

**JUDGE SWAIN**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**13 CV 4103**

ACOLYTE TECHNOLOGIES CORPORATION,

Plaintiff,

v.

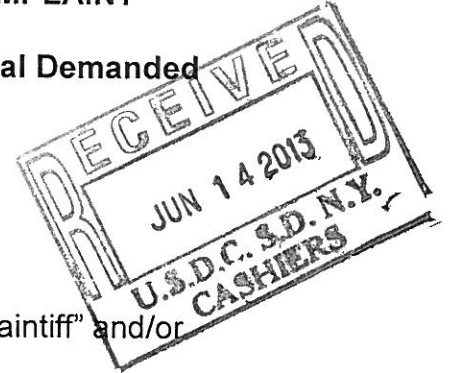
TRAFFIC BRICK NETWORKS LLC d/b/a EVENT  
DECOR DIRECT,

Defendant.

CIVIL ACTION NO.

COMPLAINT

Jury Trial Demanded



Plaintiff, Acolyte Technologies Corporation, (hereinafter "plaintiff" and/or "Acolyte"), by way of its Complaint against defendant, Traffic Brick Networks LLC d/b/a Event Decor Direct, alleges as follows:

**NATURE OF ACTION**

1. Through the design of innovative LED lighting products, plaintiff created and established a market for lighting products that are used to adorn and lighten décor and floral arrangements. Plaintiff is a recognized leader in this industry. As alleged herein, Event Decor has slavishly copied Acolyte's original and protected product design for its LED lighting products and deliberately attempted to profit from its infringement of Acolyte's proprietary and patented design.

2. Through this action, plaintiff seeks a permanent injunction and damages for the willful, malicious and deliberate infringement of Acolyte's design patent rights.

3. Acolyte's claims arise and are asserted under the patent laws of the United States, 35 U.S.C. § 100 *et seq.*

### **THE PARTIES**

4. Acolyte is a New York corporation, with an office and place of business located at 44 East 32<sup>nd</sup> Street, New York, New York 10016.

5. Acolyte designs, imports, and distributes LED lighting products throughout the United States and the world.

6. Upon information and belief, defendant Traffic Brick Networks LLC (hereinafter "Event Decor") is a corporation organized and existing under the laws of the State of Florida with an office and place of business located at 123 N. Congress Ave, Suite 386, Boynton Beach, FL 33426. Defendant does business as "Event Decor Direct" at the same address.

7. Event Decor advertises itself as a business involved in the event and wedding decor industry. As an integral part of its business, Event Decor advertises, markets and sells LED lighting products for events and parties, including centerpiece LED bases and other LED-based products.

### **JURISDICTION AND VENUE**

8. Upon information and belief, Event Decor does business in the State of New York by advertising, offering for sale and selling LED lighting products, centerpieces, backdrops, ornamental accessories, chair covers, draping supplies, trade show supplies, wedding decorations and other merchandise to customers in New York.

9. Upon information and belief, Event Decor also does business in the State of New York by virtue of the interactive and non-passive website,

www.eventdecordirect.com, owned and operated by it which is accessible and accessed by customers in the State of New York, and through which the products at issue herein are advertised, marketed and sold to customers in New York.

10. Upon information and belief, Event Decor also transacts business in New York by virtue of its advertising, offer for sale and sale of accused products in New York.

11. Upon information and belief, defendant resides and/or transacts business in this judicial district, and this Court therefore has personal jurisdiction over defendants.

12. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1331 and 1338(a) and (b).

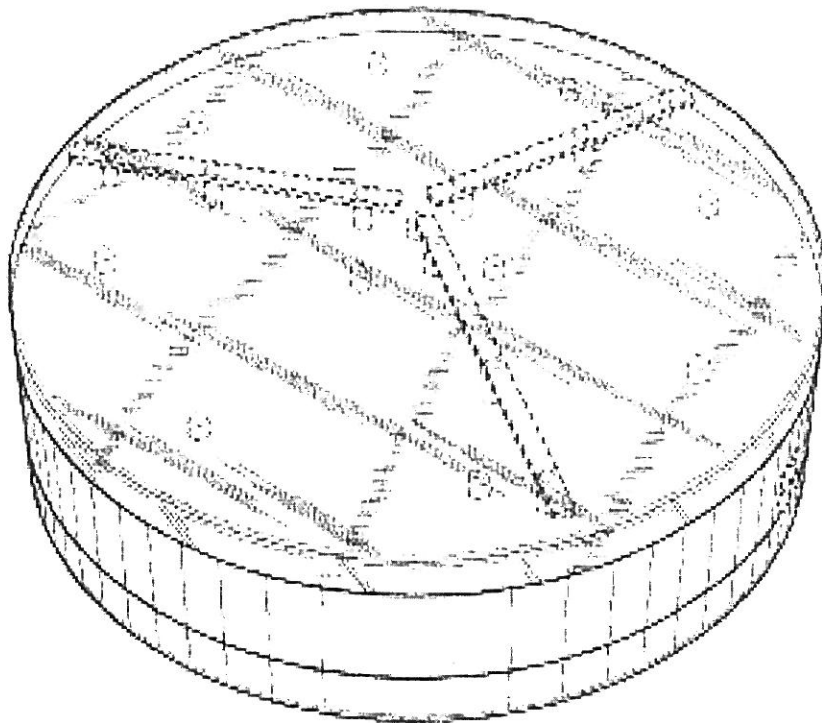
13. This Court has diversity jurisdiction over this dispute under 28 U.S.C. §1332 since this dispute exceeds \$75,000 and is between citizens of different states.

14. Venue is proper in this district under 28 U.S.C. §§1391 and/or 28 U.S.C. §1400.

**COUNT I**  
(Design Patent Infringement)

15. Acolyte hereby repeats and re-alleges paragraphs 1 through 14 above as if fully set forth herein.

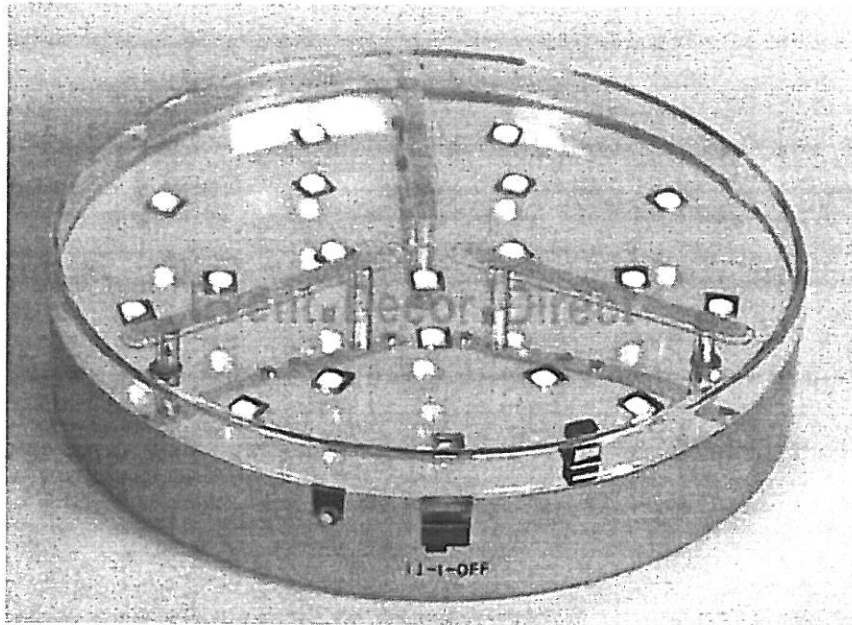
16. U.S. Design Patent No. D 620,191 ("the '191 patent") is entitled Illuminating Base. The '191 patent was issued by the United States Patent and Trademark Office on July 20, 2010. A copy of this patent is attached hereto as Exhibit A. An illustration of the illuminating base that is shown and protected by the '191 patent is presented below:



17. Acolyte is the owner, by assignment, of all right, title and interest in and to the '191 patent.

18. Upon information and belief, defendant has manufactured, imported, advertised, distributed, offered for sale and/or sold, and continues to manufacture, import, advertise, distribute, offer for sale and/or sell a number of copycat LED light bases, including but not limited to the following products which are identified on its website as: (1) 6 Inch LED Base Light, KS-CB-619RRB (2) 6 Inch LED Base Light, KS-CB-631WB; (3) 6 Inch Multi-Colored Rechargeable LED Lighted Base, EDD-KS-CB-619RRA; (4) 6 Inch LED Base Light, EDD-KS-CB-831WR; (5) 8 Inch LED Base Light, EDD-KS-CB-803RR; and (6) 6 Inch LED Base Light with Rechargeable Battery and Remote, KS-CB-631WB. Images taken from Event Decor's website of each of these infringing products are attached hereto collectively as Exhibit B. Shown below is an

image of the 6 Inch LED Base Light, KS-CB-619RRB as identified and displayed on Event Decor's website.



19. Defendant has been and continues to infringe the '191 patent by manufacturing, importing, distributing, offering for sale and/or selling LED light bases embodying the patented design claimed in the '191 patent and will continue to do so unless enjoined by this Court.

20. The infringement by defendant of the '191 patent is in direct violation of Acolyte's rights under 35 U.S.C. §271 to exclude others from making, using, selling and/or offering for sale products embodying the invention of the '191 patent.

21. Upon information and belief, each infringement has been willful and deliberate.

22. Acolyte has been damaged by defendant's infringements of the '191 patent, in an amount to be determined at trial and in an amount adequate to compensate plaintiff's injuries.

23. Acolyte is entitled to an accounting for damages from defendant for the infringement of the '191 patent.

24. Acolyte's relationships with its customers have also been damaged causing monetary damages and damages to Acolyte's reputation in the marketplace.

25. Acolyte has no adequate remedy at law.

26. The infringement of the '191 patent by defendant has caused Acolyte to suffer irreparable harm and injury. Acolyte will continue to suffer irreparable harm unless an injunction is issued enjoining and restraining defendant from infringing the '191 patent.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Acolyte respectfully prays for judgment against defendant as follows:

A. That an injunction issue preliminarily and permanently enjoining defendant, and its respective agents, servants, and employees, and all those in active concert and participation with it, from infringing and contributing to the infringement by others and inducing infringement of the '191 patent;

B. That Acolyte be awarded damages in connection with defendant's infringement, contributory infringement and inducement of infringement of the '191 patent;

C. That an accounting be had, and judgment be rendered in Acolyte's favor against defendant for the gains, profits and advantages derived by it, directly or indirectly, by its unlawful acts of patent infringement, and for damages in an amount adequate to compensate Acolyte's monetary damages resulting from the wrongful conduct of defendant, together with costs and interest, as appropriate, and as authorized by any statute or law applicable to the claim(s) made in this Complaint;

D. That an award of enhanced damages, including attorney's fees, costs and disbursements incurred in connection with the prosecution of this litigation be granted to Acolyte; and


E. For such other and further relief as the Court may deem just, proper and equitable under the circumstances.

**JURY DEMAND**

Acolyte demands a trial by jury.

Respectfully submitted,

**GOTTLIEB, RACKMAN & REISMAN, P.C.**

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Dated: June 14, 2013  
New York, New York