

**Pagination**

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**Majority Opinion >**

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

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TOOLS AVIATION, LLC, Plaintiff, - against -  
DIGITAL PAVILION ELECTRONICS LLC, EAST  
BROOKLYN LABS LLC, and FIREMALL LLC,  
Defendants.

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*20-CV-2651 (PKC) (VMS)*

October 10, 2025, Entered

For Tools Aviation, LLC, Plaintiff, Randall T  
Erickson, PRO HAC VICE, Erickson Law Group,  
PC, Wheaton, IL; Michael G. Gabriel, Forest  
Hills, NY.

For Digital Pavilion Electronics LLC, East  
Brooklyn Labs LLC, FIREMALL LLC,  
Defendants: David Fink, LEAD ATTORNEY, Law  
Offices of David Fink, Houston, TX; Mark  
Berkowitz, Sandra Adele Hudak, Tarter Krinsky  
& Drogin LLP, New York, NY.

For FIREMALL LLC, East Brooklyn Labs LLC,  
Digital Pavilion Electronics LLC, Counter  
Claimants : David Fink, LEAD ATTORNEY, Law  
Offices of David Fink, Houston, TX.

For Tools Aviation, LLC, Counter Defendant:  
Randall T Erickson, Erickson Law Group, PC,  
Wheaton, IL; Michael G. Gabriel, Forest Hills,  
NY.

For Digital Pavilion Electronics LLC, East  
Brooklyn Labs LLC, FIREMALL LLC, Counter  
Defendants: David Fink, LEAD ATTORNEY, Law  
Offices of David Fink, Houston, TX.

Pamela K. Chen, United States District Judge.

Pamela K. Chen

ORDER: On August 29, 2025, the Court issued the [106-1] Permanent Injunction Order ("PI Order") against Defendants, to "remain in effect until the expiration of the asserted patents." (PI Order, Dkt. 106-1, 3.) On September 12, 2025, Plaintiff notified the Court that the patents at issue expired on September 2, 2025, just three days after the PI Order was issued. (Dkt. 107.) Defendants then requested that this Court "enter an order confirming that Defendants have no remaining 'obligations' under the PI Order due to the expiration of the patents." (Dkt. 113.) The PI Order had directed Defendants, "at their own expense, to... properly destroy any and all" of the infringing products (the "Destruction Order"), and to notify Plaintiff and the Court of their compliance within 30 days. (PI Order, Dkt. 106-1, 2.) Though Defendants are correct that, by its terms, the PI Order expired with the patents on September 2, 2025, the fact that the deadline for Defendants to provide notification of compliance was after the expiration of the patents does not mean that Defendants had no obligation to comply with the Destruction Order. Furthermore,

the Court is unconvinced by Defendants' suggestion that the Court cannot provide any form of post-patent expiration equitable relief, (Dkt. 113, at 2), in light of the case law cited by the parties, see *Roche Prods., Inc. v. Bolar Pharm. Co.*, **733 F.2d 858, 865** (Fed. Cir. 1984) (finding case not moot after patent expired "because although the initially requested order no longer is necessary, other remedies can be fashioned to give [plaintiff] relief against [defendant's] past infringement," such as "an order to confiscate and destroy the data which [defendant] has generated during its infringing activity"); *Kearns v. Chrysler Corp.*, **32 F.3d 1541, 1550** (Fed. Cir. 1994) (distinguishing improper post-expiration equitable relief from that discussed in *Roche*, which "was intended to return the parties to the status quo before infringement (e.g., destruction of data obtained as a result of the infringement) and was not intended to prohibit future [\*2] use of the invention"); *AstraZeneca AB v. Impax Lab'ys,*

*Inc.*, **490 F. Supp. 2d 368, 375** (S.D.N.Y. 2007) (discussing *Roche* and *Kearns* and determining that "expiration of the patents has not divested the Court of the power to issue other forms of equitable relief"). For these reasons, the Court finds that the expiration of the patents does not divest the Court of its jurisdiction to order the destruction of all infringing products that Defendants possessed when the patents were in effect. Accordingly, by October 24, 2025, Defendants, at their own expense, shall properly destroy any and all infringing RadCad caddies, regardless of battery size, that were in their possession while the patents were in effect, and shall serve on Plaintiff a report in writing, under oath, setting forth in detail the manner and form in which Defendants have complied with this Order, filing the same on the docket. Ordered by Judge Pamela K. Chen on 10/10/2025. (AGA) (Entered: 10/10/2025)

## Case Analysis ( 0 case )

Case Analysis Summary		
	Positive	0
	Distinguished	0
	Caution	0
	Superseded	0
	Negative	0
	Total	0

No Treatments Found

## Direct History

Direct History Summary		
	Caution	0
	Negative	0
	Total	0

1.  [Tools Aviation, LLC v. Digit. Pavilion Elecs. LLC, No. 20-CV-2651 \(PKC\) \(VMS\), 2025 BL 448039 \(E.D.N.Y. Oct. 10, 2025\)](#)

## General Information

<b>Case Name</b>	Tools Aviation, LLC v. Digit. Pavilion Elecs. LLC
<b>Court</b>	U.S. District Court for the Eastern District of New York
<b>Date Filed</b>	Fri Oct 10 00:00:00 EDT 2025
<b>Judge(s)</b>	Pamela Ki Mai Chen
<b>Parties</b>	TOOLS AVIATION, LLC, Plaintiff, - against - DIGITAL PAVILION ELECTRONICS LLC, EAST BROOKLYN LABS LLC, and FIREMALL LLC, Defendants.
<b>Topic(s)</b>	Civil Procedure; Patent Law