

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

TRITEQ LOCK & SECURITY, LLC,	§ §	
Plaintiff,	§	
v.	§	CASE NO.: 1:22-CV-275
	§	
MINUS FORTY TECHNOLOGIES CORP.,	§ §	
Defendant.	§	JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff TRITEQ LOCK & SECURITY, LLC files this Complaint for Patent Infringement against Defendant MINUS FORTY TECHNOLOGIES CORP., alleging as follows:

I. THE PARTIES

1. TRITEQ LOCK & SECURITY, LLC (“Plaintiff” or “Triteq”) is a limited liability company organized and existing under the laws of the State of Illinois, with a principal place of business at 701 Gullo Road, Elk Grove, Illinois 60007.

2. Defendant MINUS FORTY TECHNOLOGIES CORP. (“Defendant” or “Minus Forty”) is a foreign corporation organized under the laws of Canada, province of Ontario, with a place of business at 30 Armstrong Avenue, Georgetown, Ontario, Canada L7G4R9. Minus Forty maintains a Texas Taxpayer Number (32070348837) and an active right to transact business in Texas and does transact business in Texas and throughout the United States. Minus Forty may be served with process through the Texas Secretary of State.

II. JURISDICTION AND VENUE

3. This is an action for infringement of United States patents under 35 U.S.C. §§ 271, *et seq.* Federal question jurisdiction is conferred to this Court over patent infringement actions under 28 U.S.C. §§ 1331 and 1338(a).

4. Defendant is a foreign corporation whose offices are located outside of the United States. Defendant develops and/or makes its products in Canada, including the Accused Products described herein, which are then sold throughout the United States, including within this District, by Defendant and through wholesalers and distributors of Defendant.

5. Defendant has sufficient minimum contacts with the Western District of Texas such that this venue is fair and reasonable. Defendant has committed such purposeful acts and/or transactions in this District that it reasonably should know and expect that they could be hailed into this Court as a consequence of such activity, including selling the Accused Products to customers within this District. Defendant has transacted and, at the time of the filing of this Complaint, continues to transact business within the Western District of Texas and maintains a Texas taxpayer number for permitting the same.

6. Further, upon information and belief, Defendant makes or sells products that are and have been used, offered for sale, sold, and/or purchased in the Western District of Texas. Defendant directly and/or through its distribution network, places infringing products or systems within the stream of commerce, which stream is directed at this district, with the knowledge and/or understanding that those products will be sold and/or used in the Western District of Texas.

7. For example, Defendant works with distributor Irvin International, Inc. to sell its products, including the Accused Products, across parts of the United States, including within this District. Irvin's website includes a page dedicated to Defendant's products at URL: <http://www.irvininternational.com/minus-fourty-freezers.html>. Defendant knowingly causes its products to be sold to customers in this District via its contracting with Irvin International, Inc. to establish a distribution channel servicing Texas.

8. Upon information and belief, Defendant additionally works with distributor FixtureLite, Inc. to sell its products, including the Accused Products, across the United States, including within this District. FixtureLite's website includes product pages dedicated to sales and customer support for the Accused Products of Minus Forty, among others, at URL: <https://fixturelite.com/micro-markets-single/furniture/>.

9. For these reasons, personal jurisdiction exists, and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b), respectively.

III. THE ASSERTED PATENTS

10. Triteq is the owner of all rights and title in and to U.S. Patent No. 10,612,833 ("the '833 Patent"), among others, by assignment.

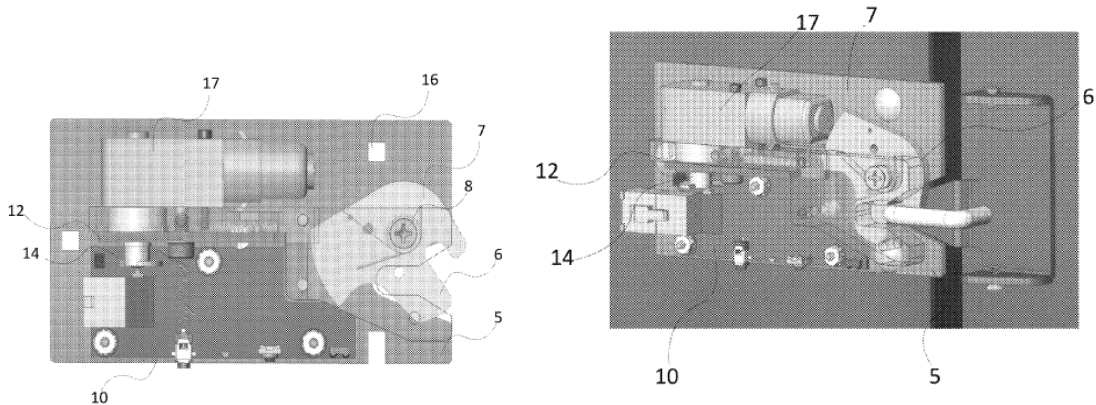
11. Triteq is a U.S.-based company which develops and makes intelligent electromechanical lock system hardware and software for providing secured access to controlled locations, including locks for selectively allowing or preventing access to vending machines and micro-markets through application of time-, temperature-, and power detection-based protocols. Triteq has become a leading designer, manufacturer, and supplier of intelligent electromechanical lock systems. Triteq products are used by

customers across several industries, including by vending machine and micro-market operators.

12. Micro markets are often unattended retail locations where consumers may freely browse and access products on shelves and in temperature-controlled displays, including refrigerators and freezers, for example. Consumers serve themselves and typically pay for their selected items via a self-checkout kiosk. In this unattended environment it is important to maintain the integrity of perishable food and drink products, and to ensure that patrons do not have access to products that have spoiled due to failure to maintain an appropriate temperature in the merchandiser. Increased temperatures causing spoilage may result from a power failure, failure of the cooling unit or from a failure to close the merchandiser door for an extended time period, for example. Tritiq's Patents disclose and claim vending machines, including freezers and refrigerators, usable in micro-markets and other similar applications. Locking mechanisms and methods or algorithms for controlling the same are disclosed and claimed, including within the '833 Patent. When implemented with the electromechanical lock systems and control methods claimed in the '833 Patent, these freezers and refrigerators are operable to selectively permit or prevent access to perishable food items stored within in a manner suitable for use in micro-markets or other similar applications to prevent the undesirable sale of spoiled or thawed food products to consumers by detecting and responding to temperature conditions within the freezer or cooler which have the potential to result in thawing or spoilage.

13. Embodiments of an exemplary lock for use to control access to a cabinet of a refrigerated cooler or freezer are shown in Figs. 2-12 of the '833 Patent. An

exemplary lock embodiment may comprise components attached to a cabinet door of a cooler/freezer and to a surface of the cabinet which align such that a strike component is received by a latch and selectively held therein by a movable claw, as best shown in the exemplary embodiment of the Figures excerpted below:



‘833 Patent at Figs. 8, 12

Briefly, in the embodiment shown, a latch 4 (or claw 7) may rotate to engage strike 3 when the door is closed. The connection of strike 3 into latch 4 (or claw 7) when the door is closed may cause the latch or claw to rotate and capture the strike. The latch or claw may be engaged (selectively locked) or disengaged (selectively unlocked) by an engaging member (or slider) 12 operated by cam 14 and motor 17 and controller 51. An actuator (or motor) 17 may be implemented to position the engaging member to move between a locked and unlocked state. See, generally, ‘833 Patent at 3:6-56.

14. The particular component arrangement and operation shown in at least these Figures may advantageously provide for improvements in alignment of the latch and catch components during operation of a cooler/freezer door. Additionally, the component arrangement permits transitioning to a locked state at times when the freezer

or refrigerator door is open without undesirably preventing subsequent closing of the door, at which point the door will be held in a closed state.

15. In an embodiment, a lock may comprise one or more controllers, processors, and/or sensor components used to control operation of the lock. The controller and/or processor may be configured to execute certain control logic for preventing access to food stored within the cooler/freezer upon detection of certain conditions. For example, in an embodiment, sensors may be implemented that are operable to detect one or more of the interior temperature in refrigerated cabinet; the rate of temperature change inside refrigerated cabinet; elapsed time since the occurrence of an event; the power status (A/C or battery) of the cooler/freezer; the door and lock states (open/closed or locked/unlocked); and, input from a user (fob detection, e.g.); among others.

16. Control logic and algorithms for determining when locking or unlocking of the lock mounted to a cooler/freezer may be implemented to prevent access to food items which may have become spoiled due prolonged storage at above safe temperatures. An exemplary control logic for a refrigerator application may follow the algorithm shown below. In freezer embodiments, the control logic may be similarly configured, with temperature thresholds set to lower temperatures to avoid thawing as well as spoilage.

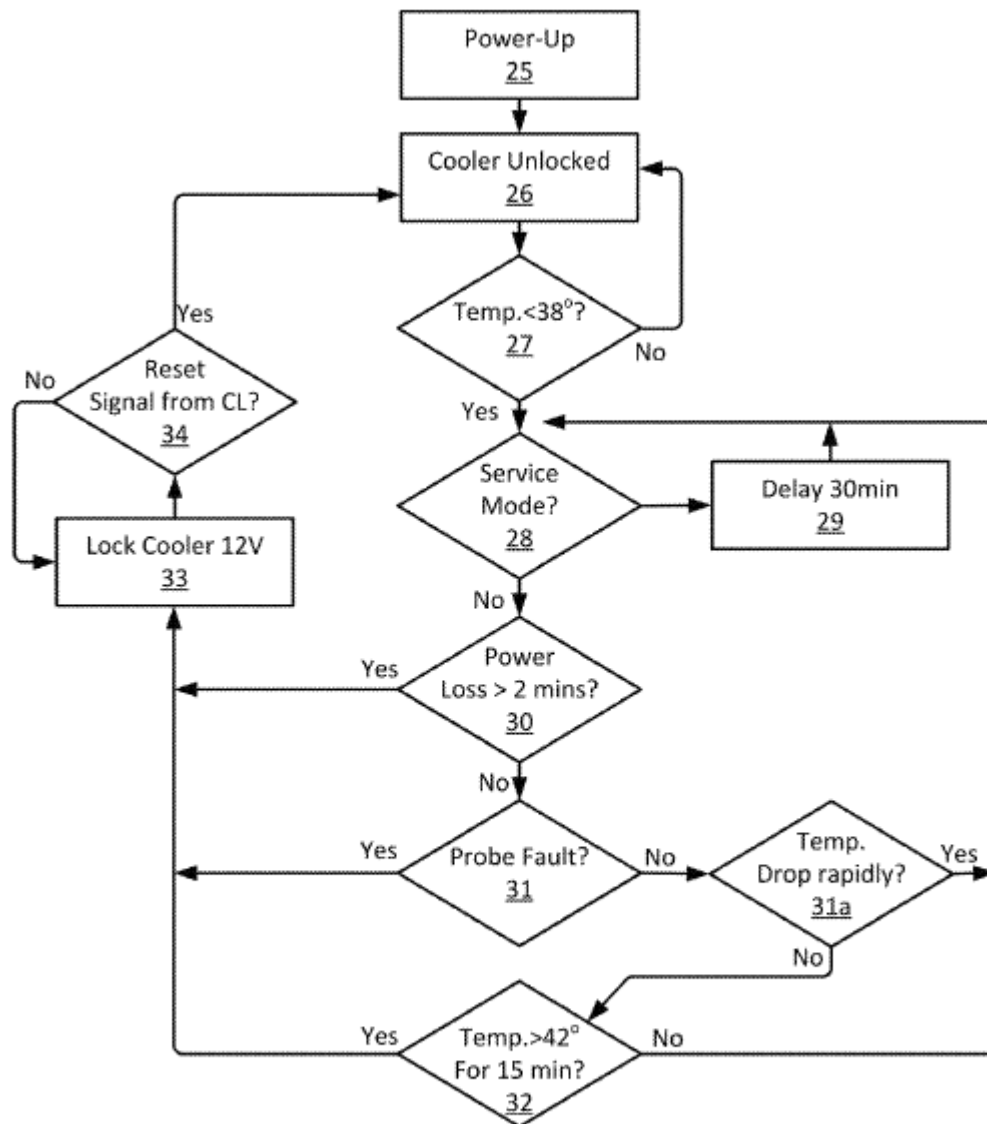


FIG. 15

17. According to the embodiment shown, control logic may detect a “power on” condition at which point the lock is placed in an “unlocked” state and the internal temperature is monitored and compared to a configurable threshold temperature. Upon reaching this first threshold temperature, the lock may remain in an unlocked state while the processor monitors the one or more door state and/or temperature characteristics to

determine if the cooler/freezer is in “service mode,” meaning the door is being held open for restocking, maintenance, or the like. In “service mode,” the processor may remain in an unlocked state for a predetermined period of time before resuming normal operation or determining that the cooler freezer remains in “service mode.”

18. Normal operation may comprise continuous monitoring for over-temperature conditions within the freezer or refrigerator, which may result from power loss, equipment failure, the cabinet door not closing, or other event. The lock system may then monitor this detected condition and measure the length of time that it persists before returning to at or below the threshold temperature (which may be configured to be approximately 42F in refrigerators or 0F in freezers, for example). If the over-temperature condition persists for greater than a defined period of time, the lock system may transition to a “locked” state to prevent further access to potentially thawed or spoiled food products.

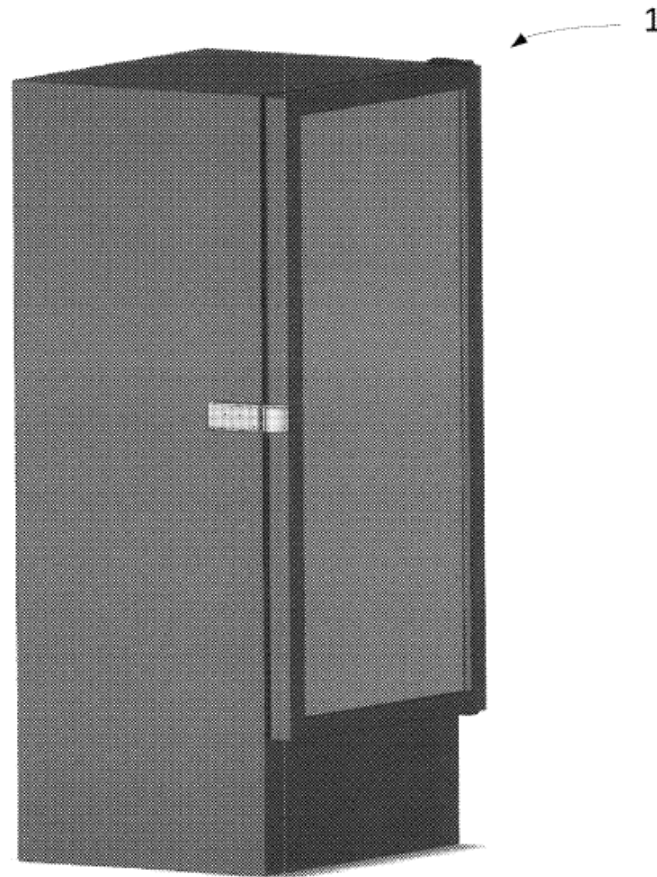
19. Once locked, the lock system may maintain that state until a “reset” condition is detected. The locked state may be maintained until electronically reset via input received by the controller, such as a reset code, for example. In response, the controller may signal an actuator component in the lock system to disengage from the locked position and resume normal monitoring operations.

20. While in the locked state, the interior of the cabinet be temporarily accessible without placing the lock system in the unlocked state via use of a secured unlocking implement or an unsecured unlocking implement. In an embodiment, the secured unlocking implement may externally accessible and comprise use of keyed access, entry of a temporary access code to the controller, or the like. The unsecured

implement may comprise a release latch disposed within the cabinet of the freezer or refrigerator, or similar mechanism. Such implements may mechanically disengage one or more lock components to permit temporary access to the interior of the cabinet without disturbing the locked state of the controller.

21. The lock system may be electrically coupled to an external, primary power supply, such as the A/C power supply from a wall outlet that also powers the air conditioning components of the freezer or refrigerator. Additionally, the lock system may be electrically coupled to an independent power supply, such as one or more batteries. In an embodiment, the lock system may operate under the primary power supply and transition to battery power upon interruption of primary power to the freezer or cooler. Advantageously, use of the backup battery supply avoids nuisance locking in response to a primary power interruption that is fixed prior to the occurrence of an event that may cause thawing and/or spoilage.

22. The locks disclosed and claimed in the Asserted Patents may be implemented on a cooler/freezer, as shown below:



'833 Patent at Fig. 1A

23. Triteq makes and sells locks for vending machines that practice one or more claims of the Asserted Patents, including its Fresh IQ 2100 and 2200 Health Timer Locks for single and double door applications, respectively. The Fresh IQ Health Timer locks are compatible for use with coolers and freezers made by many leading manufacturers.

24. Triteq's Fresh IQ Health Timer locks, along with the refrigerators and freezers utilizing them, practice claims within one or more of the many validly issued U.S. patents assigned to Triteq, including the Asserted Patents. Triteq virtually marks its products in compliance with 35 U.S.C. §287 at least at both of its FreshIQLock.com and TriteqLock.com websites from which its Fresh IQ Health Timer locks may be purchased.

IV. THE ACCUSED PRODUCTS

25. Minus Forty is a manufacturer of freezer and refrigerator merchandisers operable as vending machines and/or as micro-markets. Minus Forty makes, sells, offers for sale, and imports into the United States its freezer and refrigerator merchandisers, including the Accused Products.

26. The Accused Products of Minus Forty include its SmartLock II health timer controller, which comprises its Gen2 electromechanical lock, when implemented for use with Minus Forty's refrigerator or freezer merchandiser products. More specifically, the Accused Products comprise all implementations of the SmartLock II, including its use in connection with Minus Forty's 13-USGR-L2, 19-USGR-L2, 22-USGR-F2, 22-USGR-L2, 22-USGR-F2-SL, and 22-UDGH-L2 (hybrid) refrigerator merchandisers as well as with all versions of its 13-USGF-L2, 19-USGF-L2, 22-USGF-L2, 22-USGF-F2, and 22-USGF-F2-SL freezer merchandisers.¹ In each such implementation, the Accused Products comprise a lock system and controller operable with a food storage and/or vending machine comprising an air-conditioned cabinet and a door for accessing food products stored inside. The Accused Products accommodate selectively locking and unlocking of the door of these storage and/or vending machines to permit or prevent access to food products stored therein.

27. Minus Forty describes its SmartLock II product as a "fully integrated, dual function food health and refrigeration controller." The SmartLock II operates to "[c]onstantly monitor[] the food storage compartment temperature to ensure it is

¹ These products are shown and described, generally, in Minus Forty's Product Catalogue, which is attached hereto as Exhibit B and incorporated for all purposes. This Catalogue is also available for download at URL: <https://www.minusforty.com/docs/Minus-Forty-Product-Catalogue.pdf>.

operating correctly” and “automatically locks to door preventing access to potentially hazardous food” in response to preset and configurable lock triggering conditions being met.² The SmartLock II includes a controller, an electromechanical lock, and temperature sensors. Monitoring comprises the use of one or more sensors for detecting an internal temperature of the cooler/freezer cabinet, the rate of temperature change, the time elapsed since detection of a condition, whether the cooler/freezer is powered on, the open/closed state of a door and/or lock, among other conditions.

28. The Accused Products operate to ensure that a sufficiently cooled internal environment suitable for food storage is maintained using the cabinet’s internal air conditioning unit. The internal air conditioning unit is operable to provide cooled air to within the cabinet to maintain the internal temperature at or below a set temperature, which may be 35 degrees Fahrenheit in refrigerators or -20 degrees Fahrenheit in freezers, according to its default setting. These set points may be configured to different temperatures by the user.

29. During normal operation, the Accused Products may be operable to monitor the internal temperature and compare them to a configurable threshold temperature. In refrigerators, for example, the Accused Products may monitor for internal temperatures exceeding 41 degrees Fahrenheit or some other similar set point. In freezers, the Accused Products may monitor for internal temperatures exceeding 0 degrees Fahrenheit. These thresholds may be configured by the user to set different thresholds. These default settings are adjustable and are implemented to prevent spoilage

² See 22-USGR-L2 specification sheet available at URL: <https://www.minusforty.com/wp-content/uploads/2018/11/22-USGR-L2-Specsheet.pdf> which is attached hereto as Exhibit C and incorporated for all purposes.

(and/or thawing) of food items, as indicated in the exemplary specification excerpted below:



22-USGR-L2
REFRIGERATOR



FEATURING



Style	High Capacity
Cabinet Color (exterior/interior)	Black/White
Gross Capacity (cubic feet)	23.08
Gross Capacity (liters)	653.6
Factory Setpoint Temperature °F	35
Factory Setpoint Temperature °C	1.7
Height (inches / cm)	78.75 / 200
Width (inches / cm)	30 / 76.2
Depth less handle (inches / cm)	32.97 / 83.7
Interior LED Light Strips	2
LED Translight Display	26.1" x 8.3"
Adjustable Shelves	4
Bottom Shelf	1
Casters	Yes
Volts / Hz / Phase	115 / 60 / 1
Amps	2.4
H.P. (kW)	1/4 (0.19)
Refrigerant	R290
Net Weight (lbs)	340
Net Weight (kg)	154.4
NEMA Configuration	5-15P
Smartlock Trigger (adjustable)	≥ 41°F (5°C)



Energy Efficiency
Certified

R290 Natural
Refrigerant

30. The Gen2 Lock is operable to selectively permit or prevent opening of the door to access food products stored within the freezer or refrigerator on which it is affixed. As shown in Minus Forty’s product literature, the Gen2 Lock comprises a door mounted portion that is secured to the side of the door and which engages a locking mechanism affixed to the outside of the cabinet. When the door is closed, the door mounted locking element is received within the cabinet mounted locking mechanism and may be locked in place via operation of a latch (or rotating claw), a strike, an engaging member, and a solenoid to move the engaging member.

31. According to Minus Forty’s Technical Service Bulletin (TSB-MFT-0025) and the Owner’s Manual³ for freezers or coolers implemented with the SmartLock II, “[t]he purpose of the electronic food safety lock is to lock the unit door in the event of unit malfunctioning, thereby preventing public access to potentially hazardous food.” Further, “the electronic controller continuously monitors temperature inside the food storage compartment and locks the door via a mechanical lock if the temperature stays above these limits: 41°F (5°C) for 30 minutes or longer in refrigerators [and] 0°F (-18°C) for 30 minutes or longer in freezers.” This default limit is configurable by users of the Accused Products to alter the temperature and/or time threshold triggering locking of the Gen2 Lock.



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TECHNICAL SERVICE BULLETIN

		TSB-MFT-0025
SUBJECT:	Gen2 Lock Operation and Verification Test	Effective Date: Dec 20, 2017
MODELS:	Locking models: 13/19/22-USGF, 13/19/22-USGR, 22-UDGH	Revision: 01

General Description

The purpose of the electronic food safety lock is to lock the unit door in the event of unit malfunctioning, thereby preventing public access to potentially hazardous food. The electronic controller continuously monitors temperature inside the food storage compartment and locks the door via a mechanical lock if the temperature stays above these limits:

- 41°F (5°C) for 30 minutes or longer in refrigerators
- 0°F (-18°C) for 30 minutes or longer in freezers.

The electronic food safety lock system consists of these six (6) major components:

- **Electronic controller.** A factory pre-programmed electronic controller that monitors temperature inside the food compartment and activates the mechanical lock if food safety temperature limits are reached. See Figure 1 for the controller’s location.

32. In all applications in which it is used, the SmartLock II is programmed to apply a control algorithm for determining when the lock should be placed in either of the locked or unlocked state, as described below. The particular parameters applied are

³Available online at URL: https://www.minusforty.com/wp-content/uploads/2020/02/MNL_R290_USGR-L2_EN.pdf which is attached hereto as Exhibit D and incorporated for all purposes.

adjustable to suit the particular application and freezer or refrigerator with which the SmartLock II is being used.

After Powering On: Immediately after powering the unit by plugging the unit power cord into a wall receptacle and switching on the battery backup, the door is still locked. To unlock the door and reset the lock, press and hold simultaneously P and U buttons (Figure 5) on each compartment controller for about 5 seconds and until the controller buzzer beeps twice and scrolls "Unlocked" message three times. The unit is now in its regular operation ready for product stocking after the temperature pull-down and stabilization period, then used by customers thereafter.

During Normal Operation: During unit operation, the food safety lock can be triggered to lock the door by any of the following triggers: (1) high temperature alarm, (2) cabinet sensor open or short fault, or (3) controller internal errors. An alarm condition will cause the controller to beep cyclically and a scrolling "Locked" message will be displayed. To gain temporary access to the inside of the locked out compartment while the locking trigger is still active, press and hold simultaneously the P and U buttons on the controller for about five (5) seconds and until the controller buzzer beeps twice and the controller scrolls "Unlocked" message. The door stays unlocked for about 20 seconds. The controller then relocks the door upon closing, beeps once, and scrolls "Locked" message three times.

Lock Reset: After all locking trigger(s) are rectified, such as temperature falls below acceptable high limit levels 0°F (-18°C) in freezers and 41°F (5°C) in refrigerators, the door remains locked until the lock is reset through human intervention. To unlock the door, reset the lock and return the unit to its regular operation, press and hold simultaneously the P and U buttons on the controller for about 5 seconds and until the controller buzzer beeps twice and the controller scrolls "Unlocked" message three times.

33. The SmartLock II is configured to accept power from either a primary A/C power supply which also powers the air conditioning unit of the refrigerator or freezer, or from an independent battery power supply. As such, the SmartLock II is operable to detect interruptions in power to the cabinet of the refrigerator or freezer onto which it is affixed and continue monitoring the internal temperature of the cabinet using battery power.

34. The SmartLock II is configured to enter a locked state upon detection of an event likely to cause thawing or spoilage of food products stored within the refrigerator or freezer to which it is affixed, as described in the excerpts above. Once in a locked state, the controller of the SmartLock II will remain in that state until input is received at a keypad accessing the controller to command it to return to the unlocked state and normal operation. While electronically locked, the interior of the cabinet may be temporarily accessed via use of an external keyed lock operable to temporarily disengage the locking components without resetting the locked state of the controller. Likewise,

and internally disposed release is operable to temporarily disengage the locking components without resetting the locked state of the controller.

35. Minus Forty provides instructions to its customers and users of the Accused Products demonstrating how to install, set up, and use the Accused Products in the form of, at least, user manuals, product specifications, and technical bulletins available through Minus Forty's website. These resources provide instructions directed to end users of the Accused Products demonstrating use thereof in manners that infringe the Asserted Patent(s). Use of the Accused Products in accordance with these instructions constitutes direct infringement of the Asserted Patent by end users of the Accused Products.

36. Minus Forty has had actual knowledge of the Asserted Patents since at least September 2019, at which time patent applications issuing as the Asserted Patents were produced in a concurrently proceeding litigation alleging patent infringement between the parties to this lawsuit filed in Canada. Minus Forty has had actual knowledge of Triteq's claims of infringement of the Asserted Patents by the Accused Products of Minus Forty since at least that time. Over two years have passed with Minus Forty continuing to make, use, and sell the Accused Products throughout the United States.

37. Additionally, or alternatively, Triteq sent a letter through its counsel on February 13, 2020 putting Minus Forty on actual notice of Triteq's infringement claims against Minus Forty. The letter included a listing of the TriTeq patents, including the Asserted Patents and/or the applications issuing as the Asserted Patents. The parties then engaged in in-person discussions through their respective CEOs on the following day,

during which TritEQ's U.S. patents, including the Asserted Patents and/or applications issuing as the Asserted Patents, were specifically discussed.

38. Finally, on April 22, 2020, TriTeq issued a press release on "Vending Market Watch," an industry website for the food service industry.⁴

39. TritEQ and Minus Forty are direct competitors. TritEQ makes and sells locks practicing claims of the Asserted Patents that are designed to be, and are, compatible for use with each of the Accused Products of Minus Forty, as well as several models of freezers made by Minus Forty. TritEQ has made and sold complete refrigerators and freezers implemented with its FreshIQ locks. TritEQ also makes and sells locks practicing the claims of the Patents-in-Suit compatible for use with other competitor refrigerator and freezer manufacturers who also directly compete with Minus Forty.

COUNT I
PATENT INFRINGEMENT
U.S. Patent No. 10,612,833 B2

40. TritEQ repeats and re-alleges all preceding paragraphs of this Complaint, including those describing the features and operation of the Accused Products, as though fully set forth herein.

41. On March 17, 2020, United States Patent No. 10,612,833 B2 ("the '833 Patent") was duly and legally issued which disclosed and claimed "Cooler Lock" systems and methods of use. As of the filing of this Complaint, the '833 Patent remains in force.

⁴https://www.vendingmarketwatch.com/equipment/security-systems-and-locks/news/21135122/triteq-lock-and-security-issued-five-novel-us-patents?utm_source=AUTM+VMW+Today+NL&utm_medium=email&utm_campaign=AUTM200422003&o_eid=6334A9820412D9Z&rdx.ident%5Bpull%5D=omeda%7C6334A9820412D9Z&oly_enc_id=6334A9820412D9Z

A true and correct copy of the '833 Patent is attached hereto as Exhibit A and made a part hereof.

42. Triteq is the owner of all right and title in the '833 Patent, including all rights to enforce and prosecute action for infringement of the '833 Patent and to collect damages for all relevant times against infringers of the '833 Patent. Accordingly, Triteq possesses the exclusive right and standing to prosecute the present action for infringement of the '833 Patent by Minus Forty.

43. The '833 Patent generally discloses and claims electromechanical lock systems and methods for operating the same comprising a locking mechanism, a controller, and one or more temperature sensors for use in connection with vending machines and/or micro-markets. The systems and methods claimed accommodate selective locking and unlocking of an electromechanical lock for the purpose of securing the vending machine cabinet to prevent unauthorized access and, more importantly, access by customers following detection of certain triggering events which may cause or lead to the thawing or spoiling of food items stored in the vending machine. Triggering events may be based upon sensed temperature(s) of air in the vending machine, temperature changes, or rates of temperature change, among others.

44. In certain embodiments, the lock system claimed is electrically coupled with a primary power supply powering the refrigerator or freezer to which the lock system is affixed, as well as a battery backup power supply. In this arrangement, the lock system may accommodate continued monitoring of conditions within the refrigerator or freezer even during an interruption of primary power. Further, in certain embodiments, the lock system may be configured to work in conjunction with an externally accessible,

keyed entry mechanism permitting temporary access to the cabinet while the controller maintains the electromechanical lock in a locked state. Temporary access to the cabinet without disturbing the electromechanical locked state may be permitted via use of an internally disposed “entrapment” release. In operation, these means for temporary access to the cabinet mechanically disengage the lock to permit opening of the cabinet door without returning the lock system to the electromechanical unlocked state.

45. Minus Forty, without authority, consent, right, or license, and in direct infringement of the ‘833 Patent, makes, has made, uses, and sells the Accused Products, which comprise the components and functionality described above, and which infringe at least claims 1 and 14 of the ‘833 Patent, among others. In addition, Minus Forty’s quality testing and demonstrations of operation of the Accused Products on its refrigerators and freezers constitute direct infringement, either literally or under the doctrine of equivalents, of at least claims 1 and 14 of the ‘833 Patent.

46. Minus Forty actively induces infringement of one or more of the claims of the ‘833 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(b). A customer’s use of the Accused Products with a Minus Forty refrigerator or freezer to provide selective access to, or to secure, its vending machine and/or micro-markets in the manners described above infringes at least claims 1 and 14 of the ‘833 Patent. Minus Forty knows that the Accused Products are especially designed for and marketed toward infringing use by Minus Forty’s customers, to implement electromechanical locking hardware and controls used in connection with vending machines and/or micro-markets selling food products. Minus Forty has induced, caused, urged, encouraged, aided and abetted its

direct and indirect customers to make, use, sell, offer for sale and/or import one or more of the Accused Products.

47. Additionally, Minus Forty provides step-by-step instructions for installation, setup, and use of the Accused Products to operate in a manner that directly infringes, either literally or under the doctrine of equivalents, at least claims 1 and 14 of the '833 Patent. These instructions are provided by Minus Forty as user manuals and online content made available by Minus Forty through its website to its customers and distributors. Such conduct by Minus Forty was intended to and actually did result in direct infringement by Minus Forty's direct and indirect customers, including the making, using, selling, offering for sale and/or importation of the Accused Products in the United States.

48. Minus Forty contributes to the infringement of at least claims 1 and 14 of the '833 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(c). The Accused Products are especially designed to provide selective access to, or to secure, its vending machine and/or micro-markets in the manners described above infringes at least claims 1 and 14 of the '833 Patent. Upon information and belief, the Accused Products have no substantial non-infringing use, as they are specifically designed and marketed for use by vending machine and/or micro-market operators to implement electromechanical locking hardware and controls used in connection with vending machines and/or micro-markets selling food products to at least prevent access to food products upon detection of a triggering event. Setup and use of the Accused Products by Minus Forty's customers

constitutes direct infringement, either literally or under the doctrine of equivalents, of at least claims 1 and 14 of the '833 Patent.

49. Triteq expressly reserves the right to assert additional claims of the '833 Patent against Minus Forty.

50. Triteq has been damaged as a result of Minus Forty's infringing conduct. Minus Forty is, thus, liable to Triteq in an amount that adequately compensates for their infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284. Triteq has also been damaged by the loss of opportunities to make follow-on sales resulting from Minus Forty's infringing conduct, including lost sales of key fobs, remote monitoring services, and subscription fees, among other ongoing revenue opportunities. Triteq is entitled to further compensation to account for such lost opportunities.

51. Based on Minus Forty's actual knowledge of the '833 Patent and of Triteq's allegations of patent infringement presented herein since April 22, 2020, if not earlier, as well as Minus Forty's objective recklessness in continuing to offer for sale and selling the Accused Products since that time, Minus Forty's infringement has been willful and entitling Triteq to enhanced damages under 35 U.S.C. § 284.

VI. JURY DEMAND

52. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

VII. PRAYER FOR RELIEF

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

- a. Judgment that one or more claims of the Asserted Patents have been directly infringed, either literally or under the doctrine of equivalents, by Defendant, or judgment that one or more of the claims of the Asserted Patents have been directly infringed by others and indirectly infringed by Defendant, to the extent Defendant contributed to or induced such direct infringement by others;
- b. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein, including enhanced damages as permitted by 35 U.S.C. § 284;
- c. Judgment that Defendant's infringement is willful from the time Defendant was made aware of the infringing nature of its products and methods and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- d. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- d. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- e. That Defendant, its officers, agents, servants and employees, and those persons in active concert and participation with any of them, be permanently enjoined from infringement of one or more claims of the

Asserted Patents or, in the alternative, if the Court finds that an injunction is not warranted, Plaintiff requests an award of post judgment royalty to compensate for future infringement;

- g. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Respectfully submitted,

s/ Jonathan T. Suder

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