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F I L E D	FEDERAL COURT COUR FÉDÉRALE  March 07, 2025 07 mars 2025	D É P O S É
Irena Stojanovska		
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FEDERAL COURT

BETWEEN:

KARLE PATENTS INC.

Plaintiff

-and-

SCHNEIDER ELECTRIC CANADA INC.

Defendant

**STATEMENT OF CLAIM**

TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Courts Rules, serve it on the Plaintiff's solicitor or, where the Plaintiff do not have a solicitor, serve it on the Plaintiff, and file it, with proof of service, at a local office of this Court, WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date: \_\_\_\_\_

Issued by: \_\_\_\_\_

Edmonton Local Office  
Federal Court of Canada  
Scotia Place, Suite 530, Tower 1  
10060 Jasper Avenue  
Edmonton, Alberta  
T5J3R8

TO: Schneider Electric Canada Inc.  
5985 McLaughlin Road  
Mississauga ON L5R 1B8

## Claim

### 1. THE PLAINTIFF CLAIM:

- (a) A declaration that Canadian Letters Patent no. 2,986,409 (“409 Patent”) and in particular claims 1-24, inclusive, thereof are valid and have been infringed by the defendant;
- (b) An interim, interlocutory and permanent injunction restraining the defendant together with their officers, directors, servants, agents successors and all those over whom they exercise control, directly or indirectly, from designing, manufacturing, making, using, selling or offering for sale the products described herein, and from otherwise infringing the 409 Patent, and from contributing to and inducing infringement of the 409 Patent, by others;
- (c) Indirect and direct damages or, alternatively, an accounting of profits made by the defendant, as a result of their infringement of the 409 Patent, as the Plaintiff may elect after discovery, in which the amount claimed, exclusive of interest and costs, exceeds \$50,000;
- (d) An Order for delivery-up to the Plaintiff or the destruction under oath, as the Plaintiff may direct, of all infringing products and all parts, components, attachments, drawings, and specifications thereof and any other thing in the possession, custody or control of the defendant which infringe or which are designed to enable others to infringe the 409 Patent, or as may offend the injunctions sought;
- (e) Reasonable compensation for damage sustained by the Plaintiff pursuant to subsection 55(2) of the Patent Act;
- (f) Punitive and exemplary damages;

- (g) Pre-judgment and post judgment interest;
- (h) Costs of this action including GST on a solicitor and his own client basis, together with all reasonable expenses, costs and disbursements, or on such other basis deemed appropriate by this Honourable Court; and
- (i) Such further and other relief as this Honourable Court may deem just.

### **The Parties**

2. The Plaintiff, KARLE PATENTS INC., is a corporation incorporated pursuant to the laws of the Province of Alberta, Canada with its head office at 35-6 Noble Close, St Albert, Alberta T8N 4C1. The Plaintiff carries on the business of, inter alia, developing, registering, holding, and commercially exploiting novel technologies for the electrical equipment industry.
3. The defendant, Schneider Electric Canada Inc. (“Defendant”), is a corporation incorporated pursuant to the laws of Canada with its registered office at 5985 McLaughlin Road, Mississauga ON L5R 1B8. The Defendant carries on business as, inter alia, a manufacturer, distributor, and installer of electrical equipment in Canada.

### **CANADIAN PATENT NO. 2,986,409**

4. The 409 Patent entitled “ELECTRICAL EQUIPMENT WITH ADDITIONAL COMPARTMENT AND WIRING TO ACCOUNT FOR TEMPERATURE LIMITATIONS OF CONNECTED CONDUCTORS”, was published on 2018/01/09 and issued on 2021/01/26.
5. The 409 Patent relates generally to an apparatus and method for temperature transition of electrical equipment, from lower temperature rated electrical equipment to higher

temperature rated field installed conductors. This invention is more particularly described in the specification of, and claimed in, the 409 Patent.

6. By reason of the facts above, the Plaintiff has the exclusive right, privilege and liberty of making, constructing and using the invention described and claimed in the 409 Patent in Canada as well as the right to sell it to others to be used in Canada.

7. Claim 1 of the 409 Patent describes an electrical apparatus comprising:

a main housing configured to enclose electrical equipment in use;

a splice compartment mounted, or integrally formed, external to and adjacent the main housing;

a conductor passage defined between the main housing and the splice compartment; and

a conductor within the conductor passage;

in which the conductor extends from a first conductor termination point, defined within the main housing, to a second conductor termination point, defined within the splice compartment, with the splice compartment being structured to, and the conductor being sized to have one or more of a sufficient length or cross-sectional diameter to permit the second termination point to have a temperature rating that is higher than a temperature rating of the electrical equipment.

8. Claims 2-20 of the 409 Patent depend on claim 1 and describe further embodiments of the apparatus described in claim 1.

9. Claim 21 of the 409 Patent describes a method comprising:

prefabricating, at a prefabrication facility, an electrical apparatus by mounting or integrally forming a splice compartment adjacent an external part of a main housing;

installing the electrical apparatus at an end user facility, which is remote from the prefabrication facility; and

further comprising:

enclosing electrical equipment within the main housing; and

during the prefabricating stage, extending a conductor between a first termination point, within the main housing, and a second termination point within the splice compartment, with the splice compartment being structured to, and the conductor being sized to have one or more of a sufficient length or cross-sectional diameter to permit the second termination point to have a temperature rating that is higher than a temperature rating of the electrical equipment.

10. Claims 22-24 of the 409 Patent depend on claim 21 and describe further embodiments of the method described in claim 21.

### **ACTIVITIES OF THE DEFENDANT**

11. The Defendant has infringed and continues to infringe the 409 Patent at least as follows.

Since at least 2017 and such earlier times as known to the Defendant, but not to the Plaintiff, Defendant has directly or through entities it controls, designed, manufactured, used, offered for rent or lease, rented or leased, installed, offered for sale and/or sold electrical distribution equipment that incorporates one or more bussed auxiliary sections, including but not limited to switchboards, switchgear, motor control centers (MCC), distribution panels, integrated power centers, transformers, panelboards, motor starters, motor disconnects, metering systems, and lighting control, including but not limited to the Flex Set Switchboards, MDS Switchboards, QED-2 Switchboards and Switchgear, the Power Zone Switchgear, and the

QED-2 Interiors, (all of the foregoing, collectively, the Infringing Units). The Defendant has promoted its Infringing Units and has encouraged and induced its customers to use the Infringing Units.

12. Prior to the design of the Infringing Units, and at least as early as 2017, Defendant was aware of the patent application that eventually issued as the 409 Patent.

13. The Infringing Units are aptly described as electrical equipment with a splice compartment according to claim 1 of the 409 Patent.

14. The Infringing Units are also aptly described by claims 2-20 of the 409 Patent.

15. The method of use of the Infringing Units is also aptly described as a method of prefabricating and installing electrical equipment with a splice compartment, all according to the invention of claim 21 of the 409 Patent.

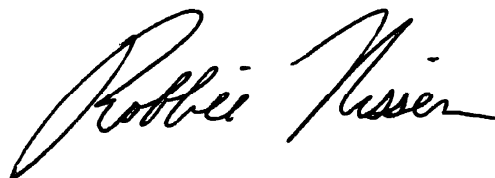
16. The method of use of the Infringing Units is also aptly described by claims 22-24 of the 409 Patent.

17. The Defendant has also induced and procured others, including its customers, to infringe the 409 Patent and in particular any one of claims 2-24 of the 409 Patent. Defendant has promoted the purchase and use of the Infringing Units and has further encouraged and induced its customers to purchase and use such units. Such conduct by the defendant, or those entities it controls, has been without the license, permission, or consent of the Plaintiff.

18. The precise numbers, amounts and dates of all such design, manufacturing, using, offering for rent or lease, renting or leasing, offering for sale, selling, providing, promoting of, installing of, contribution to and the inducing of others by the Defendant are unknown to the Plaintiff but are within the knowledge of the Defendant and the Plaintiff claim to recover full compensation in respect thereof.

19. By reason of the aforementioned, the Plaintiff has suffered and continues to suffer direct and indirect harm and losses from the infringement of the 409 Patent, and the Defendant has and continues to make unlawful profits. The Defendant's egregious conduct in knowingly violating the 409 Patent and copying the Plaintiff's patented technology is sanctionable by punitive damages. The Defendant will continue such acts unless restrained by this Honourable Court.
20. The Plaintiff claims recovery of all reasonable compensation and damages during the period from six years prior to the commencement of this action until the present.
21. This Action is not being proceeded with as a simplified action.
22. The Plaintiff proposes that the trial of this action be held at the City of Edmonton, in the Province of Alberta.

Date: March 7, 2025



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