

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

QUALITY NIGHT LIGHTS, LLC,

Plaintiff,

vs.

DOREL JUVENILE GROUP, INC.,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Quality Night Lights, LLC (“Plaintiff”) hereby alleges for its Complaint against Dorel Juvenile Group, Inc. (“Defendant”), on personal knowledge as to its own activities and on information and belief as to the activities of others, as follows:

I. THE PARTIES

1. Plaintiff is a limited liability company organized and existing under the laws of Texas, with a place of business at 1100 Judson Road, Suite 722, in Longview, Texas, 75601.
2. Plaintiff is the owner of the following United States Patents:
 - a. Patent No. 6,390,647, titled “Night Light,” duly and properly issued by the U.S. Patent and Trademark Office on May 21, 2002 (“647 Patent”); and
 - b. Patent No. 7,874,717, titled “Night Light,” duly and properly issued by the U.S. Patent and Trademark Office on January 25, 2011 (“717 Patent”).
3. The above patents are referred to herein as the “patents in suit.”
4. Defendant is a corporation organized and existing under the laws of Massachusetts with a principal place of business at 25 Forbes Boulevard, Suite 4, in Foxboro, Massachusetts, 02035.

II. JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

7. This Court has personal jurisdiction over Defendant. By way of example and without limitation, Defendant, directly or through intermediaries (including distributors, retailers, and others), makes, manufactures, ships, distributes, advertises, markets, offers for sale, and/or sells night light products that infringe on one or more claims of the patents in suit (hereinafter the “accused products”), which include without limitation products sold under the “Safety 1st” brand name, in the United States, the State of Texas, and the Eastern District of Texas.

8. Further, this Court has personal jurisdiction over Defendant by virtue of its having established minimum contacts with the forum, having conducted business within the State of Texas and this District, and having engaged in systematic and continuous contacts with the State of Texas. On information and belief, Defendant has committed acts of infringement of one or more claims of the patents in suit in this District.

9. By way of further example and without limitation, Defendant has purposefully and voluntarily placed the accused products into the stream of commerce with the expectation that they will be purchased in the Eastern District of Texas, and the products are actually purchased in the Eastern District of Texas.

III. THE DEFENDANT’S INFRINGEMENTS

10. The ’647 Patent relates to an improved night light that has a weathertight housing suitable for outdoor use, a bulb mounted on the housing, and a switch with at least three positions capable of adjusting the brightness of the night light. A true and correct copy of the ’647 Patent is attached as Exhibit A.

11. The ’717 Patent relates to an improved night light that has a housing suitable for connecting to an electrical outlet, a light source mounted on the housing, and a switch with at least three positions capable of adjusting the brightness of the night light. A true and correct copy of the ’717 Patent is attached as Exhibit B. The ’717 Patent claims night lights that can adjust the brightness continuously and also night lights that adjust the brightness at discrete levels. The ’717 Patent further claims a night light that has a photosensitive device that, in

response to ambient light levels, will turn the light source on and off. The '717 Patent also claims a night light with a motion sensor that will turn the light on in response to motion being detected.

12. Defendant has committed the tort of patent infringement within the State of Texas, and more particularly, within the Eastern District of Texas, by virtue of the fact that Defendant has made, manufactured, shipped, distributed, advertised, offered for sale, and/or sold the accused products in this District, and continues to do so.

IV. DIRECT INFRINGEMENTS

13. Defendant's employees, agents, and representatives who have made, manufactured, shipped, distributed, advertised, offered for sale, and/or sold Defendant's accused products, have infringed one or more claims of the patents in suit.

14. The accused products, which are made, manufactured, shipped, distributed, advertised, offered for sale, and sold by Defendant, include components, which, by virtue of their inclusion in the products, infringe one or more claims of one or more of the patents in suit.

15. Defendant has encouraged and/or is aware of the fact that its employees, agents, and representatives make, manufacture, ship, distribute, advertise, offer for sale, and/or sell Defendant's accused products, which are covered by one or more claims of one or more of the patents in suit, and these employees, agents, and representatives are acting under Defendant's direction and control when doing so.

16. On or about November 2, 2004, Defendant received correspondence informing Defendant of the existence of the '647 Patent. Defendant has brazenly and willfully decided to infringe the patents in suit despite knowledge of the '647 Patent's existence and its knowledge of the accused products' infringement of the patents in suit.

17. At a minimum, and in the alternative, Plaintiff pleads that Defendant willfully blinded itself to the infringing nature of the accused products' sales.

18. Therefore, despite its knowledge of at least one of the patents in suit, Defendant is a direct infringer of one or more claims of one or more of the patents in suit.

V. FIRST CAUSE OF ACTION

Infringement of U.S. Patent No. 6,390,647

19. Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs of this Complaint as if fully set forth herein.

20. Defendant has in the past and still is literally and directly infringing or directly infringing under the doctrine of equivalents one or more claims of United States Patent No. 6,390,647 by, among other things, making, manufacturing, shipping, distributing, advertising, offering for sale, and/or selling the accused products covered by at least claim 1 of the '647 Patent, including, by way of example and not limitation, its sale and distribution of its Safety 1st Dim 'n Bright Auto Sensor Night Light, and will continue to do so unless enjoined by this Court.

21. In addition to the fact that Defendant makes, manufactures, ships, distributes, advertises, sells, and offers for sale the accused products, further examples of Defendant's direct infringements include, without limitation, the fact that Defendant has encouraged and/or is aware of the fact that its employees, agents, and representatives make, manufacture, ship, distribute, advertise, offer for sale, and/or sell Defendant's accused products, which are covered by one or more claims of United States Patent No. 6,390,647, and these employees, agents, and representatives are acting under Defendant's direction and control when doing so.

22. Defendant's infringement is evidenced by a description of its infringing product on a retailer's website, which describes the components covered by one or more claims of United States Patent No. 6,390,647. *See, e.g.*, "Safety 1st Dim 'n Bright Auto Sensor Night Light," http://www.amazon.com/Safety-Bright-Sensor-Night-Light/dp/B000RHLSNE/ref=pd_sxp_f_pt (Listing as features: "Emits a soft, comforting glow at the brightness level of your choice;" and "Dimmer dial allows parent to set the level of brightness.").

23. Defendant's activities have been without express or implied license by Plaintiff.

24. As a result of Defendant's acts of infringement, Plaintiff has suffered and will continue to suffer damages in an amount to be proved at trial.

25. As a result of Defendant's acts of infringement, Plaintiff has been and will continue to be irreparably harmed by Defendant's infringements, which will continue unless Defendant is enjoined by this Court.

26. Defendant's past infringements and/or continuing infringements have been deliberate and willful, and this case is therefore an exceptional case, which warrants an award of treble damages and attorneys' fees in accordance with 35 U.S.C. § 285.

VI. SECOND CAUSE OF ACTION

Infringement of U.S. Patent No. 7,874,717

27. Plaintiff repeats and re-alleges the allegations of the foregoing paragraphs of this Complaint as if fully set forth herein.

28. Defendant has in the past and still is literally and directly infringing or directly infringing under the doctrine of equivalents one or more claims of United States Patent No. 7,874,717 by, among other things, making, manufacturing, shipping, distributing, advertising, offering for sale, and/or selling the accused products covered by at least claims 1, 2, 5 and 6 of the '717 Patent, including, by way of example and not limitation, its sale and distribution of its Safety 1st Dim 'n Bright Auto Sensor Night Light, and will continue to do so unless enjoined by this Court.

29. In addition to the fact that Defendant makes, manufactures, ships, distributes, advertises, sells, and offers for sale the accused products, further examples of Defendant's direct infringements include, without limitation, the fact that Defendant has encouraged and/or is aware of the fact that its employees, agents, and representatives make, manufacture, ship, distribute, advertise, offer for sale, and/or sell Defendant's accused products, which are covered by one or more claims of United States Patent No. 7,874,717, and these employees, agents, and representatives are acting under Defendant's direction and control when doing so.

30. Defendant's infringement is evidenced by a description of its infringing product on a retailer's website, which describes the components covered by one or more claims of United States Patent No. 7,874,717. *See, e.g.*, "Safety 1st Dim 'n Bright Auto Sensor Night Light,"

http://www.amazon.com/Safety-Bright-Sensor-Night-Light/dp/B000RHLSNE/ref=pd_sxp_f_pt
(Listing as features: “Emits a soft, comforting glow at the brightness level of your choice;”
“Automatically turns on in the dark and off in the light;” and “Dimmer dial allows parent to set
the level of brightness.”).

31. Defendant’s activities have been without express or implied license by Plaintiff.

32. As a result of Defendant’s acts of infringement, Plaintiff has suffered and will
continue to suffer damages in an amount to be proved at trial.

33. As a result of Defendant’s acts of infringement, Plaintiff has been and will
continue to be irreparably harmed by Defendant’s infringements, which will continue unless
Defendant is enjoined by this Court.

34. Defendant’s past infringements and/or continuing infringements have been
deliberate and willful, and this case is therefore an exceptional case, which warrants an award of
treble damages and attorneys’ fees in accordance with 35 U.S.C. § 285.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment against Defendant as follows:

1. A declaration that Defendant has infringed the patents in suit, under 35 U.S.C.
§§ 271 *et seq.*;

2. That a permanent injunction be issued by this Court restraining Defendant, its
officers, agents, servants, directors, and employees, and all persons in active concert or
participation with each, from directly or indirectly infringing, or inducing or contributing to the
infringement by others of, the patents in suit;

3. That Defendant be required to provide to Plaintiff an accounting of all gains,
profits, and advantages derived by Defendant’s infringement of the patents in suit, and that
Plaintiff be awarded damages adequate to compensate Plaintiff for the wrongful infringing acts
by Defendant, in accordance with 35 U.S.C. § 284;

4. That the damages awarded to Plaintiff with regard to the patents in suit be increased up to three times, in view of Defendant's willful infringement, in accordance with 35 U.S.C. § 284;

5. That this case be declared to be exceptional in favor of Plaintiff under 35 U.S.C. § 285, and that Plaintiff be awarded its reasonable attorneys' fees and other expenses incurred in connection with this action;

6. That Plaintiff be awarded its interest and costs of suit incurred in this action;

7. Compensatory damages; and

8. That Plaintiff be awarded such other and further relief as this Court may deem just and proper.

Date: July 3, 2013

/s/Andrew W. Spangler
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