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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

I4F LICENSING N.V., a Belgian company, Plaintiff, vs. KOLAY HOLDING LLC, a Nevada limited liability company; MODM KOLAY MANUFACTUING LLC, a Nevada limited liability company; and KOLAY FLOORING INTERNATIONAL, LLC, an Iowa limited liability company, Defendants.	Case No.: 2:24-CV-242 **COMPLAINT FOR PATENT INFRINGEMENT** **JURY TRIAL DEMANDED**

Plaintiff i4F Licensing N.V. ("i4F"), through its counsel, hereby alleges the following for its Complaint against Defendants Kolay Holding LLC, MODM Kolay Manufacturing LLC, and Kolay Flooring International, LLC (collectively "Kolay" or "Defendants").

1. This is a civil action for the infringement of United States Patent No. 8,978,336 entitled "Floor Panel and Floor Covering Consisting of a Plurality of Such Floor Panels" ("the '336 Patent") and United States Patent No. 10,267,046 entitled "Panel Interconnectable With Similar Panels for Forming a Covering" ("the '046 Patent") resulting from the breach of a patent licensing agreement ("the License") between i4F and Kolay for numerous patents, including the '336 and '046 Patents (collectively the "Asserted Patents").

THE PARTIES

2. Plaintiff i4F is a Belgian company having a principal place of business at Industriedijk 19, 2300 Turnhout, Belgium.

3. Upon information and belief, Defendant MODM Kolay Manufacturing LLC is a Nevada limited liability company having a principal place of business at 6075 East Ann Road, North Las Vegas, NV 89115, and is the manufacturing arm of Defendant Kolay Flooring International, LLC.

4. Upon information and belief, Defendant Kolay Holding LLC is a Nevada limited liability company having a principal place of business at 4684 Leon De Oro Dr. Las Vegas, NV 89129.

5. Upon information and belief, Defendant Kolay Flooring International, LLC is an Iowa limited liability company having a principal place of business at 20819 Currier Road, Suite 300, City of Industry, CA 91789.

6. Upon information and belief, each Defendant has common ownership and common managing members.

JURISDICTION AND VENUE

7. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271 et seq.

8. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

9. This Court has personal jurisdiction over Defendants under 28 U.S.C. §1391 because Defendants have committed, and continue to commit, acts of infringement in this district, as explained in further detail below.

10. Venue is proper under 28 U.S.C. § 1400(b) because Kolay has a regular and established place of business in this judicial district and has committed, and continues to commit, acts of infringement in this judicial district. In particular, Kolay has a regular and established place of business at 6075 E. Ann Rod, Las Vegas, NV 89115, and has manufactured and sold product that infringes the Asserted Patents in this district as explained in more detail below.

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BACKGROUND

11. i4F owns a vast patent portfolio, which includes the '336 and '046 Patents (collectively, the "Asserted Patents") covering locking systems for floors and other panels that i4F markets as 3L TripleLock and Click4U and licenses to third parties. Copies of the '336 and '046 Patents are attached hereto as **Exhibits 1 and 2**, respectively.

12. i4F is the owner, by assignment, of the '336 Patent which was duly and lawfully issued by the United States Patent and Trademark Office on March 17, 2015, and of the '046 Patent which was duly and lawfully issued by the United States Patent Trademark Office on April 23, 2019. i4F is a research and development company focused primarily on the flooring industry. i4F's patent portfolio includes patents for flooring installation and wall mounting systems, material compositions, surface treatment as well as laminate and board production technologies. Patents and patent applications for i4F's technologies have been granted and filed, respectively, in over 100 countries worldwide. i4F's technologies and patented inventions are incorporated into the products of over 100 leading flooring manufacturers in the U.S. and other Countries, who are licensed by i4F. i4F's experienced technical team provides licensees with the designs and know-how needed to implement i4F's technology on their products.

13. On March 21, 2023, i4F and Kolay entered into a license agreement to manufacture and sell products under the Asserted Patents, among others (the "License").

14. Subsequently, Kolay began manufacturing, advertising, and selling flooring products having the 3L TripleLock and Click4U locking systems.

15. In particular, Kolay marketed its licensed products with the patented locking systems as "SPC Click", "SPC Click KAI", and "SPC Click EVA" (the "Accused Products"). See Exhibits 3 and 4. In support of its marketing and sales, Kolay provided installation instructions for the Accused Products on its website. *See* **Exhibit 5**. Additionally on its website, Kolay provides its inventory information of the Accused Products that detail the locations of warehouses and how much of the Accused Products are available at the warehouses. *See* **Exhibit 6**. Accordingly, Kolay continues to manufacture and sell the Accused Products. See *id.*

16. Under the License, Kolay was required to report the volume of Accused Products

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manufactured and sold to i4F and pay a royalty for that volume.

17. Through quarter 3, Kolay manufactured and sold the Accused Products, and reported for annual quarters 1 and 3 to i4F the amount of the Accused Products manufactured and sold under the License.

18. Despite reporting volumes of Accused Products for quarters 1 and 3 of 2023, Kolay has failed to pay the required royalty fees for quarter 3 of 2023 due under the License.

19. Kolay reported late the volumes of Accused Products for quarter 3 of 2023.

20. Further, Kolay has failed to report the amount of the Accused Products manufactured and sold for quarter 2 of 2023 and after the third quarter of 2023, despite the continued manufacture and sale of the Accused Products.

21. The License required Kolay to pay interest and a $500 per day penalty on late reported volumes and on any unpaid amounts due.

22. As of February 2, 2024, Kolay's royalties, penalties, and interest due under the License exceeded $285,000.

23. Due to Kolay's failure to comply with the terms of the License, the License was terminated on November 24, 2023.

24. On December 1, 2023, i4F, through its counsel, wrote to Kolay regarding its failure to pay the royalty fees for certain volumes of Accused Products manufactured and sold. *See* **Exhibit 7**. The letter explains that failure to pay the royalty fees constitute patent infringement of at least the '336 and '046 Patents. See id.

25. Kolay's counsel responded to i4F's letter indicating that it would provide a comprehensive response the week of December 4, 2023. A copy of Kolay's counsel's correspondence is attached as **Exhibit 8**.

26. To date, i4F has not received any further communication or royalty payment from Kolay in response to its letter.

27. Despite having knowledge of the Asserted Patents at least since the License was entered into, that its manufacture and sale of the Accused Products was an infringement of the Asserted Patents and specifically being put on notice of its patent infringement, Kolay continues

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to manufacture and sell the Accused Products. As demonstrated in Exhibits 3 to 6, Kolay continues to market and sell the Accused Products as of February 2, 2024, beyond termination of the License.

COUNT ONE

INFRINGEMENT OF U.S. PATENT NO. 8,978,336

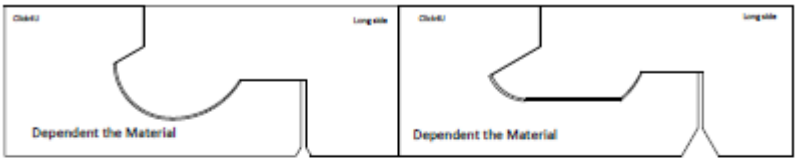
28. All preceding paragraphs of this Complaint are hereby incorporated by reference as if fully set forth herein.

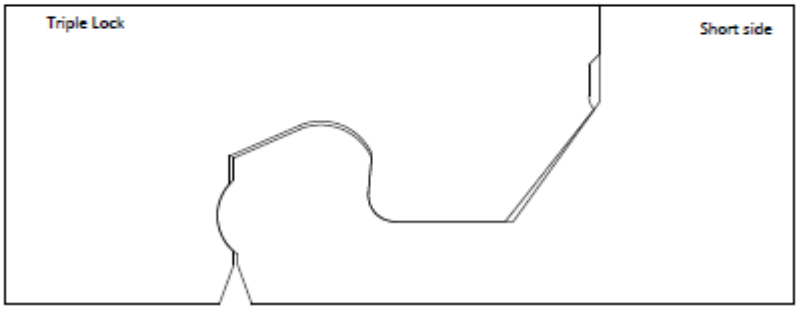
29. i4F is the owner of the U.S. Patent No. 8,978,336.

30. Upon information and belief, Kolay manufactures and sells the Accused Products, which are rectangular flooring planks and tiles having multiple layers of material, including a core layer. *See* **Exhibit 4**.

31. Upon information and belief, the sides of each plank or tile of the Accused Products are defined at least partially by the core layer since the core is exposed at the sides which include the patented locking mechanism systems formed thereon. See Exhibit 4.

32. The Accused Products include one or more of the following locking profiles:





33. The Accused Products are installed according to the following diagrams:

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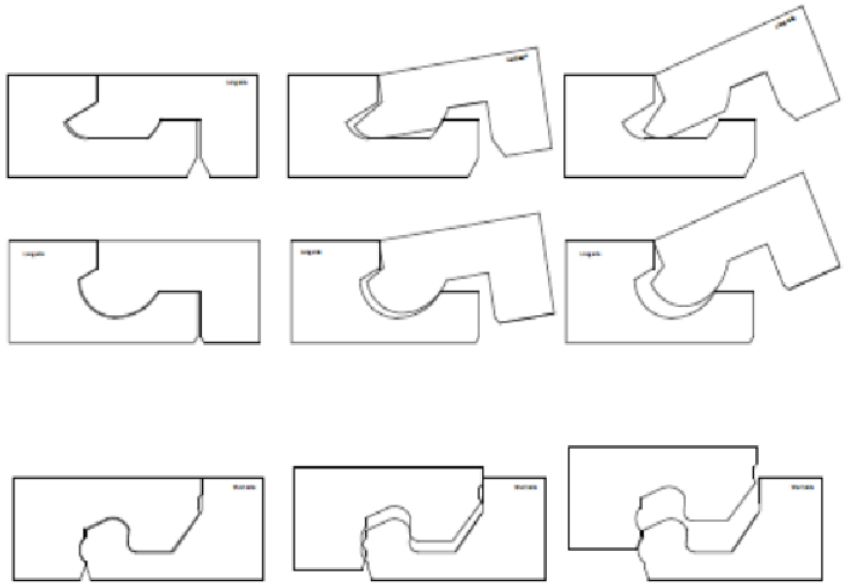

34. Claim 1 of the ’336 Patent recites:

A floor panel, comprising:

a centrally located core provided with an upper side and a lower side,

at least one first resilient coupling part and second resilient coupling part connected respectively to opposite edges of the core,

which first coupling part comprises a single upward tongue, at least one upward flank lying at a distance from the upward tongue and a single upward groove formed between the upward tongue and the upward flank, wherein:

at least a part of a side of the upward tongue facing toward the upward flank extends in the direction of the normal of the upper side of the core,

at least a part of a side of the upward tongue facing toward the upward flank forms an upward aligning edge for the purpose of coupling the first coupling part to a second coupling part of an adjacent floor panel,

at least a part of a side of the upward tongue facing away from the upward flank is provided with a first locking element which is connected substantially rigidly to the upward tongue and adapted for co-action with a second locking element of a second coupling part of an adjacent floor panel,

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which second coupling part comprises a single downward tongue, at least one downward flank lying at a distance from the downward tongue, and a single downward groove formed between the downward tongue and the downward flank, wherein:

at least a part of a side of the downward tongue facing toward the downward flank extends in the direction of the normal of the lower side of the core,

at least a part of a side of the downward tongue facing away from the downward flank forms a downward aligning edge for the purpose of coupling the second coupling part to a first coupling part of an adjacent floor panel,

the downward flank is provided with a second locking element which is connected substantially rigidly to the downward flank and adapted for co-action with a first locking element of a first coupling part of an adjacent floor panel,

wherein the upward groove is adapted to receive at least a part of a downward tongue of an adjacent panel, and wherein the downward groove is adapted to receive at least a part of an upward tongue of an adjacent panel.

35. As shown in the above locking profiles and the installation diagram, the Accused Products include a centrally located core provided with an upper side and a lower side, at least one first resilient coupling part and second resilient coupling part connected respectively to opposite edges of the core, which the first coupling part comprises a single upward tongue, at least one upward flank lying at a distance from the upward tongue and a single upward groove formed between the upward tongue and the upward flank, as recited in claim 1 of the ’336 Patent.

36. The locking systems on the Accused Products also include at least a part of a side of an upward tongue facing toward an upward flank that extends in a direction of a normal of an upper side of a core, and at least a part of a side of the upward tongue facing toward the upward flank that forms an upward aligning edge for the purpose of coupling a first coupling part to a second coupling part of an adjacent floor panel, as recited in claim 1 of the ’336 Patent.

37. The locking systems on the Accused Products include at least a part of a side of the upward tongue facing away from the upward flank that is provided with a locking element which is connected substantially rigidly to the upward tongue and adapted for co-action with a

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second locking element of a second coupling part of an adjacent floor panel, which second coupling part comprises a single downward tongue, at least one downward flank lying at a distance from the downward tongue, and a single downward groove formed between the downward tongue and the downward flank, as recited in claim 1 of the '336 Patent.

38. The locking systems on the Accused Products also include at least a part of a side of the downward tongue facing toward the downward flank, and extends in the direction of the normal of the lower side of the core, and at least a part of a side of the downward tongue facing away from the downward flank forms a downward aligning edge for the purpose of coupling the second coupling part to a first coupling part of an adjacent floor panel, as recited in claim 1 of the '336 Patent.

39. The locking systems on the Accused Products further include a downward flank provided with a second locking element which is connected substantially rigidly to the downward flank and adapted for co-action with a first locking element of a first coupling part of an adjacent floor panel, wherein the upward groove is adapted to receive at least a part of a downward tongue of an adjacent panel, and wherein the downward groove is adapted to receive at least a part of an upward tongue of an adjacent panel, as recited in claim 1 of the '336 Patent.

40. The installation images shown above, and instructions attached hereto as Exhibit 5, demonstrate that method claims 44-56 are infringed given the downward motion of the click locking required by the Accused Product instructions. See Exhibit 5 at p. 3. Given the materials used to construct the Accused Products, the Accused Products "second coupling part of the first floor panel will pivot in an upward direction and/or an end part of the first coupling part of the second floor panel will pivot in a downward direction." Further, as shown in the above diagrams, a downward tongue of the second coupling part of the first floor panel will be arranged at least partially in an upward groove of the first coupling part of the second floor panel. After installing a plank of the Accused Products, again due to the material of the Accused Products, the deformed coupling part or parts will pivot back to an initial position and the downward tongue of the second coupling part of the first floor panel will be locked in the upward groove of the first coupling part of the second floor panel. A second locking element, connected substantially rigidly to a

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downward flank, will engage with and co-act with a first locking element positioned an upward tongue of the first coupling part.

41. Therefore, the Accused Products' locking systems infringe at least the independent claim 1 of '336 Patent of the License, as well as claims 2-27, 29, 30, and 34-46 of the '336 Patent.

42. Further the Accused Products are not staple articles or commodities of commerce and have no substantial non-infringing uses as their only purpose is to be locked together with adjoining flooring planks to create a flooring surface.

43. Kolay's customers directly infringe when they construct a flooring surface using the Accused Products.

44. Kolay intends that its customers directly infringe by providing them installation instructions that necessarily require that the claims of the '336 Patent are infringed, and Kolay has known of the '336 Patent at least since the License was executed.

45. The activities of Kolay in manufacturing or having manufactured, using, importing, selling and/or offering to sell the Accused Products constitutes direct infringement under 35 U.S.C § 271(a).

46. Moreover, Kolay's conduct constitutes induced, under 35 U.S.C § 271(b), and contributory infringement, under 35 U.S.C § 271(c), of at least method claims 44-46.

47. Kolay has never paid the royalty fees for the manufacture and sale of the Accused Products pursuant to the terms of the License.

48. Upon information and belief, Kolay continues to manufacture, use, import, sell and/or offer to sell the Accused Products despite expiration of the License, nonpayment of royalties and being put on written notice of Kolay's direct infringement of the '336 Patent. *See* **Exhibits 1 and 7**.

49. Kolay had actual and constructive notice of the '336 Patent at least of the date it entered into the License Agreement.

50. Kolay's continued manufacture, use, import, sell and/or offer to sell the Accused Products constitutes willful infringement of the '336 Patent.

51. Plaintiff has been irreparably damaged and will continue to be irreparably

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damaged by reason of Kolay's infringement of the '336 Patent unless this Court restrains the infringing acts of Kolay. i4F is without an adequate remedy at law.

COUNT TWO

INFRINGEMENT OF U.S. PATENT NO. 10,267,046

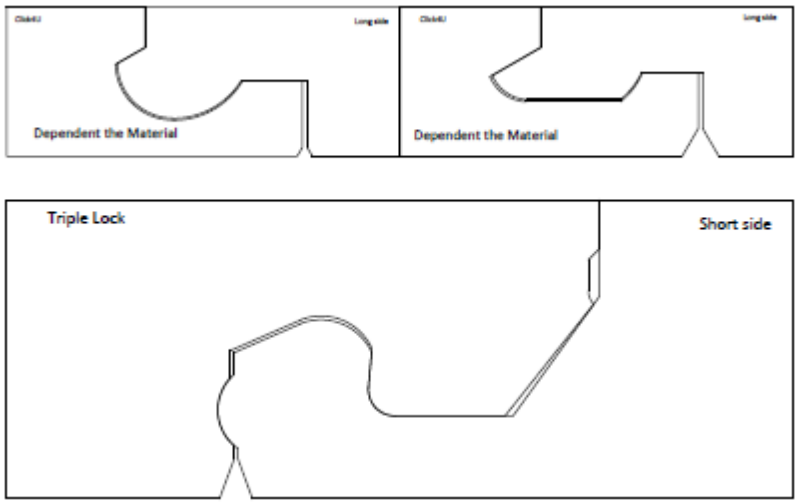
52. All preceding paragraphs of this Complaint are hereby incorporated by reference as if fully set forth herein.

53. i4F is the owner of the U.S. Patent No. 10,267,046.

54. Upon information and belief, Kolay manufactures and sells the Accused Products, which are rectangular flooring planks and tiles having multiple layers of material, including a core layer. *See* **Exhibit 4**.

55. Upon information and belief, the sides of each plank or tile of the Accused Products are defined at least partially by the core layer since the core is exposed at the sides which include the patented locking mechanism systems formed thereon. *See* **Exhibit 5**.

56. The Accused Products include one or more of the following locking profiles:



57. The Accused Products are installed according to the following diagrams:

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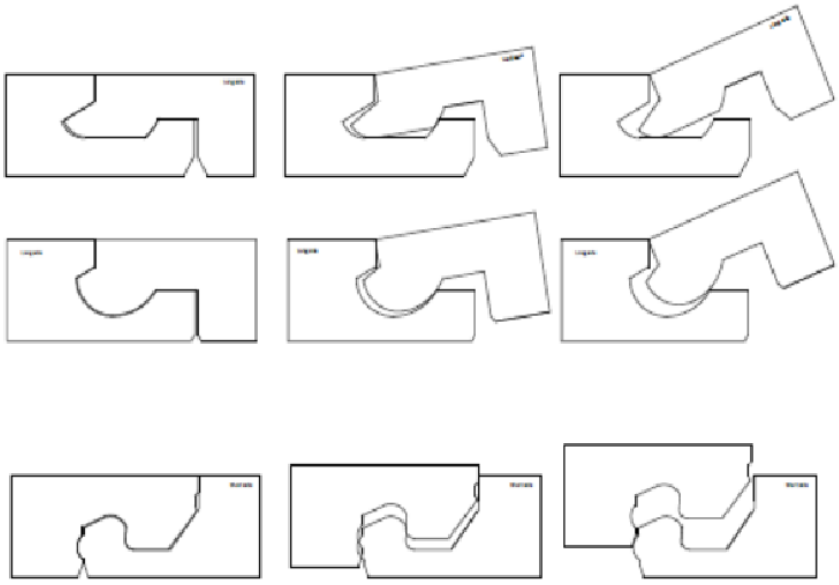

58. Claim 1 of the ’046 Patent recites:

A panel, in particular a floor panel, interconnectable with similar panels for forming a covering, comprising:

a centrally located core provided with an upper side and a lower side, said core being provided with:

a first pair of opposite edges, comprising:

a first edge comprising a sideward tongue extending in a direction substantially parallel to the upper side of the panel, a bottom back region of said tongue being configured as a bearing region, wherein the bottom back region is located closer to the level of the upper side of the panel than a lowest part of a bottom front region,

an opposite, second edge comprising a recess for accommodating at least a part of the sideward tongue of a second panel, said recess being defined by an upper lip and a lower lip, said lower lip being provided with an upwardly protruding shoulder facing the bearing region of the sideward tongue,

the sideward tongue being designed such that locking takes place by an introduction movement into the recess of a sideward tongue of the second panel and an angling

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down movement about an axis parallel to the first edge, as a result of which a top side of the sideward tongue will engage the upper lip and the bearing region of the sideward tongue will be supported by and/or facing the shoulder of the lower lip, leading to locking of the panel and the second panel at the first and second edges in both a horizontal direction and a vertical direction; and

a second pair of opposite edges, comprising:

a third edge comprising a single upward tongue, at least one upward flank lying at a distance from the upward tongue and a single upward groove formed between the upward tongue and the upward flank, and wherein at least a part of a side of the upward tongue facing away from the upward flank comprises a substantially rigid first locking element, and

a fourth edge comprising a single downward tongue, at least one downward flank lying at a distance from the downward tongue, and a single downward groove formed between the downward tongue and the downward flank, and wherein the downward flank comprises a substantially rigid, second locking element adapted for co-action with a first rigid locking element of a third edge of a third panel,

the third and fourth edges being designed such that locking takes place during angling down of the second panel at a first edge of the second panel to a second edge of the panel, wherein the fourth edge of the second panel makes a scissoring movement toward the third edge of the third panel, such that the downward tongue of the fourth edge of the second panel will be forced into the upward groove of the third edge of the third panel and the upward tongue of the third panel will be forced into the downward groove of the second panel, by deformation of the third edge and/or the fourth edge, leading to locking of adjacent panels at the third and fourth edges in both the horizontal direction and the vertical direction,

wherein at least a part of a side of the upward tongue facing toward the upward flank is inclined toward the upward flank and extends in the direction of the normal of the upper side of the core, and

wherein at least a part of a side of the downward tongue facing toward the downward flank is inclined toward the downward flank and extends in the direction of the normal

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of the lower side of the core.

59. Claim 24 of the ’046 Patent recites:

A panel, in particular a floor panel, interconnectable with similar panels for forming a covering, comprising:

a centrally located core provided with an upper side and a lower side, said core being provided with:

a first pair of opposite edges, comprising:

a first edge comprising a sideward tongue extending in a direction substantially parallel to the upper side of the panel, a bottom back region of said tongue being configured as a bearing region, wherein the bottom back region is located closer to the level of the upper side of the panel than a lowest part of the bottom front region,

an opposite, second edge comprising a recess for accommodating at least a part of the sideward tongue of a second panel, said recess being defined by an upper lip and a lower lip, said lower lip being provided with a upwardly protruding shoulder facing the bearing region of the sideward tongue,

the sideward tongue being designed such that locking takes place by an introduction movement into the recess of a sideward tongue of the second panel, as a result of which a top side of the sideward tongue will engage the upper lip and the bearing region of the sideward tongue will be supported by and/or facing the shoulder of the lower lip, leading to locking of adjacent panels at the first and second edges in both a horizontal direction and a vertical direction; and

a second pair of opposite edges, comprising:

a third edge comprising a single upward tongue, at least one upward flank lying at a distance from the upward tongue and a single upward groove formed between the upward tongue and the upward flank, and wherein at least a part of a side of the upward tongue facing away from the upward flank comprises a substantially rigid first locking element, and

a fourth edge comprising a single downward tongue, at least one downward flank lying at a distance from the downward tongue, and a single downward groove formed between

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the downward tongue and the downward flank, and wherein the downward flank comprises a substantially rigid, second locking element adapted for co-action with a first locking element of a third edge of a third panel,

the third and fourth edges being designed such that locking takes place during coupling of the second panel at a first edge to a second edge of the panel, and wherein downward tongue of the fourth edge of the second panel will be forced into the upward groove of the third edge of the third panel and the upward tongue of the third panel will be forced into the downward groove of the second panel, by deformation of the third edge and/or the fourth edge, leading to locking of adjacent panels at the third and fourth edges in both the horizontal direction and the vertical direction,

wherein at least a part of a side of the upward tongue facing toward the upward flank is inclined toward the upward flank and extends in the direction of the normal of the upper side of the core, and

wherein at least a part of a side of the downward tongue facing toward the downward flank is inclined toward the downward flank and extends in the direction of the normal of the lower side of the core.

60. As shown in the above locking profiles and the installation diagram, the locking systems on the Accused Products include a centrally located core provided with an upper side and a lower side, said core being provided with a first pair of edges, comprising a first edge comprising a sideward tongue extending in a direction substantially parallel to the upper side of the panel, a bottom back region of said tongue being configured as a bearing region, wherein the bottom back region is located closer to the level of the upper side of the panel than a lowest part of the bottom front region and an opposite, a second edge comprising a recess for accommodating at least part of a sideward tongue of a second panel, said recess being defined by an upper lip and a lower lip, said lower lip being provided with an upwardly protruding shoulder facing the bearing region of the sideward tongue, as recited in claims 1 and 24 of the ’046 Patent.

61. As shown in the above locking profiles and the installation diagram, the locking systems on the Accused Products also include a sideward tongue being designed such that locking

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takes place by an introduction movement into the recess of a sideward tongue of the second panel and an angling down movement about an axis parallel to the first edge, as a result of which a top side of the sideward tongue will engage the upper lip and the bearing region of the sideward tongue will be supported by and/or facing the shoulder of the lower lip leading to locking of the panel and the second panel at the first and second edges in both a horizontal direction and a vertical direction, as recited in claims 1 and 24 of the '046 Patent.

62. As shown in the above locking profiles and the installation diagram, the locking systems on the Accused Products also include a second pair of opposite edges comprising a third edge comprising a single upward tongue, at least one upward flank lying at a distance from the upward tongue and a single upward groove formed between the upward tongue and the upward flank, and wherein at least a part of a side of the upward tongue facing away from the upward flank comprises a substantially rigid first locking element, and a fourth edge comprising a single downward tongue, at least one downward flank lying at a distance from the downward tongue, and a single downward groove formed between the downward tongue and the downward flank, and wherein the downward flank comprises a substantially rigid, second locking element adapted for co-action with a first rigid locking element of a third edge of a third panel, as recited in claims 1 and 24 of the '046 Patent.

63. As shown in the above locking profiles and the installation diagram, the locking systems on the Accused Products also include the third and fourth edges being designed such that locking takes place during angling down of the second panel at a first edge of the second panel to a second edge of the panel, wherein the fourth edge of the second panel makes a scissoring movement toward the third edge of the third panel, or during coupling of the second panel at a first edge to a second edge of the panel, such that the downward tongue of the fourth edge of the second panel will be forced into the upward groove of the third edge of the third panel and the upward tongue of the third panel will be forced into the downward groove of the second panel, by deformation of the third edge and/ or the fourth edge, leading to locking of adjacent panels at the third and fourth edges in both the horizontal direction and the vertical direction, as recited in claims 1 and 24 of the '046 Patent.

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64. As shown in the above locking profiles and the installation diagram, the locking systems on the Accused Products also include at least a part of a side of the upward tongue facing toward the upward flank is inclined toward the upward flank and extends in the direction of the normal of the upper side of the core, and wherein at least a part of a side of the downward tongue facing toward the downward flank is included toward the downward flank and extends in the direction of the normal of the lower side of the core, as recited in claims 1 and 24 of the '046 Patent.

65. The installation instructions, Exhibit 5, and installation images shown above providing a first panel, also demonstrate that the Accused Products are installed by inserting a sideward tongue of a first edge of a second panel in an inclined position into a recess of a second edge of the first panel, angling down the second panel with respect to the first panel, until both panels are situated in the same plane, inserting a sideward tongue of a first edge of a third panel in an inclined position into the recess of the second edge of the first panel, and angling down the third panel with respect to the first panel and the second panel, until the panels are situated in the same plane, wherein a downward tongue of a fourth edge of the third panel will be inserted into an upward groove of a third edge of the second panel by guiding the downward tongue of the fourth edge of the third panel along an aligning edge formed on an upward flank of the third edge of the second panel that defines the upward groove of the third edge of the second panel, and wherein an upward tongue of the third edge of the second panel will snap into a downward groove of the fourth edge of the third panel, leading to locking of the third panel with respect to the first panel at the first and second edges and with respect to the second panel at the third and fourth edges in both a horizontal direction and a vertical direction. The materials used to construction the Accused Product will cause the snapping action required by method claim 47 when downward pressure, as required by the installation instructions, is applied.

66. Further the Accused Products are not staple articles or commodities of commerce and have no substantial non-infringing uses as their only purpose is to be locked together with adjoining flooring planks to create a flooring surface.

67. Kolay's customers directly infringe when they construct a flooring surface using

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the Accused Products.

68. Kolay intends that its customers directly infringe by providing them installation instructions that necessarily require that the claims of the '046 Patent are infringed, and Kolay has known of the '046 Patent at least since the License was executed.

69. Therefore, the Accused Products' locking systems are at least covered by the independent claims 1 and 24 of the '046 Patent of the License, as well as claims 2-18, 20, 21, 23, 25-41, 43, 44, and 46-47 of the '046 Patent.

70. The activities of Kolay in manufacturing or having manufactured, using, importing, selling and/or offering to sell the Accused Products constitute direct infringement under 35 U.S.C § 271(a).

71. Moreover, Kolay's conduct constitutes induced, under 35 U.S.C § 271(b), and contributory infringement, under 35 U.S.C § 271(c), of at least method claims 44-46.

72. Kolay has never paid the royalty fees for the manufacture and sale of the Accused Products pursuant to the terms of the License.

73. Upon information and belief, Kolay continues to manufacture, use, import, sell and/or offer to sell the Accused Products despite expiration of the License, nonpayment of royalties and being put on written notice of Kolay's direct infringement of the '046 Patent. *See* **Exhibits 1 and 7**.

74. Kolay had actual and constructive notice of the '046 Patent at least of the date it entered into the License Agreement.

75. Kolay's continued manufacture, use, import, sell and/or offer to sell the Accused Products constitutes willful infringement of the '046 Patent.

76. Plaintiff has been irreparably damaged and will continue to be irreparably damaged by reason of Kolay's infringement of the '046 Patent unless this Court restrains the infringing acts of Kolay. i4F is without an adequate remedy at law.

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COUNT THREE

BREACH OF THE LICENSE AGREEMENT

77. All preceding paragraphs of this Complaint are hereby incorporated by reference as if fully set forth herein.

78. On March 21, 2023, Kolay and i4F entered into the License.

79. Under the License, Kolay manufactured, marketed, and sold the patent protected Accused Products.

80. Kolay has not paid royalty fees, as required by the License, for the manufacture and sale of the Accused Products.

81. The License was terminated as of November 24, 2023.

82. Kolay continues to manufacture, market, and sell the Accused Products, despite the termination of the License.

83. As of February 2, 2024, Kolay's royalties, penalties, and interest due under the License exceeded $285,000. i4F is due all royalties, payments, penalties, and interest pursuant to the License for Kolay's failure to report timely and pay royalties, as required by the License.

84. i4F has been irreparably damaged and will continue to be irreparably damaged by reason of Kolay's non-payment of royalty fees during the term of the License, as well as the non-payment of royalty fees for the continued manufacture and sale of the Accused Products unless this Court restrains the infringing acts of Kolay. i4F is without an adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, i4F Licensing N.V. requests relief as follows:

A. that Kolay, its officers, employees, agents, and those persons in active participation with them be permanently enjoined from infringing the Asserted Patents;

B. that judgment be entered finding that Kolay infringes the Asserted Patents;

C. that Kolay be ordered to pay damages to Plaintiff pursuant to 35 U.S.C. § 284, including interest from the dates of infringement, resulting from Kolay's infringement of the Asserted Patents;

D. that Kolay be ordered to pay i4F treble damages pursuant to 35 U.S.C. § 284,

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resulting from Kolay's continued and willful infringement of the Asserted Patents;

E. that i4F be awarded its costs of this action and reasonable attorneys' fees pursuant to 35 U.S.C. § 284 and 285; and

F. that i4F be awarded such further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, i4F Licensing N.V. demands trial by jury on all claims and issues so triable.

DATED: February 5, 2024

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