

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

CONTINUOUS COMPOSITES, INC., a	)	
Delaware corporation,	)	C.A. No.
	)	
Plaintiff,	)	
	)	JURY TRIAL DEMANDED
vs.	)	
	)	
MARKFORGED, INC., a Delaware corporation,	)	
	)	
Defendant.	)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff CONTINUOUS COMPOSITES, INC. (“Continuous Composites” or “Plaintiff”) brings this action for patent infringement against Defendant, MARKFORGED, INC. (“Markforged” or “Defendant”), on information and belief, and alleges as follows:

NATURE OF THE CASE

1. This is an action for patent infringement. Plaintiff Continuous Composites develops continuous fiber additive manufacturing (also called “3D printing”) technology that uses a continuous fiber and matrix in the printing process. Continuous Composites has been and continues to be a pioneer in developing continuous fiber 3D printing (CF3D®) with high-performance materials and was the earliest developer of CF3D. It has been awarded numerous patents for its innovative technology, including the patents at issue in this action.

2. Defendant makes, uses, sells, and offers to sell continuous fiber composite 3D printers that infringe Continuous Composites’s patented inventions without Continuous Composites’s permission and without compensating Continuous Composites for the use of Continuous Composites’s patented innovations. The patents at issue in this action claim priority back to 2012, predating both Defendant’s founding and the release of Defendant’s first commercially available continuous fiber composite 3D printer several years later.

3. This lawsuit is brought by Continuous Composites to end Defendant's unauthorized and infringing activities including, making, using, selling, offering to sell, and/or importing into the United States products and/or components that incorporate Continuous Composites's patented inventions, or inducing others to do so, without Continuous Composites's permission and without compensating Continuous Composites; and to recover damages adequate to compensate Continuous Composites for Defendant's unlawful and infringing actions.

THE PARTIES

4. Continuous Composites is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 215 E. Lakeside Ave., Coeur d'Alene, ID 83814.

5. On information and belief, Markforged is a Delaware corporation organized under the laws of the state of Delaware, with its principal place of business at 85 School Street, Watertown, MA 02472.

JURISDICTION AND VENUE

6. This civil action for patent infringement arises under the patent laws of the United States, 35 U.S.C. § 100 et seq., including pursuant to 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Markforged. On information and belief, Markforged has systematic and continuous contact with this forum at least because it is a Delaware corporation, conducts business in this judicial district, and resides in Delaware.

8. Venue is proper in this Court under 28 U.S.C. § 1400(b) because Markforged is a Delaware corporation and, therefore, resides in this district.

BACKGROUND

9. Continuous Composites is the owner of the patents at issue in this action: U.S. Patent Nos. 9,511,543 (the “’543 Patent”); 9,987,798 (the “’798 Patent”); 10,744,708 (the “’708 Patent”), and 10,759,109 (the “’109 Patent”) (collectively, the “Asserted Patents”).

10. On December 6, 2016, the United States Patent and Trademark Office duly and legally issued the ’543 Patent entitled “Method and Apparatus for Continuous Composite Three-Dimensional Printing.” A copy of the ’543 Patent is attached as Exhibit 1.

11. Continuous Composites owns all substantial right, title, and interest in the ’543 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

12. The claims of the ’543 Patent are valid and enforceable.

13. On June 5, 2018, the United States Patent and Trademark Office duly and legally issued the ’798 Patent, entitled “Method and Apparatus for Continuous Composite Three-Dimensional Printing.” A copy of the ’798 Patent is attached as Exhibit 2.

14. Continuous Composites owns all substantial right, title, and interest in the ’798 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

15. The claims of the ’798 Patent are valid and enforceable.

16. On August 18, 2020, the United States Patent and Trademark Office duly and legally issued the ’708 Patent, entitled “Method and Apparatus for Continuous Composite Three-Dimensional Printing.” A copy of the ’708 Patent is attached as Exhibit 3.

17. Continuous Composites owns all substantial right, title, and interest in the ’708 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

18. The claims of the '708 Patent are valid and enforceable.

19. On September 1, 2020, the United States Patent and Trademark Office duly and legally issued the '109 Patent, entitled "Method and Apparatus for Continuous Composite Three-Dimensional Printing." A copy of the '109 Patent is attached as Exhibit 4.

20. Continuous Composites owns all substantial right, title, and interest in the '109 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

21. The claims of the '109 Patent are valid and enforceable.

22. Defendant competes with Continuous Composites in the continuous fiber 3D printing industry.

23. Markforged manufactures, markets, sells, and uses several 3D printers that use a 3D printing technique Defendant refers to as a Continuous Fiber Reinforcement (CFR) process (the "Accused Products"). The Accused Products extrude a matrix (e.g., Onyx™, Onyx FR™, Onyx FSD™, nylon) in liquid form together with a continuous fiber reinforcement (carbon fiber, Kevlar®, HSHF fiberglass, fiberglass) to "3D print" or generate objects, such as industrial parts or rapid prototypes. Examples of the Accused Products include Defendant's Mark Two, Onyx Pro, X5, and X7 printers. The Accused Products are Defendant's flagship products and, on information and belief, are the primary contributors to Defendant's historical revenue.

24. On information and belief, Defendant instructs users of the Accused Products to operate the Accused Products to generate objects using the CFR process. For example, Defendant's website advertises a "Markforged University" (e.g., at <https://markforged.com/markforged-university>) which Defendant describes as a "comprehensive additive training program for modern manufacturing" and where visitors can "Get Certified" for using the Accused Products. On information and belief, the Markforged University provides

instruction to those seeking certification how to use the Accused Products to generate objects using the CFR process. In addition, on information and belief, Defendant provides user and service manuals providing instructions on how to operate the Accused Products to generate parts or objects using the CFR process.

25. On information and belief, third parties including manufacturers, engineers, and other customers of Defendant have used and continue to use the Accused Products as directed by Defendant. For example, Defendant's website (e.g., at <https://markforged.com/industries/>) indicates that leaders in the aerospace, automotive, consumer packaged goods, education and research, electronics manufacturing, energy, federal and defense, industrial equipment, medical, and product development industries use Defendant's products, which include the Accused Products.

26. On information and belief, critical components of the Accused Products, including at least the fiber extruder, and including the clutched drive roller of the extruder, as well as the angled fan and the heater inside the print head have substantially no other use other than to generate parts or objects using the CFR process.

27. Markforged has been on notice of the Asserted Patents since at least July 1, 2021 ("the Notice Date") when Continuous Composites sent notice to Markforged of its infringement of the Asserted Patents through it making, using, selling, offering to sell, and/or importing of the Accused Products, or its acts in inducing others to do so. The July 1, 2021 notice included claim charts detailing Markforged's infringement of the four Asserted Patents.

28. In June 2018, Continuous Composites's Director of Intellectual Property, Ryan Stockett, was invited to and attended Markforged's anniversary party in Boston, MA. Mr. Stockett spoke with Mr. Gregory Mark, Mr. David Benhaim and other executives, VPs and engineers of Markforged about Continuous Composites's patented and propriety technology.

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