

IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF DELAWARE

TIMES FIBER COMMUNICATIONS, INC.,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No.
	)	
PPC BROADBAND, INC.	)	<b>DEMAND FOR JURY TRIAL</b>
	)	
Defendant.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Times Fiber Communications, Inc. (“TFC” or “Plaintiff”) for its Complaint against defendant PPC Broadband, Inc. (“PPC” or “Defendant”), hereby alleges as follows:

**NATURE OF THE ACTION**

1. This action for patent infringement, brought under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.* seeks damages and other relief arising out of Defendant’s infringement of U.S. Patent Nos. 10,941,016 (the “’016 Patent), 10,988,342 (the “’342 Patent”), 11,001,471 (the “’471 Patent”), 10,906,771 (the “’771 Patent”), and 10,913,632 (the “’632 Patent”) (collectively, the “Patents-in-Suit”).

2. Times Fiber Communications, Inc. is the owner of the Patents-in-Suit.

3. TFC asserts infringement of all of the Patents-in-Suit against Defendant for its unauthorized making, using, offering to sell, selling, and/or importing in the United States of coaxial cable and coaxial cable bags with reusable reels used to install coaxial cable lines.

**PARTIES**

4. Times Fiber Communications, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 358 Hall Avenue, Wallingford Connecticut 06492.

5. PPC is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 6176 East Molloy Road, East Syracuse, New York.

### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over the asserted patent infringement claims pursuant to 28 U.S.C. §§ 1331 (federal question), 1338 (action arising under an Act of Congress relating to patents), 2201 (creation of remedy), and 2202 (further relief).

7. This Court has personal jurisdiction over PPC, at least because PPC is incorporated and has a registered agent for service of process in the State of Delaware and/or because PPC regularly does or solicits business in the State of Delaware and, upon information and belief, has committed one or more acts of patent infringement complained of herein in the District of Delaware.

8. This Court additionally has personal jurisdiction over PPC as it has repeatedly purposefully availed itself of the privilege of using the District of Delaware as a forum for bringing its own patent infringement allegations. *E.g.*, *PPC Broadband, Inc. v. Amphenol Corporation et al.*, C.A. No. 21-654-LPS; *PPC Broadband, Inc. v. CommScope, Inc.*, C.A. No. 21-305-LPS; *PPC Broadband, Inc. v. Amphenol Corporation et al.*, C.A. No. 20-1148-LPS.

9. Venue is proper in the District of Delaware pursuant to 28 U.S.C. §§ 1391 and 1400(b).

### **FACTUAL ALLEGATIONS**

#### **A. Background**

10. TFC is a global technology leader in connectors and interconnect systems. TFC's cable and interconnect products are used in a variety of end markets, with a focus on broadband communications including those that rely on coaxial cable.

11. Coaxial cables are a cornerstone of electronic communications infrastructure. As a trailblazer in the coaxial cable space, TFC has optimized the design of its cable products and installation accessories to provide for high level performance cables installed in an efficient and environmentally friendly manner.

12. Traditionally, spools of cable coils were individually packaged with single use reels. The reels create a substantial amount of packaging and plastic waste, are cumbersome, and require a significant amount of space for storage as compared to the reel-less coil of cable itself.

13. TFC has designed the innovative Tech Service Bag (including but not limited to Tech Service Bag II) that contains a user-friendly frame and reusable reel capable of holding up to 500 feet of cable.<sup>1</sup> Not only does this system eliminate cardboard and plastic waste associated with single-use reels (*i.e.*, no need to dispose of a reel after each use), but TFC's unique reusable reel designs helps create accurate cable drop lengths, thereby mitigating the problem of cable waste when an installer pays out more cable than the installation job requires. Moreover, pre-packaged reel-less coils of cable are easier to store and transport compared with single use reels. The Tech Service Bag provides for easy and fluid cable pay out due to a unique side support system that prevents cable tangle, jams, and reel lock, and has a reinforced bottom that maintains its shape and keeps the bag sturdy. The cover of the bag has a built-in frame that easily engages with the reusable reel and flange apparatus.

## **B. Patents-in-Suit**

14. The Patents-in-Suit are directed to cable reel apparatuses, systems, and kits that provide for the efficient installation of reel-less pre-wound cable coil into an integrated reusable

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<sup>1</sup> See, e.g., Amphenol Broadband Solutions, *Tech Service Bag Tutorial*, YouTube (May 11, 2015), <https://www.youtube.com/watch?v=fKgB1q0ou4k>.

reel and carry bag. The Patents-in-Suit address the need for an easy installation onto a reusable reel and help reduce the problem of excess payout of cable by the installer.

15. The Patents-in-Suit claim priority to U.S. Patent Application No. 14/634,007, filed on February 27, 2015, which issued as U.S. Patent No. 9,695,008.

16. The '016 Patent, titled "Cable Reel," was filed on October 19, 2020, and was duly and legally issued by the United States Patent and Trademark Office ("USPTO") to Rakesh Thakare, Caichun Song, Phillip S. Bown, Marvin Bryant, Paul R. Boucher, and Barry Holt on March 9, 2021, and remains unexpired. The '016 Patent is assigned to TFC. The '016 Patent is attached hereto as Exhibit A.

17. The '342 Patent, titled "Cable Reel and System of Use," was filed on October 19, 2020, and was duly and legally issued by the USPTO to Rakesh Thakare, Caichun Song, Phillip S. Bown, Marvin Bryant, Paul R. Boucher, and Barry Holt on April 27, 2021, and remains unexpired. The '342 Patent is assigned to TFC. The '342 Patent is attached hereto as Exhibit B.

18. The '471 Patent, titled "Cable Reel," was filed on October 19, 2020, and was duly and legally issued by the USPTO to Rakesh Thakare, Caichun Song, Phillip S. Bown, Marvin Bryant, Paul R. Boucher, and Barry Holt on May 11, 2021, and remains unexpired. The '471 Patent is assigned to TFC. The '471 Patent is attached hereto as Exhibit C.

19. The '771 Patent, titled "Cable Reel," was filed on September 16, 2020, and was duly and legally issued by the USPTO to Rakesh Thakare, Caichun Song, Phillip S. Bown, Marvin Bryant, Paul R. Boucher, and Barry Holt on February 2, 2021, and remains unexpired. The '771 Patent is assigned to TFC. The '771 Patent is attached hereto as Exhibit D.

20. The '632 Patent, titled "Cable Reel," was filed on September 16, 2020, and was duly and legally issued by the USPTO to Rakesh Thakare, Caichun Song, Phillip S. Bown, Marvin

Bryant, Paul R. Boucher, and Barry Holt on February 9, 2021, and remains unexpired. The '632 Patent is assigned to TFC. The '632 Patent is attached hereto as Exhibit E.

21. TFC is the owner of all rights, title, and interest in and to the Patents-in-Suit. TFC possesses all rights to sue and recover for past and future infringement of the Patents-in-Suit.

**C. PPC's Accused Products and Infringing Activities**

22. PPC offers a line of products designed to carry coaxial cable that include, without limitation, the Perfect Tote™ 500 Cable Bag designed to contain the PPC's Perfect Flex® Coaxial Cable and Reusable Cable Reel Assembly (hereinafter "Accused Products").

23. On or about October 13, 2020, PPC released the Reusable Reel Solution information sheet attached hereto as Exhibit J, the Installation Instructions attached hereto as Exhibit H, and two product videos attached hereto as Exhibits G and I.

24. The Reusable Reel Solution information sheet (Exhibit J) states that "[t]he reel is used with PPC's Perfect Tote™ Bag for easy transportation and installation at job sites." And the Installation Instructions (Exhibit H) provide a six-step process for installing Perfect Flex® cable in the Perfect Tote product, including "[o]pen the Perfect Tote™ bag and remove the Reusable Reel."

25. These products are also shown in the two product videos (Exhibits G and I). One video is an instructional video and the other compares the Perfect Tote product instructional video with the instructional video for a CommScope® branded alternative product.

26. The product videos (Exhibits G and I) and instruction/information sheets (Exhibits H and J) have been given to PPC's customers in the United States in connection with their use of the reusable reel with the Perfect Tote since on or about October 13, 2020.

27. PPC's Accused Products directly compete with TFC's innovative Tech Service Bag and reusable cable reel products.

28. PPC is infringing the Patents-in-Suit by making, using, providing, offering to sell, importing, and selling (directly or through intermediaries) at least the Accused Products in this District and elsewhere in the United States.

**D. PPC's Knowledge of the Patents-in-Suit**

29. PPC has been aware of the invention disclosed in the Patents-in-Suit at least since July 10, 2020, when Amphenol Corporation (the prior owner of the Patents-in-Suit) wrote to PPC asserting that the Accused Products infringed U.S. Patent No. 10,589,957 (the "957 Patent"), a related patent that also claims priority to U.S. Patent Application No. 14/634,007. PPC filed an action for declaratory judgment of non-infringement of the '957 patent in the Northern District of New York on April 30, 2021. *See PPC Broadband, Inc. v. Amphenol Corp.*, Case No. 5-21-cv-00504, ECF No. 1 (N.D.N.Y. April 30, 2021).

30. The declaratory judgment action was voluntarily dismissed following the execution of a Covenant Not to Sue Regarding U.S. Patent No. 10,589,957 by Amphenol Corporation on September 10, 2021. The Covenant explicitly provided that "[f]or purposes of this Covenant, rights to the '957 Patent do not include rights to any continuation, continuation-in-part, or divisional of the '957 Patent." *PPC Broadband, Inc. v. Amphenol Corp.*, Case No. 5-21-cv-00504, ECF No. 26-2 at 3 (N.D.N.Y. Sept. 13, 2021) (Ex. F). On information and belief, PPC is a sophisticated patent litigant and would have been monitoring the patent issuances and other development activity in this particular family, especially in light of the fact that the Covenant only eliminated infringement exposure for the single patent at issue.

31. Given the longstanding patent litigation history between the parties, it would amount to an act of willful blindness for PPC to have been unaware of additional patents claiming priority to U.S. Patent Application No. 14/634,007. Indeed, each of the Patents-in-Suit issued in the time period between when Amphenol Corporation put Defendant on notice of the '957 Patent,

July 10, 2020, and the execution of the Covenant, September 2021. Moreover, the Tech Service Bag product has been marked with the Patents-in-Suit on Amphenol Corporation's website (available at <https://www.amphenolbroadband.com/patents/>).

32. In light of the foregoing, Defendant, on information and belief, knew or should have known of each of the Patents-in-Suit on or about the date each such patent issued, and knew or should have known that its manufacture, use, importation, offer for sale, and/or sale of the Accused Products infringed each of the Patents-in-Suit on or about the time each such patent issued.

**COUNT 1**  
**INFRINGEMENT OF U.S. PATENT NO. 10,941,016**

33. TFC repeats and realleges each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

34. On information and belief, PPC is presently making, using, offering for sale, and/or selling at least the Accused Products, which directly infringe one or more claims of the '016 Patent, literally or under the doctrine of equivalents.

35. PPC's Accused Products practice at least one claim of the '016 Patent. For example, claim 1 recites:

A cable reel apparatus, comprising:

a cable reel for holding a pre-wound, reel-less coil of cable, the cable reel including,

a central longitudinal axis,

a first flange configured to be rotatably coupled to a first frame, the first flange being smaller than an outer frame portion of the first frame, the first flange having opposite inner and outer sides, and the inner side of the first flange having an elongated wall extending transversely therefrom along the central longitudinal axis of the cable reel, and

a second flange separate from the first flange that is configured to be rotatably coupled to a second frame, the second flange being smaller than an outer frame portion of the second frame, the second flange having opposite inner and outer sides, and the inner side of the second flange having a truncated wall extending transversely therefrom along the central longitudinal axis of the cable reel;

wherein the elongated wall and the truncated wall are configured to be releasably coupled to one another for supporting the pre-wound, reel-less coil of cable between the first and second flanges and are configured to be decoupled from one another when replacing the coil of cable once dispensed from the cable reel apparatus,

wherein the coil of cable has an inner diameter, and the elongated and truncated walls are sized to be received in the inner diameter when supporting the coil of cable,

wherein the first frame and the second frame are disposed on inner surfaces of a bag that has a payout opening for dispensing cable of the coil of cable,

wherein the bag is configured such that the second flange is removable from the elongated wall of the first flange allowing the coil of cable to be loaded on and unloaded from the elongated wall, and

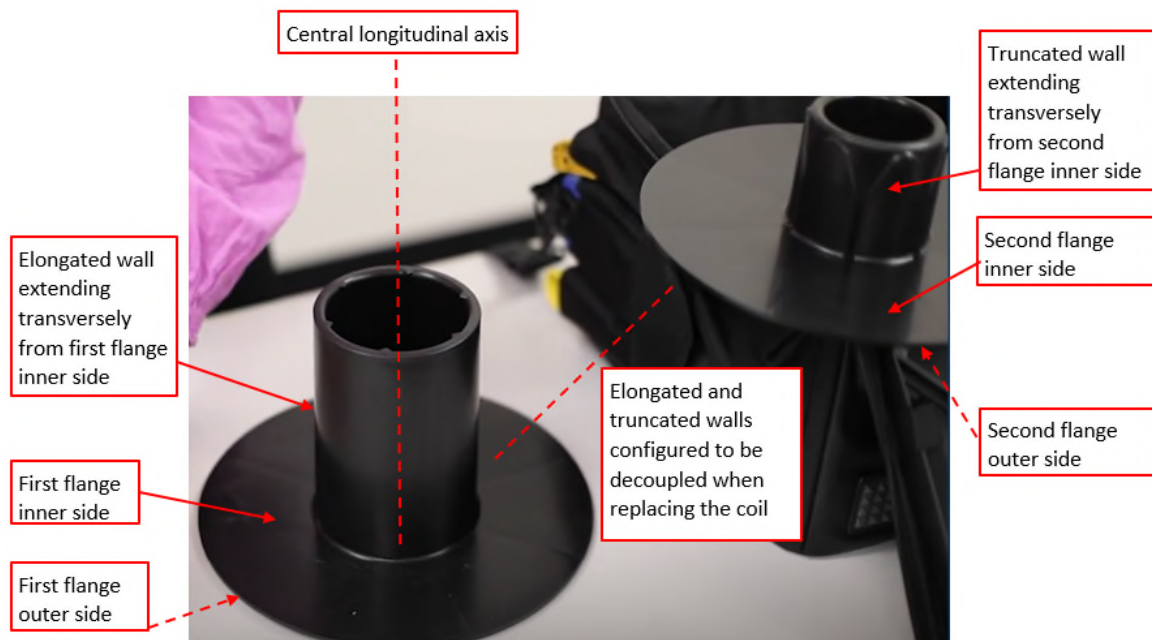
wherein the first frame is positioned in a base of the bag and the second frame is positioned at a cover of the bag, such that when the cover of the bag is closed with respect to the base of the bag, the second frame releasably couples with the second flange and such that when the cover of the bag is opened with respect to the base of the bag, the second frame decouples from the second flange.

36. The Accused Products include each of the elements of Claim 1 of the '016 Patent.

To illustrate, Claim 1 of the '016 Patent recites a “cable reel apparatus,” comprising a cable reel including a “central longitudinal axis,” “a first flange configured to be rotatably coupled to the first frame,” a “second flange separate from the first flange that is configured to be rotatably coupled to a second frame.” Ex. A at Claim 1. Claim 1 requires that the first flange have “opposite inner and outer sides, and the inner side of the first flange having an elongated wall extending transversely therefrom along the central longitudinal axis” and the second flange have “opposite



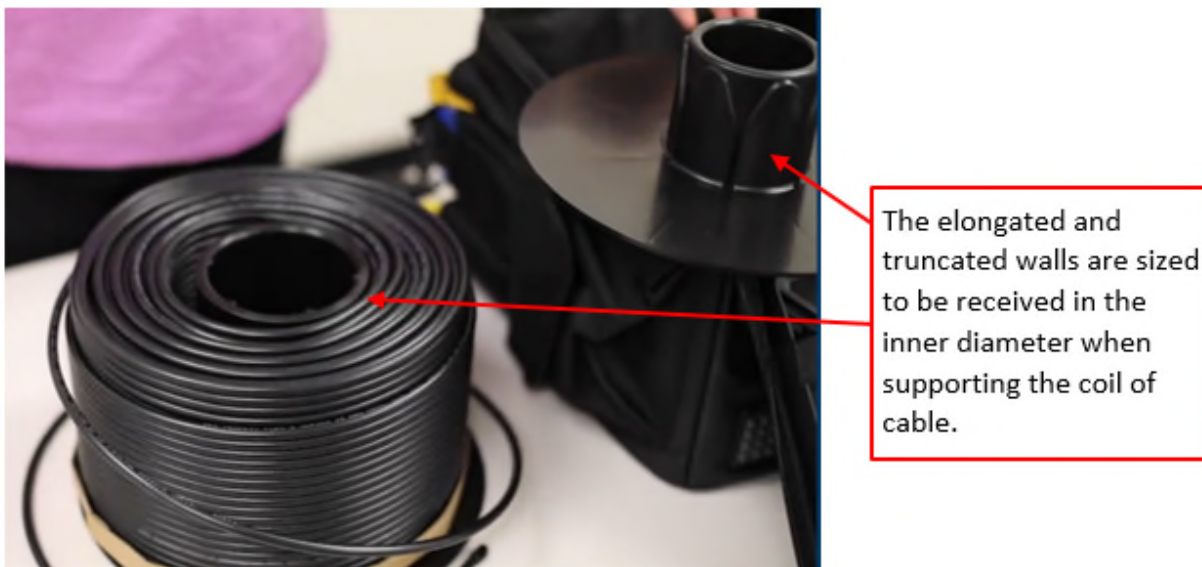
inner and outer sides, and the inner side of the second flange having a truncated wall extending transversely therefrom along the central longitudinal axis,” and the “elongated wall and the truncated wall are configured to be releasably coupled to one another for supporting the pre-wound, reel-less coil of cable between the first and second flanges.” *Id.* The PPC Reusable Reel Comparison video illustrates the following components. Ex. G.<sup>2</sup>



37. Claim 1 also recites that the “coil of cable has an inner diameter, and the elongated and truncated walls are sized to be received in the inner diameter when supporting the coil of cable.” Ex. A at Claim 1. The PPC Reusable Reel Comparison video illustrates that the elongated wall of the first flange and truncated wall of the second flanged are sized to support the coil of cable’s inner diameter. Ex. G.

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<sup>2</sup> Annotations are added unless stated otherwise.



38. Claim 1 further recites that “the first frame and the second frame are disposed on inner surfaces of a bag that has a payout opening for dispensing cable of the coil of cable” and the “first frame is positioned in a base of the bag and the second frame is positioned at a cover of the bag” such that “when the cover of the bag is opened with respect to the base of the bag, the second frame decouples from the second flange.” Ex. A at Claim 1. When the cover of the bag is open the “bag is configured such that the second flange is removable from the elongated wall of the first flange allowing the coil of cable to be loaded on and unloaded from the elongated wall.” *Id.* The Perfect Flex Cable & Reusable Reel Installation Instructions (Ex. H) and the PPC Reusable Reel Comparison video (Ex. G) illustrate payout opening, positioning of the first frame and second frame, and the second frame being decoupled from the second flange when the bag is open.



The bag includes a payout opening for dispensing cable of the coil of cable when the flanges are rotably coupled to the frame

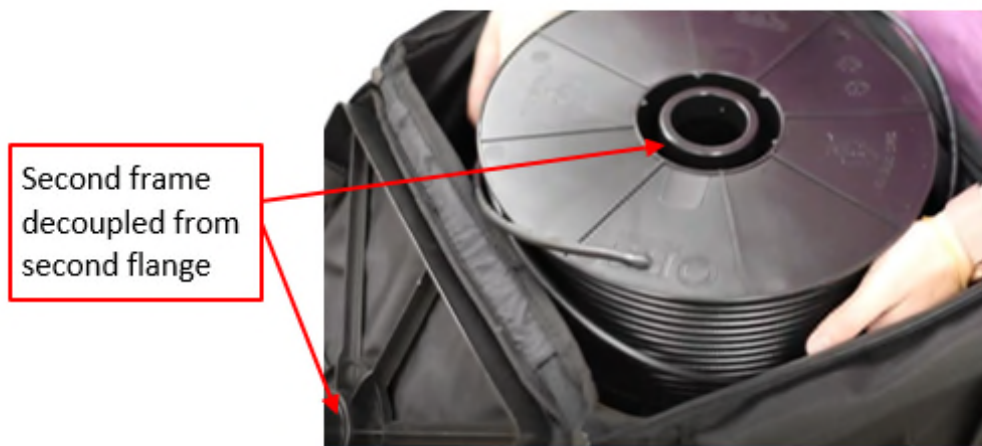
Ex. H.



The second frame is positioned at a cover of the bag and releasably couples with the second flange

The first frame is positioned in a base of the bag

Ex. G.



Ex. G.

39. PPC's Accused Products and infringing activities violate one or more subsections of 35 U.S.C. § 271.

40. This description is based on publicly available information and a reasonable investigation of the structure and operation of the Accused Products. TFC reserves the right to modify this description, including, for example, on the basis of information that it obtains during discovery about the Accused Products and the '016 Patent.

41. On information and belief, at least as of the date of this Complaint and based on the information set forth herein, PPC also actively, knowingly, and intentionally induces infringement of one or more claims of the '016 Patent under 35 U.S.C. § 271(b) by actively encouraging others to import, make, use, sell, and/or offer to sell the Accused Products in the United States. For example, PPC instructs its customers how to install and implement the Accused Products.

42. On information and belief, at least as of the date of this Complaint and based on the information set forth herein, PPC further contributes to the infringement of one or more claims of the '016 Patent under 35 U.S.C. § 271(c) by offering to sell, selling, and/or importing into the

United States a component of the Accused Products that constitutes a material part of the inventions, knowing the same to be especially made or especially adapted for use in an infringement of the '016 Patent, and which is not a staple article or commodity of commerce suitable for substantial noninfringing use. For example, PPC's Accused Products include a cable, frame, and reel that are a material part of at least the invention of claim 1 of the '016 Patent for the reasons set forth above.

43. Upon information and belief, since on or about the date the '016 Patent issued, or in any event, no later than the filing of this Complaint, PPC has had the requisite knowledge, intent, and/or was willfully blind to the fact that PPC's Accused Products infringed one or more claims of the '016 Patent.

44. PPC has had knowledge and notice of the '016 Patent at least as early as the filing of this Complaint. On information and belief, PPC's direct infringement has been willful.

45. TFC meets the criteria for, and is entitled to, temporary, preliminary, and permanent injunctive relief, preventing PPC from the commercial manufacture, use, sale, offer for sale within and/or importation into the United States of the Accused Products which infringe the claims of the '016 Patent.

46. PPC's infringement has damaged and continues to damage TFC in an amount yet to be determined, constituting at least a reasonable royalty and/or the lost profits that TFC would have made but for PPC's acts of infringement, including but not limited to royalties and profits related to conveyed and derivative sales.

**COUNT 2**  
**INFRINGEMENT OF U.S. PATENT NO. 10,988,342**

47. TFC repeats and realleges each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

48. On information and belief, PPC is presently making, using, offering for sale, and/or selling at least the Accused Products, which directly infringe one or more claims of the '342 Patent, literally or under the doctrine of equivalents.

49. PPC's Accused Products practice at least one claim of the '342 Patent. For example, claim 1 recites:

A system for using a cable reel apparatus, comprising:

providing components of a separable cable reel for assembly of a cable reel apparatus, the components of the separable cable reel including,

a first frame,

a second frame, the second frame being separate from the first frame,

a first flange configured to engage the first frame, the first flange having an inner side and an outer side, the outer side of the first flange faces the first frame when the first flange is engaged therewith,

a second flange configured to engage the second frame, the second flange having an inner side and an outer side, the outer side of the second flange faces the second frame when the second flange is engaged therewith;

providing a bag having a base and a cover, wherein the bag is sized to hold the cable reel apparatus when assembled, the first frame has a geometry configured for placement in the base of the bag, and the second frame has a geometry configured for placement at or near the cover of the bag; and

providing a pre-wound, reel-less coil of cable that is separate from the separable cable reel,

wherein the first and second flanges are configured to releasably couple with one another to support the pre-wound, reel-less coil of cable there between.

50. The Accused Products include each of the elements of Claim 1 of the '342 Patent.

To illustrate, Claim 1 of the '342 Patent recites a "system for using a cable reel apparatus" which

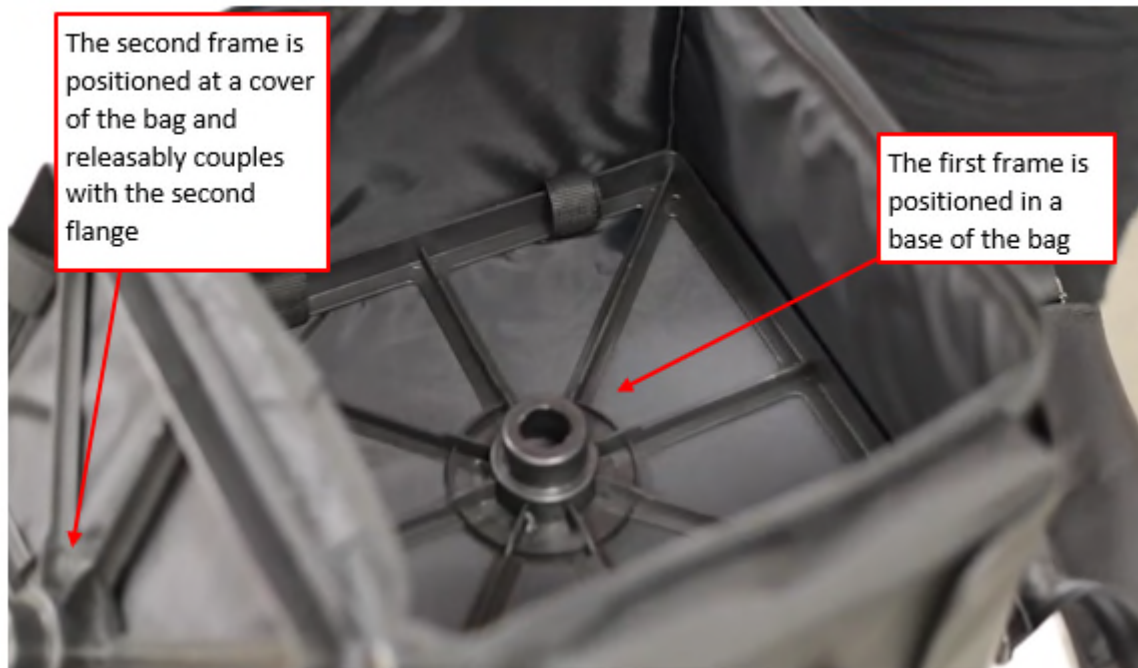


comprises a “first flange configured to engage the first frame” a “second flange configured to engage the second flange,” a “bag having a base and a cover” “sized to hold the cable reel apparatus when assembled,” and a “pre-wound, reel-less coil of cable that is separate from the separate cable reel.” Ex. B at Claim 1. The Perfect Flex Cable & Reusable Reel Installation Instructions illustrate the following components. Ex. H.

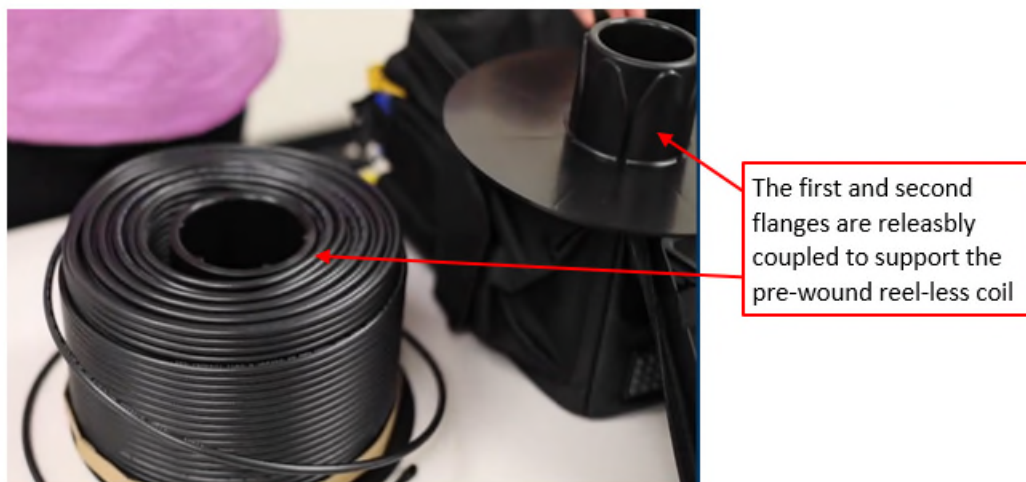


51. Claim 1 also recites that “the first frame has a geometry configured for placement in the base of the bag, and the second frame has a geometry configured for placement at or near

the cover of the bag.” Ex. B at Claim 1. The PPC Reusable Reel Comparison video shows that the first frame is in a base of the bag and the second frame is at the cover of the bag. Ex. G.



52. Claim 1 further recites that the first and second flanges are configured to releasably couple with one another to support the pre-wound, reel-less coil of cable there between.” Ex. B at Claim 1. The PPC Reusable Reel Comparison video shows that the flanges have been de-coupled so that the pre-wound, reel-less coil may be placed in between. Ex. G.





53. PPC's Accused Products and infringing activities violate one or more subsections of 35 U.S.C. § 271.

54. This description is based on publicly available information and a reasonable investigation of the structure and operation of the Accused Products. TFC reserves the right to modify this description, including, for example, on the basis of information that it obtains during discovery about the Accused Products and the '342 Patent.

55. On information and belief, at least as of the date of this Complaint and based on the information set forth herein, PPC also actively, knowingly, and intentionally induces infringement of one or more claims of the '342 Patent under 35 U.S.C. § 271(b) by actively encouraging others to import, make, use, sell, and/or offer to sell the Accused Products in the United States. For example, PPC instructs its customers how to install and implement the Accused Products.

56. On information and belief, at least as of the date of this Complaint and based on the information set forth herein, PPC further contributes to the infringement of one or more claims of the '342 Patent under 35 U.S.C. § 271(c) by offering to sell, selling, and/or importing into the United States a component of the Accused Products that constitutes a material part of the inventions, knowing the same to be especially made or especially adapted for use in an infringement of the '342 Patent, and which is not a staple article or commodity of commerce suitable for substantial noninfringing use. For example, PPC's Accused Products include a cable, frame, and reel that are a material part of at least the invention of claim 1 of the '342 Patent for the reasons set forth above.

57. Upon information and belief, since on or about the date the '342 Patent issued, or in any event, no later than the filing of this Complaint, PPC has had the requisite knowledge, intent,

and/or was willfully blind to the fact that PPC's Accused Products infringed one or more claims of the '342 Patent.

58. PPC has had knowledge and notice of the '342 Patent at least as early as the filing of this Complaint. On information and belief, PPC's direct infringement has been willful.

59. TFC meets the criteria for, and is entitled to, temporary, preliminary, and permanent injunctive relief, preventing PPC from the commercial manufacture, use, sale, offer for sale within and/or importation into the United States of the Accused Products which infringe the claims of the '342 Patent.

60. PPC's infringement has damaged and continues to damage TFC in an amount yet to be determined, constituting at least a reasonable royalty and/or the lost profits that TFC would have made but for PPC's acts of infringement, including but not limited to royalties and profits related to conveyed and derivative sales.

**COUNT 3**  
**INFRINGEMENT OF U.S. PATENT NO. 11,001,471**

61. TFC repeats and realleges each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

62. On information and belief, PPC is presently making, using, offering for sale, and/or selling at least the Accused Products, which directly infringe one or more claims of the '471 Patent, literally or under the doctrine of equivalents.

63. PPC's Accused Products practice at least one claim of the '471 Patent. For example, claim 1 recites:

A cable reel apparatus, comprising:

a cable reel for holding a coil of cable, the cable reel including,

a central longitudinal axis,

a first flange configured to be rotatably coupled to a first frame, the first flange having opposite inner and outer sides,

a second flange separate from the first flange that is configured to be rotatably coupled to a second frame, the second flange having opposite inner and outer sides, and

at least one of the first and second flanges including a hub portion extending transversely from the inner side thereof,

wherein the first and second flanges are configured to be releasably coupled to one another for supporting a coil of cable on the hub portion between the first and second flanges along the central longitudinal axis of the cable reel and are configured to be decoupled from one another when replacing the coil of cable once dispensed from the cable reel apparatus,

wherein the coil of cable has an inner diameter, and the hub portion is sized to be received in the inner diameter when supporting the coil of cable,

wherein a bag is configured such that the second flange is removable from the hub portion of the first flange allowing the coil of cable to be loaded on and unloaded from the hub portion,

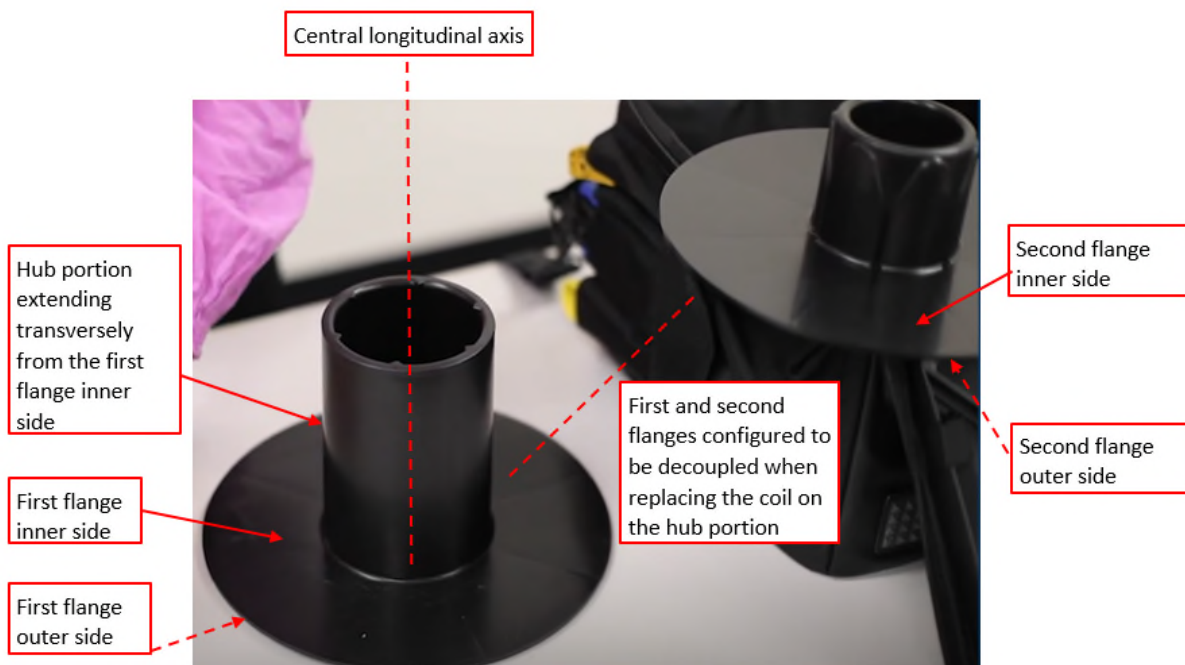
wherein the first frame and the second frame are disposed on inner surfaces of the bag that has a payout opening for dispensing cable of the coil of cable wherein the first frame is positioned in a base of the bag and the second frame is positioned at a cover of the bag, such that when the cover of the bag is closed with respect to the base of the bag, the second frame releasably couples with the second flange and such that when the cover of the bag is opened with respect to the base of the bag, the second frame decouples from the second flange, and

wherein the coil of cable is prepackaged without a cable reel.

64. The Accused Products include each of the elements of Claim 1 of the '471 Patent.

To illustrate, Claim 1 of the '471 Patent recites a “cable reel apparatus” comprising a cable reel with “a central longitudinal axis,” a “first flange configured to be rotatably coupled to a first frame, the first flange having opposite inner and outer sides,” “a second flange separate from the first flange that is configured to be rotatably coupled to a second frame, the second flange having opposite inner and outer sides,” and “at least one of the first and second flanges including a hub

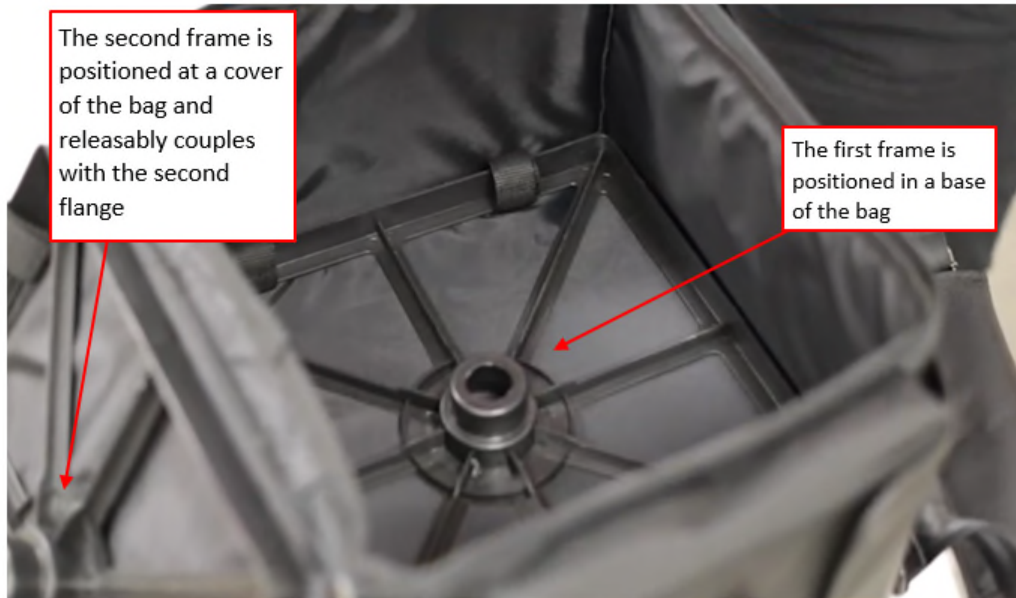
portion extending transversely from the inner side thereof.” Ex. C at Claim 1. The “first and second flanges are configured to be releasably coupled to one another for supporting a coil of cable on the hub portion between the first and second flanges.” *Id.* The PPC Reusable Reel Comparison video illustrates the following components. Ex. G.



65. Claim 1 further recites that “the coil of cable has an inner diameter, and the hub portion is sized to be received in the inner diameter when supporting the coil of cable.” Ex. C at Claim 1. The “coil of the cable is prepackaged without a cable reel.” *Id.* As depicted below, the Perfect Flex Cable & Reusable Reel Installation Instructions (left) explain that the cable reel coil, which is prepackaged without a cable reel, is designed to be placed directly onto the hub portion of the reusable reel, as shown in the PPC Reusable Reel Comparison video (right). Ex. G; Ex. H.



66. Claim 1 also recites a “bag that has a payout opening for dispensing cable of the coil of cable wherein the first frame is positioned in a base of the bag and the second frame is positioned at a cover of the bag.” Ex. C at Claim 1. “When the cover of the bag is closed with respect to the base of the bag, the second frame releasably couples with the second flange” and “when the cover of the bag is opened with respect to the base of the bag, the second frame decouples from the second flange.” *Id.* Further, the “bag is configured such that the second flange is removable from the hub portion of the first flange allowing the coil of cable to be loaded on and unloaded from the hub portion.” The PPC Reusable Reel Comparison video and Perfect Flex Cable & Reusable Reel Installation Instructions show that when the cover of the bag is open, the second frame is decoupled from the second flange, and the second flange may be removed from the hub to allow for placement of the coil of cable onto the hub portion extending from the first flange. Ex. G; Ex. H.



Ex. G.



Ex. H.



Ex. G.

67. PPC's Accused Products and infringing activities violate one or more subsections of 35 U.S.C. § 271.

68. This description is based on publicly available information and a reasonable investigation of the structure and operation of the Accused Products. TFC reserves the right to modify this description, including, for example, on the basis of information that it obtains during discovery about the Accused Products and the '471 Patent.

69. On information and belief, at least as of the date of this Complaint and based on the information set forth herein, PPC also actively, knowingly, and intentionally induces infringement of one or more claims of the '471 Patent under 35 U.S.C. § 271(b) by actively encouraging others to import, make, use, sell, and/or offer to sell the Accused Products in the United States. For example, PPC instructs its customers how to install and implement the Accused Products.

70. On information and belief, at least as of the date of this Complaint and based on the information set forth herein, PPC further contributes to the infringement of one or more claims of the '471 Patent under 35 U.S.C. § 271(c) by offering to sell, selling, and/or importing into the United States a component of the Accused Products that constitutes a material part of the



inventions, knowing the same to be especially made or especially adapted for use in an infringement of the '471 Patent, and which is not a staple article or commodity of commerce suitable for substantial noninfringing use. For example, PPC's Accused Products include a cable, frame, and reel that are a material part of at least the invention of claim 1 of the '471 Patent for the reasons set forth above.

71. Upon information and belief, since on or about the date the '471 Patent issued, or in any event, no later than the filing of this Complaint, PPC has had the requisite knowledge, intent, and/or was willfully blind to the fact that PPC's Accused Products infringed one or more claims of the '471 Patent.

72. PPC has had knowledge and notice of the '471 Patent at least as early as the filing of this Complaint. On information and belief, PPC's direct infringement has been willful.

73. TFC meets the criteria for, and is entitled to, temporary, preliminary, and permanent injunctive relief, preventing PPC from the commercial manufacture, use, sale, offer for sale within and/or importation into the United States of the Accused Products which infringe the claims of the '471 Patent.

74. PPC's infringement has damaged and continues to damage TFC in an amount yet to be determined, constituting at least a reasonable royalty and/or the lost profits that TFC would have made but for PPC's acts of infringement, including but not limited to royalties and profits related to conveyed and derivative sales.

**COUNT 4**  
**INFRINGEMENT OF U.S. PATENT NO. 10,906,771**

75. TFC repeats and realleges each and every allegation set forth in the preceding paragraphs as if fully set forth herein.



76. On information and belief, PPC is presently making, using, offering for sale, and/or selling at least the Accused Products, which directly infringe one or more claims of the '771 Patent, literally or under the doctrine of equivalents.

77. PPC's Accused Products practice at least one claim of the '771 Patent. For example, claim 1 recites:

A kit of separate components for assembly of cable reel apparatus, comprising:

a prepackaged reel-less pre-wound coil of cable, the coil of cable having an inner diameter;

a bag sized to hold the coil of cable, the bag having a base and a cover;

a first frame having a geometry configured to fit inside of the base of the bag;

a second frame having a geometry configured to fit on an inside surface of the cover of the bag;

a first flange having an inner surface and an outer surface, the first flange being configured for engaging the first frame such that the outer surface of the first flange faces the first frame; and

a second flange having an inner surface and an outer surface, the second flange being configured for engaging the second frame such that the outer surface of the second flange faces the second frame,

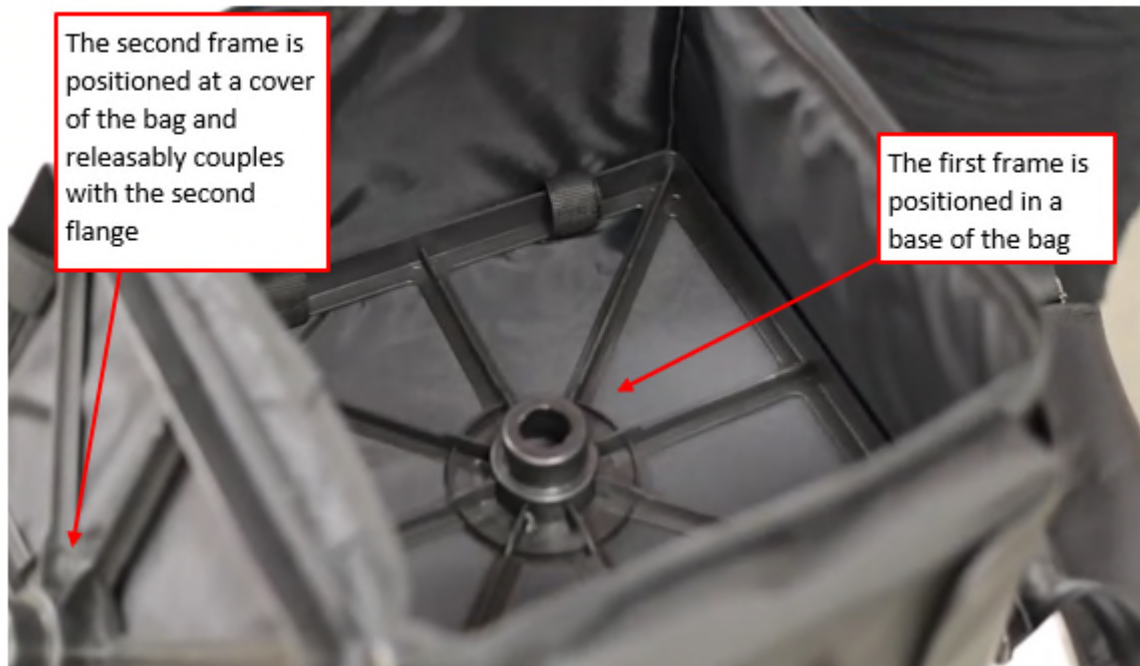
wherein at least one of the first and second flanges has a wall sized to fit within the inner diameter of the coil of cable, and the wall is configured to releasably couple with the other of the first and second flanges.

78. The Accused Products include each of the elements of Claim 1 of the '771 Patent. To illustrate, Claim 1 of the '771 Patent recites a kit of components for the assembly of a cable reel apparatus comprising "a prepackaged reel-less pre-wound coil of cable," a "bag sized to hold the coil of cable, the bag having a base and a cover," a "first flange being configured for engaging the first frame," and a "second flange being configured for engaging the second frame." Ex. D at

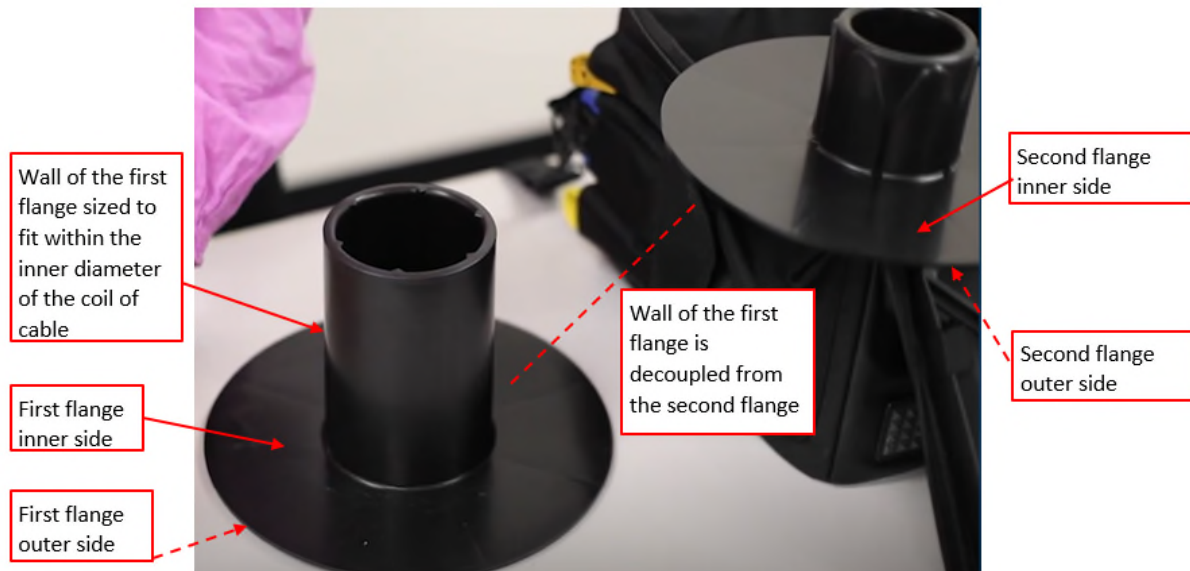
Claim 1. The Perfect Flex Cable & Reusable Reel Installation Instructions illustrates these components. Ex. H.



79. Claim 1 further recites “a first frame having a geometry configured to fit inside of the base of the bag” and “a second frame having a geometry configured to fit on an inside surface of the cover of the bag.” Ex. D at Claim 1. The PPC Reusable Reel Comparison video shows the placement of the first second frame within the bag. Ex. G.



80. Claim 1 also requires a “first flange” having “an inner surface and an outer surface” such that the outer surface of the first flange faces the first frame” and a “second flange” have “an inner surface and an outer surface” “such that the outer surface of the second flange faces the second frame.” Ex. D at Claim 1. Additionally, Claim 1 recites “at least one of the first and second flanges has a wall sized to fit within the inner diameter of the coil of cable, and the wall is configured to releasably couple with the other of the first and second flanges.” *Id.* The PPC Reusable Reel Comparison video shows the wall of the first flange decoupled from the second flange, and that the wall is sized to sit within the inner diameter of the coil of cable. Ex. G.



81. PPC's Accused Products and infringing activities violate one or more subsections of 35 U.S.C. § 271.

82. This description is based on publicly available information and a reasonable investigation of the structure and operation of the Accused Products. TFC reserves the right to modify this description, including, for example, on the basis of information that it obtains during discovery about the Accused Products and the '771 Patent.

83. On information and belief, at least as of the date of this Complaint and based on the information set forth herein, PPC also actively, knowingly, and intentionally induces infringement of one or more claims of the '771 Patent under 35 U.S.C. § 271(b) by actively encouraging others to import, make, use, sell, and/or offer to sell the Accused Products in the United States. For example, PPC instructs its customers how to install and implement the Accused Products.

84. On information and belief, at least as of the date of this Complaint and based on the information set forth herein, PPC further contributes to the infringement of one or more claims of the '771 Patent under 35 U.S.C. § 271(c) by offering to sell, selling, and/or importing into the United States a component of the Accused Products that constitutes a material part of the inventions, knowing the same to be especially made or especially adapted for use in an infringement of the '771 Patent, and which is not a staple article or commodity of commerce suitable for substantial noninfringing use. For example, '771 Accused Products include a cable, frame, and flange that are a material part of at least the invention of claim 1 of the '771 Patent for the reasons set forth above.

85. Upon information and belief, since on or about the date the '771 Patent issued, or in any event, no later than the filing of this Complaint, PPC has had the requisite knowledge, intent, and/or was willfully blind to the fact that PPC's Accused Products infringed one or more claims of the '771 Patent.

86. PPC has had knowledge and notice of the '771 Patent at least as early as the filing of this Complaint. On information and belief, PPC's direct infringement has been willful.

87. TFC meets the criteria for, and is entitled to, temporary, preliminary, and permanent injunctive relief, preventing PPC from the commercial manufacture, use, sale, offer for

sale within and/or importation into the United States of the Accused Products which infringe the claims of the '771 Patent.

88. PPC's infringement has damaged and continues to damage TFC in an amount yet to be determined, constituting at least a reasonable royalty and/or the lost profits that TFC would have made but for PPC's acts of infringement, including but not limited to royalties and profits related to convoyed and derivative sales.

**COUNT 5**  
**INFRINGEMENT OF U.S. PATENT NO. 10,913,632**

89. TFC repeats and realleges each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

90. On information and belief, PPC is presently making, using, offering for sale, and/or selling at least the Accused Products, which directly infringe one or more claims of the '632 Patent, literally or under the doctrine of equivalents.

91. PPC's Accused Products practice at least one claim of the '632 Patent. For example, claim 1 recites:

A cable payout apparatus, comprising:

a bag having a base, a cover, and a payout opening for dispensing cable;

a first frame inside the bag;

a second frame inside the bag;

a first flange configured to be rotatably coupled to the first frame, the first flange having an inner side, an outer side, and a central opening, the outer side of the first flange facing the first frame;

a second flange configured to be rotatably coupled to the second frame, the second flange having an inner side, an outer side, and a central opening, the outer side of the second flange facing the second frame; and



an elongated wall that extends from the inner side of the first flange and releasably couples to the second flange, said elongated wall for supporting a coil of cable between the first and second flanges, and

wherein the first frame is positioned in the base of the bag and the second frame is positioned at the cover of the bag, such that when the cover of the bag is closed with respect to the base of the bag, the second frame releasably couples with the second flange and such that when the cover of the bag is opened with respect to the base of the bag, the second frame decouples from the second flange.

92. The Accused Products include each of the elements of Claim 1 of the '632 Patent.

To illustrate, Claim 1 of the '632 Patent recites a “cable payout apparatus” comprising a “a bag having a base, a cover, and a payout opening for dispensing cable;” a “first frame” “position in the base of the bag” a “second frame” “positioned at the cover of the bag;” a “first flange configured to be rotatably coupled to the first frame;” a “second flange configured to be rotatably coupled to the second frame;” and “an elongated wall that extends from the inner side of the first flange” “for supporting a coil of cable between the first and second flanges.” Ex. E at Claim 1. The Perfect Flex Cable & Reusable Reel Installation Instructions and PPC Reusable Reel Comparison video show the following components. Ex. G; Ex. H.

# Installation Instructions

## Perfect Flex® Cable & Reusable Reel



Please follow these installation steps in the order presented:

**1**

Open the Perfect Tote™ bag and remove the Reusable Reel.

**2**

Remove the top of the Reusable Reel.

**3**

Place the cardboard cable packaging onto Reusable Reel and tear the perforated middle section of the cardboard packaging from the cable reel. Note "This Side Down" on the bottom of the packaging.

**4**

Remove the perforated middle section and the cardboard top completely and replace the top of the Reusable Reel.

**5**

Place the Reusable Reel into the Perfect Tote™ bag. Note "This Side Up" on the top of the Reusable Reel.

**6**

Feed the cable end through the open side of the bag and through the storage loop and close the bag.

Ex. H.



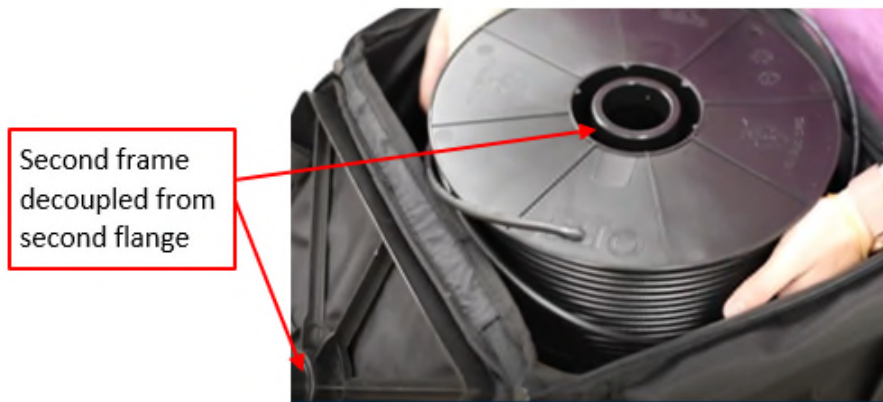


Ex. G.

93. Claim 1 also recites the “first flange having an inner side, an outer side, and a central opening,” the “second flange having an inner side, an outer side, and a central opening,” and “an elongated wall that extends from the inner side of the first flange and releasably couples to the second flange, said elongated wall for supporting a coil of cable between the first and second flanges.” Ex. E at Claim 1. The PPC Reusable Reel Comparison video shows the first flange and second flange having been releasably decoupled in order to support the coil of cable. Ex. G.



94. Claim 1 further recites “that when the cover of the bag is closed with respect to the base of the bag, the second frame releasably couples with the second flange and such that when the cover of the bag is opened with respect to the base of the bag, the second frame decouples from the second flange.” Ex. E at Claim 1. The PPC Reusable Reel Comparison video show when the cover of the bag is opened with respect to the base of the bag, the second frame decouples from the second flange. Ex. G.



95. PPC's Accused Products and infringing activities violate one or more subsections of 35 U.S.C. § 271.

96. This description is based on publicly available information and a reasonable investigation of the structure and operation of the Accused Products. TFC reserves the right to modify this description, including, for example, on the basis of information that it obtains during discovery about the Accused Products and the '632 Patent.

97. On information and belief, at least as of the date of this Complaint and based on the information set forth herein, PPC also actively, knowingly, and intentionally induces infringement of one or more claims of the '632 Patent under 35 U.S.C. § 271(b) by actively encouraging others to import, make, use, sell, and/or offer to sell the Accused Products in the United States. For example, PPC instructs its customers how to install and implement the Accused Products.

98. On information and belief, at least as of the date of this Complaint and based on the information set forth herein, PPC further contributes to the infringement of one or more claims of the '632 Patent under 35 U.S.C. § 271(c) by offering to sell, selling, and/or importing into the United States a component of the Accused Products that constitutes a material part of the inventions, knowing the same to be especially made or especially adapted for use in an infringement of the '632 Patent, and which is not a staple article or commodity of commerce suitable for substantial noninfringing use. For example, PPC's Accused Products include a cable, frame, and flange that are a material part of at least the invention of claim 1 of the '632 Patent for the reasons set forth above.

99. Upon information and belief, since on or about the date the '632 Patent issued, or in any event, no later than the filing of this Complaint, PPC has had the requisite knowledge, intent,

and/or was willfully blind to the fact that PPC's Accused Products infringed one or more claims of the '632 Patent.

100. PPC has had knowledge and notice of the '632 Patent at least as early as the filing of this Complaint. On information and belief, PPC's direct infringement has been willful.

101. TFC meets the criteria for, and is entitled to, temporary, preliminary, and permanent injunctive relief, preventing PPC from the commercial manufacture, use, sale, offer for sale within and/or importation into the United States of the Accused Products which infringe the claims of the '632 Patent.

102. PPC's infringement has damaged and continues to damage TFC in an amount yet to be determined, constituting at least a reasonable royalty and/or the lost profits that TFC would have made but for PPC's acts of infringement, including but not limited to royalties and profits related to conveyed and derivative sales.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, TFC respectfully requests the following relief:

- (A) The entry of a judgment in favor of TFC, and against PPC, that PPC has infringed and continues to infringe one or more claims of the Patents-in-Suit;
- (B) The entry of a judgment in favor of TFC, and against PPC, that PPC has willfully infringed one or more claims of the Patents-in-Suit;
- (C) The entry of preliminary and permanent injunctions enjoining PPC, its officers, employees, agents, and all others acting in concert with them or participating with them from further acts that infringe the Patents-in-Suit;
- (D) The entry of a judgment awarding TFC all damages resulting from PPC's infringement, including TFC's lost profits and no less than a reasonable royalty,

and that such amount be trebled based on PPC's willful infringement pursuant to 35 U.S.C. § 284, including pre-judgment and post-judgment interest;

- (E) The entry of a judgment declaring that this is an exceptional case and awarding TFC its attorneys' fees in this matter pursuant to 35 U.S.C. § 285;
- (F) The entry of judgment in favor of TFC, and against PPC, that interest, costs, and expenses be awarded in favor of TFC; and
- (G) An accounting and/or supplemental damages for all damages occurring after any discovery cutoff; and
- (H) That this Court order such other relief as the Court may deem just and proper

**JURY DEMAND**

TFC hereby demands trial by jury in this action on all issues so triable.

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December 27, 2021

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Rodger D. Smith II*

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