

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

GOLIGHT, INC.
a Nebraska corporation,

Plaintiff,

v.

PILOT AUTOMOTIVE, INC.
a California corporation,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff Golight, Inc. ("Golight"), by and through its undersigned attorneys, for its Complaint against Pilot Automotive, Inc. ("Defendant" or "Pilot Automotive") states as follows:

PARTIES

1. Golight is a Nebraska corporation, having its principal place of business at 37146 Old Hwy 17, Culbertson, NE 69024.

2. Upon information and belief, Defendant is a corporation formed under the laws of California with its principal place of business at 13000 Temple Avenue, City of Industry, CA 91746.

JURISDICTION AND VENUE

3. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101, *et. seq.*

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

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

GENERAL ALLEGATIONS

6. Golight incorporates herein by reference each and every allegation in paragraphs 1 through 5.

7. U.S. Design Patent No. D515,228 ("the '228 Patent"), for a "Searchlight," was duly and legally issued on February 14, 2006. A true and correct copy of the '228 Patent is attached hereto as Exhibit 1. By assignment, Golight owns all right, title and interest in and to the '228 Patent.

8. Upon information and belief, sometime after the '228 Patent issued, Pilot Automotive began manufacture of or instructed another party to manufacture a searchlight like the one shown and described in the '228 Patent.

9. Pilot Automotive has offered for sale and sold and continues to sell in the United States searchlights that infringe the '228 Patent. Images of Pilot Automotive's searchlights are shown in Exhibit 2.

10. Upon information and belief, Pilot Automotive has offered to sell and has sold at least one searchlight that infringes the '228 Patent in the state of Colorado.

11. Golight, by correspondence dated April 19, 2013, informed Pilot Automotive of its patent rights in and to Golight's searchlight products. A true and accurate copy of that letter is attached hereto as Exhibit 3. On May 23, 2013, counsel for Pilot Automotive responded to

Golight's April 19, 2013 correspondence. A true and accurate copy of that letter is attached hereto as Exhibit 4.

12. Pilot Automotive maintains a website www.pilotautomotive.com and advertises "Lighting" equipment on the website. Upon information and belief, Pilot Automotive has offered for sale and/or sold infringing searchlights on its website, including to customers located in Colorado.

FIRST CLAIM FOR RELIEF
(Infringement of the '228 Patent)

13. Golight incorporates herein by reference each and every allegation in paragraphs 1 through 12.

14. Defendant's activities in making, using, selling and/or offering to sell in the United States and/or importing into the United States the searchlight constitutes direct infringement of the '228 Patent, in violation of 35 U.S.C. § 271(a).

15. Upon information and belief, Defendant is inducing direct infringement of the '228 Patent by others by actively instructing, assisting, and/or encouraging others to practice one or more of the inventions claimed in the '228 Patent, in violation of 35 U.S.C. § 271(b).

16. Upon information and belief, Defendant is contributing to direct infringement of the '228 Patent by others by directing others to manufacture one or more components which constitute a material part of the invention defined by the claims of the '228 Patent, knowing the same to be especially made or especially adapted for use in an infringement of the '228 Patent, and which components are not staple articles or commodities of commerce suitable for substantial non-infringing use, in violation of 35 U.S.C. § 271(c).

17. Defendant's actions of making, having made, importing, using or selling products which infringe the '228 Patent have been, and are, willful, deliberate and/or in conscious disregard of Golight's rights, making this an exceptional case within the meaning of 35 U.S.C. § 285 and entitling Golight to an award of its attorneys' fees and treble damages.

18. Defendant's infringement of the '228 Patent has caused damage to Golight in an amount to be ascertained at trial.

19. Defendant's infringement of the '228 Patent has caused and will continue to cause irreparable injury to Golight, to which there exists no adequate remedy at law. Defendant's infringement of the '228 Patent will continue unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Golight requests that judgment be entered in its favor and against Defendant as follows:

A. Declaring that Defendant has infringed United States Design Patent No. D515,228;

B. Issuing temporary, preliminary, and permanent injunctions enjoining Defendant, its officers, agents, subsidiaries, and employees, and those in privity with or that act in concert with any of the foregoing, from further activities that constitute infringement of United States Design Patent No. D515,228, pursuant to 35 U.S.C. § 283;

C. Awarding Golight damages arising out of Defendant's infringement of United States Design Patent No. D515,228 in an amount not less than the entire profits realized for each act of infringement pursuant to 35 U.S.C. § 289, and trebling those damages pursuant to 35 U.S.C. § 284, together with costs and pre- and post-judgment interest;

D. Finding that this is an "exceptional case" within the meaning of 35 U.S.C. § 285 and awarding reasonable attorneys' fees to Golight; and

H. Awarding Golight such further legal and equitable relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Golight demands a trial by jury on all issues so triable.

DATED: May 12, 2014

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF
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