on from U.S. Patent Application No. 17/349,447 filed on June 16, 2021. The '291 Patent is a continuation of U.S. Patent Application No. 17/199,992, filed on March 12, 2021, and a continuation of U.S. Patent Application No. 15/662,474, filed on July 28, 2017, now U.S. Patent No. 10,978,861, which is a continuation of U.S. Patent Application No. 14/556,117, filed on November 29, 2014, now U.S. Patent No. 9,722,405.

18. Plaintiff CAB is the owner by assignment of the '291 Patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and to enforce the '291 Patent against infringers, and to collect damages for all relevant times.

19. The '291 Patent is valid and enforceable.

20. As discussed further below, the claims of the '291 Patent relate to cable hangers for use in the solar industry for supporting a plurality of conductive cables from a messenger wire.

21. For the reasons stated below, AWM infringes, directly and/or indirectly, literally and/or under the doctrine of equivalents, at least claim 1 of the '291 Patent.

**SUBJECT MATTER OF THE '551 PATENT**

22. The '551 Patent provides technological solutions to various deficiencies in the

prior art. As stated in the Field of the Invention section of the '551 Patent specification (Exhibit 1 at Col. 1. 7 – 1. 14):

The disclosed and claimed concept relates to a grounding system for a suspended cable assembly and, more particularly, to a grounding system that includes conductive elements whereby grounding cables do not need to be spliced into a conductor wire disposed adjacent a messenger wire, and, to a system wherein a multi-function line provides support and a current path.

23. As further discussed in the Background Information section of the '551 Patent specification (Exhibit 1 at Col. 1 l. 17 – Col. 2 l. 16):

[T]here is a need for electrical cables to extend from a power or signal source to a location of application. Such cables are usually indirectly connected and supported by a support assembly including a number of poles or piles . . . a messenger wire, and a number of cable hangers.

\*\*\*

For example, solar plants comprise large arrays of solar panels spread out over a large area. The solar panels are supported by a racking assembly coupled to a pile or other support. The solar panels collect the sun's rays causing a current to flow to current wires that are attached to the solar panels.

\*\*\*

The bundle of current wires is supported by a series of cable hangers suspended from a messenger wire. The messenger wire is supported by a number of piles extending adjacent the solar panels or which support the solar panels.

\*\*\*

While the messenger wire is not structured to carry a current, there are instances wherein the messenger wire does carry a current. For example, lightning is known to strike the messenger wires, the current wire(s), the solar electrical equipment, the support piles, or any other construct coupled to these elements. Further, a current wire, or any other wire carrying a current can fail creating a short or other undesirable current in the supported bundle of wires. This is why a conductor or grounding wire is disposed adjacent the messenger wires . . . . The grounding conductor must be coupled to a current path to the ground.

\*\*\*

Presently, the grounding conductor is grounded by splicing a conductor,

such as, but not limited to, a copper wire into the grounding conductor and coupling the copper wire to a grounding cable or, if the piles are conductive, to each pile.

That is, the copper wire must be spliced into the grounding conductor, *i.e.*, a ‘grounding splice,’ and, then electrically coupled to the pile or a ground cable. The process of installing the conductors, *i.e.*, splicing the copper wire into the grounding conductor and making an electrical coupling with the pile is difficult, time consuming and expensive. These are problems of the known art.

24. The ‘551 Patent addresses these and other deficiencies in the prior art by providing an integrated electrical grounding system. Specifically, the ‘551 Patent provides an electrical grounding system structured to ground a number of cables supported by a support assembly and including a multi-function line assembly and a number of conductive mounting assemblies. Each conductive mounting assembly is structured to be coupled to the multi-function line and to a conductive pile. The disclosed grounding system provides a path to ground for a current without grounding splices between a conductor and each conductive pile (or without any medial grounding splices).

25. In this way, at least, these and other features of the ‘551 Patent provide tangible technical benefits over prior art systems.

26. AWM has had actual notice of the ‘551 Patent since at least as early as September 29, 2020, and has further had knowledge since at least that time that products that it manufactures, uses, sells or offers for sale in the United States, or imports into the United States, infringe the ‘551 Patent.

#### **SUBJECT MATTER OF THE ‘291 PATENT**

27. The ‘291 Patent provides technological solutions to various deficiencies in the prior art. As generally discussed in the Background of the Invention section of the ‘291 Patent

specification (Exhibit 2 at Col. 1 l. 20 – l. 56), in solar industries, electrical cables extend from a power source ultimately to power inverters. The patent specifically describes that:

Such cables are usually supported by a messenger wire that are themselves independently structurally supported and strung along the planned cable route. In solar plants, direct current wires attach first to the solar panels and then run to combiner boxes before extending further to power inverters. In addition, alternating current power cables are used to power the motors that control the trackers, devices that rotate the solar panels to follow the sun in order to obtain maximum power during daylight hours.

\*\*\*

Prior to 2014, AC and DC cables could be bundled immediately adjacent to, and touching, one another in a wire management system for the solar panels. In the new National Electric Code of 2014, the AC and DC cables must not be immediately adjacent to one another, but must have a degree of separation from one another. Power carrying cables have a tendency to induce errors or interfere with the signal wires that are located in close proximity to them. This new requirement also applies to other applications outside the solar power industry, such as the mining and electrical industries.

Because of the increased use of trackers in solar power plants, there is increased use of category five cables and other data wiring. . . . The type of wiring used in collecting data is sensitive to cables used for AC and DC power and because of that sensitivity, data wiring cannot be bundled with power cables and must be supported by a separate carrier that is at least one inch away from all power cables.

28. As further discussed in the Background of the Invention section of the '291 Patent specification (Exhibit 2 at Col. 1 l. 57 – Col. 2. l. 9):

In solar power plants, mining and other electrical applications, there are various sized wires and bundles of wires with an almost unlimited variety of wire bundle sizes. Bundle size is becoming very important in the manufacture of hangers to accommodate these various sizes, especially in multiple carrier hangers.

\*\*\*

In a solar plant there is a recent move to tracker systems which utilize more wiring than previously fixed in place systems. There is also the

new NEC code which went into effect Jan. 1, 2014, which states that all AC and DC wiring must now be separated in any hanging or support system. Because of these changes, the wire management systems are much more complex, especially given the vast number of wires involved in a utility scale solar power plant.

29. These and other features of the '291 Patent provide, among other objectives, a new, safe and more efficient cable support and organization system and, thereby offer tangible technical benefits over prior art systems.

30. AWM has had actual notice of the '291 Patent since at least as early as August 11, 2022, and has further had knowledge since at least that time that products that it manufactures, uses, sells or offers for sale in the United States, or imports into the United States, infringe the '291 Patent.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 10,177,551**

31. Plaintiff CAB incorporates Paragraphs 1-30 by reference as if fully set forth herein.

32. Claim 19 of the '551 Patent recites:

A mounting assembly for a grounding system structured to ground a number of cables supported by a support assembly, said support assembly including a plurality of spaced, conductive piles, said grounding system including a multi-function line assembly with a multi-function line, said mounting assembly comprising:

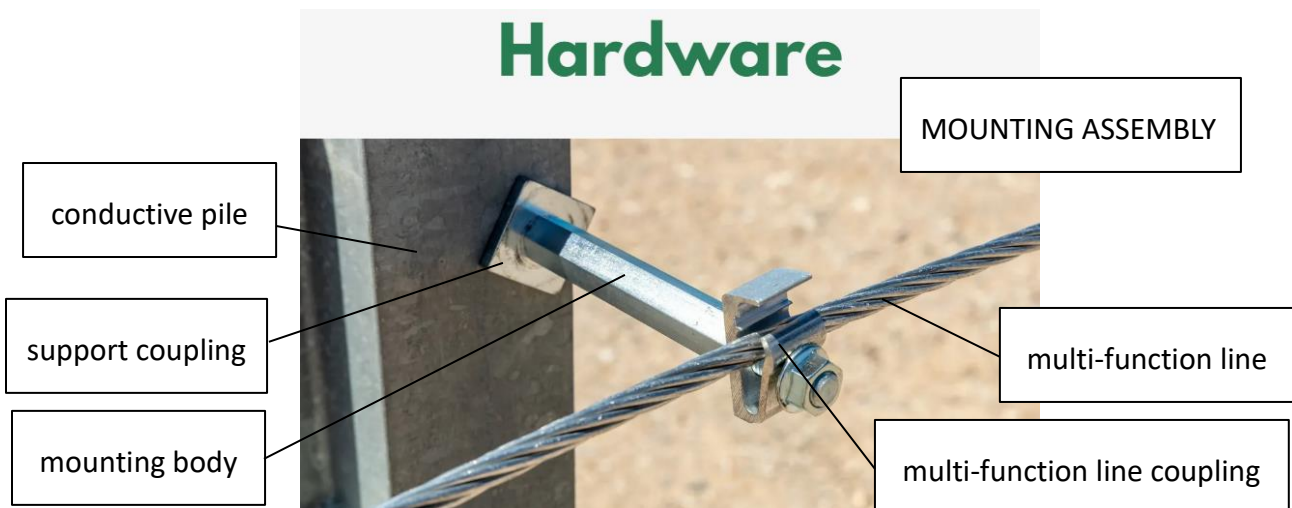
a mounting body, a support coupling, and a number of multi-function line couplings;  
each said multi-function line couplings structured to be coupled to said multi-function line;  
each said support coupling structured to be coupled to a conductive pile; and  
wherein, when said multi-function line assembly is coupled to, and in electrical communication with said multi-function line couplings, each said multi-function line coupling defines a conductive path.

(Ex. 1)



33. AWM makes, uses, offers to sell and/or sells in the United States, and/or imports into the United States, “Hardware” assemblies for use in its wire management solution products and systems in the United States.<sup>3</sup>

34. As shown in the photograph below, sourced from AWM’s website,<sup>4</sup> AWM’s accused Hardware assembly constitutes a mounting assembly for a grounding system structured to ground a number of cables supported by a support assembly as claimed in at least claim 19 of the ‘551 Patent.



35. AWM directly and/or indirectly infringes, literally and/or under the doctrine of equivalents, at least claim 19 of the ‘551 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, the accused Hardware assemblies that embody the patented invention, including at least claim 19 thereof.

---

<sup>3</sup> See <https://affordablewm.com/products-1> (last visited Jan. 23, 2023).

<sup>4</sup> See *id.*

36. On information and belief, end-users of AWM's accused Hardware assemblies, including but not limited to AWM's customers, directly infringe, literally and/or under the doctrine of equivalents, at least claim 19 of the '551 Patent in violation of 35 U.S.C. § 271(a) by, at least, using in the United States the accused Hardware assemblies that embody the patented invention, including at least claim 19 thereof.

37. On information and belief, AWM knowingly and intentionally induces end-users of the accused Hardware assemblies to directly infringe at least claim 19 of the '551 Patent by encouraging, instructing, and/or aiding one or more persons in the United States, including but not limited to customers, who use the accused Hardware assemblies, to do so in a manner that infringes at least claim 19 of the '551 Patent.

38. On information and belief, AWM has induced and continues to induce end-users of the accused Hardware assemblies to directly infringe at least claim 19 of the '551 Patent with actual knowledge of the '551 Patent, its scope, and products covered thereby, since before the date of this complaint and with the intent, or in willful blindness, that the induced acts directly infringe the '551 Patent.

39. Further on information and belief, AWM contributes to the direct infringement of at least claim 19 of the '551 Patent by end-users of the accused Hardware assemblies by offering to sell or selling and/or importing a patented component or material and/or apparatus used to practice the invention, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of at least claim 19 of the '551 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

40. AWM has had actual knowledge of the '551 Patent since before the date of this complaint and continues to perform the acts alleged herein with the knowledge, or in willful blindness, that it contributes to the direct infringement of the '551 Patent.

41. AWM's egregious acts of infringement of the '551 Patent as described above have been, and continue to be, willful and deliberate and therefore warrant the award of attorneys' fees pursuant to 35 U.S.C. § 285 and the award of enhanced damages pursuant to 35 U.S.C. § 284.

42. CAB is entitled to recover from AWM the damages sustained by it as a result of each of AWM's infringing acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

43. AWM's continued infringement of the '551 Patent has caused and will continue to cause irreparable damage to CAB unless such unlawful actions are enjoined by this Court.

**COUNT II**  
**INFRINGEMENT OF U.S. PATENT NO. 11,349,291**

44. Plaintiff CAB incorporates Paragraphs 1-30 by reference as if fully set forth herein.

45. Claim 1 of the '291 Patent recites:

A system for organizing a plurality of electrical cables extending from a plurality of solar panels, the system comprising:

- a messenger wire structured to be supported a distance above the ground; and
- a plurality of cable hangers structured to be disposed along, and suspended from, the messenger wire, each cable hanger having a plurality of cable carrying surfaces, each cable carrying surface being structured to support at least one electrical cable of the plurality of electrical cables,

wherein adjacent cable carrying surfaces of the plurality of cable carrying surfaces are separated by a cable carrier divider.

(Ex. 2)

46. AWM makes, uses, offers to sell, and/or sells in the United States and/or imports into the United States, “Messenger Cable” and “Messenger Cable Hanger” products for use in its wire management solution products and systems in the United States.<sup>5</sup>

47. As shown in the photographs below, sourced from AWM’s website,<sup>6</sup> AWM’s accused Messenger Cable and Messenger Cable Hanger products constitute a system for organizing a plurality of electrical cables extending from a plurality of solar panels as claimed in at least claim 1 of the ‘291 Patent.



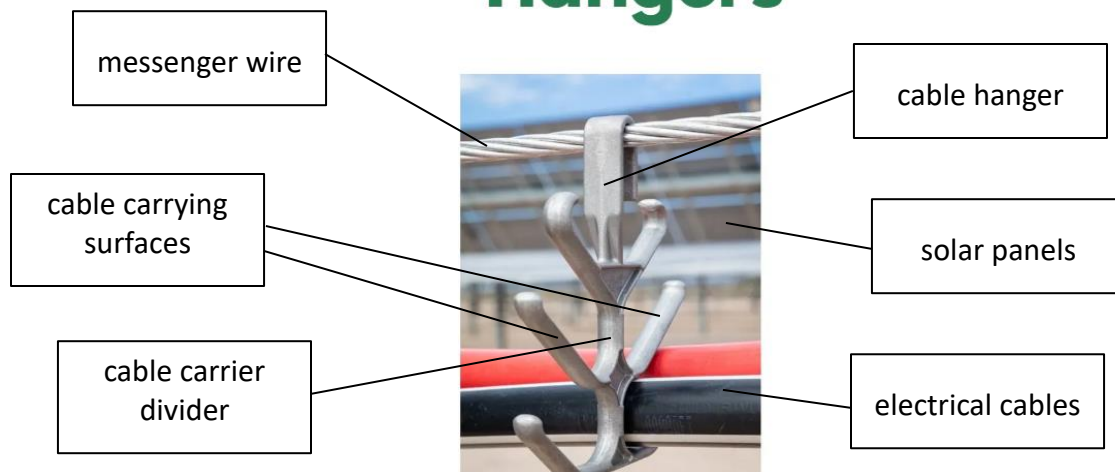
---

<sup>5</sup> See <https://affordablewm.com/products-1> (last visited Jan. 23, 2023).

<sup>6</sup> See *id.*



## Messenger Cable Hangers



48. AWM directly and/or indirectly infringes, literally and/or under the doctrine of equivalents, at least claim 1 of the '291 Patent in violation of 35 U.S.C. § 271(a) by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, the accused Messenger Cable and Messenger Cable Hanger products that embody the patented invention, including at least claim 1 thereof.

49. On information and belief, end-users of AWM's accused Messenger Cable and Messenger Cable Hanger products, including but not limited to AWM's customers, directly

infringe, literally and/or under the doctrine of equivalents, at least claim 1 of the '291 Patent in violation of 35 U.S.C. § 271(a) by, at least, using in the United States the accused Messenger Cable and Messenger Cable Hanger products that embody the patented invention, including at least claim 1 thereof.

50. On information and belief, AWM knowingly and intentionally induces end-users of the accused Messenger Cable and Messenger Cable Hanger products to directly infringe at least claim 1 of the '291 Patent by encouraging, instructing, and/or aiding one or more persons in the United States, including but not limited to customers, who use the accused Messenger Cable and Messenger Cable Hanger products, to do so in a manner that infringes at least claim 1 of the '291 Patent.

51. On information and belief, AWM has induced and continues to induce end-users of the accused Messenger Cable and Messenger Cable Hanger products to directly infringe at least claim 1 of the '291 Patent with actual knowledge of the '291 Patent, its scope, and products covered thereby, since before the date of this complaint and with the intent, or in willful blindness, that the induced acts directly infringe the '291 Patent.

52. Further on information and belief, AWM contributes to the direct infringement of at least claim 1 of the '291 Patent by end-users of the accused Messenger Cable and Messenger Cable Hanger products by offering to sell or selling and/or importing a patented component or material and/or apparatus used to practice the invention, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of at least claim 1 of the '291 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

53. AWM has had actual knowledge of the '291 Patent since before the date of this complaint and continues to perform the acts alleged herein with the knowledge, or in willful blindness, that it contributes to the direct infringement of the '291 Patent.

54. AWM's egregious acts of infringement of the '291 Patent as described above have been, and continue to be, willful and deliberate and therefore warrant the award of attorneys' fees pursuant to 35 U.S.C. § 285 and the award of enhanced damages pursuant to 35 U.S.C. § 284.

55. CAB is entitled to recover from AWM the damages sustained by it as a result of each of AWM's infringing acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

56. AWM's continued infringement of the '291 Patent has caused and will continue to cause irreparable damage to CAB unless such unlawful actions are enjoined by this Court.

#### **JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff CAB hereby requests a trial by jury on all issues so triable by right.

#### **DEMAND FOR RELIEF**

WHEREFORE, Plaintiff CAB requests that the Court find in its favor and against Defendant AWM and that the Court grant the following relief:

- A. Judgment that AWM has infringed, directly and/or indirectly, the '551 Patent, literally and/or under the doctrine of equivalents;
- B. Judgment that AWM has infringed, directly and/or indirectly, the '291 Patent, literally and/or under the doctrine of equivalents;

- C. A permanent injunction enjoining AWM and its respective officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, OEM customers, and all others acting in active concert therewith from infringing, directly and/or indirectly, the '551 Patent;
- D. A permanent injunction enjoining AWM and its respective officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, OEM customers, and all others acting in active concert therewith from infringing, directly and/or indirectly, the '291 Patent;
- E. Judgment against AWM under 35 U.S.C. §284 awarding CAB damages in an amount adequate to compensate for AWM's infringement, but no less than a reasonable royalty for the use made by AWM of the invention set forth in the '551 Patent, together with an award of interest and costs;
- F. Judgment against AWM under 35 U.S.C. §284 awarding CAB damages in an amount adequate to compensate for AWM's infringement, but no less than a reasonable royalty for the use made by AWM of the invention set forth in the '291 Patent, together with an award of interest and costs;
- G. That the damages found or assessed for AWM's infringement be increased under 35 U.S.C. § 284 to three times the amount found or assessed;
- H. That CAB be granted pre-judgment and post-judgment interest on the damages caused by AWM's infringing activities and other conduct complained of herein;
- I. That the Court declare this to be an exceptional case and award CAB its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and



J. That CAB be granted such other and further relief in law and equity as the Court may deem just and proper under the circumstances.

<p>Dated: January 23, 2023</p> <p>OF COUNSEL Edward C. Flynn ECKERT SEAMANS CHERIN &amp; MELLOTT, LLC 600 Grant St., 44th Floor Pittsburgh, PA 15219 (412) 566-6000 EFlynn@eckertseamans.com</p> <p>Daniel Melman ECKERT SEAMANS CHERIN &amp; MELLOTT, LLC 10 Bank St. Suite 700 White Plains, NY 10606 (914) 949-2909 DMelman@eckertseamans.com</p>	<p>BAYARD, P.A.</p> <p><u>/s/ Stephen B. Brauerman</u> Stephen B. Brauerman (#4952) Ronald P. Golden III (#6254) 600 N. King Street, Suite 400 Wilmington, DE 19801 Telephone: (302) 655-5000 sbrauerman@bayardlaw.com rgolden@bayardlaw.com</p> <p><i>Attorneys for Plaintiff Cambria County Association for the Blind and Handicapped</i></p>
--	---