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14 Attorneys for Plaintiffs Koninklijke Philips N.V. and  
15 Philips Lighting North America Corporation

16  
17 IN THE UNITED STATES DISTRICT COURT  
18 FOR THE DISTRICT OF ARIZONA

19 Koninklijke Philips N.V. and ) Case No. CV 14-02591-PHX-NVW  
Philips Lighting North America )  
20 Corporation, )  
21 Plaintiffs, ) **AMENDED COMPLAINT**  
22 v. )  
23 JST Performance, Inc., d/b/a )  
Rigid Industries, )  
24 Defendant. )

25  
26 Plaintiffs Koninklijke Philips N.V. (“KPNV”) and Philips Lighting North  
27 America Corporation (“PLNA” and, together with KPNV, collectively, “Philips”) bring  
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1 this complaint for patent infringement against Defendant JST Performance, Inc. d/b/a  
2 Rigid Industries (“Rigid”).

3 **NATURE OF THE ACTION**

4 1. This is an action for patent infringement under 35 U.S.C. § 271, *et seq.*,  
5 by Philips against Rigid for infringement of United States Patent Nos. 6,250,774 (“the  
6 ’774 patent”), 6,561,690 (“the ’690 patent”), 6,586,890 (“the ’890 patent”), 6,692,136  
7 (“the ’136 patent”), 6,788,011 (“the ’011 patent”), 6,806,659 (“the ’659 patent”),  
8 6,967,448 (“the ’448 patent”), 7,030,572 (“the ’572 patent”), 7,262,559 (“the ’559  
9 patent”), 7,348,604 (“the ’604 patent”), and 7,566,155 (“the ’155 patent”) (collectively,  
10 the “patents-in-suit”).

11 **THE PARTIES**

12 2. Plaintiff Koninklijke Philips N.V. , formerly known as Koninklijke Philips  
13 Electronics N.V., is a corporation organized and existing under the laws of the  
14 Netherlands, with a principal place of business at Breitner Center, Amstelplein 2, 1096  
15 BC Amsterdam, The Netherlands.

16 3. Plaintiff Philips Lighting North America Corporation is a corporation  
17 organized and existing under the laws of Delaware, with a principal place of business at  
18 200 Franklin Square Drive, Somerset, NJ 08873.

19 4. Upon information and belief, Defendant JST Performance, Inc. d/b/a  
20 Rigid Industries is a corporation organized and existing under the laws of Arizona, with  
21 a principal place of business at 779 N Colorado St., Gilbert, Arizona 85233.

22 **JURISDICTION AND VENUE**

23 5. This Court has subject matter jurisdiction over this action pursuant to  
24 28 U.S.C. §§ 1331 and 1338.

25 6. Upon information and belief, Rigid has made, used, provided, sold,  
26 offered to sell, imported, or distributed to others for such purposes, lighting products  
27 and systems employing light-emitting diodes (“LEDs”) for illumination (“LED Lighting  
28 Devices”) throughout the United States, including Arizona and this judicial district.

1           7.     Upon information and belief, Rigid maintains or has maintained  
2 continuous and systematic contacts with Arizona and this judicial district and has  
3 committed tortious activity within the district.

4           8.     Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c)  
5 and/or 1400(b) because, *inter alia*, Rigid is subject to personal jurisdiction in this  
6 district.

7                                           **FACTUAL BACKGROUND**

8           9.     Upon information and belief, Rigid’s LED Lighting Devices include,  
9 without limitation, products in the A-Series, D-Series, E-Series, SR-Series, SR-M, SR-  
10 Q, RDS-Series, Q-Series, and Wake Flame product lines, and LED products that Rigid  
11 manufactures as a private label original equipment manufacturer for other lighting  
12 company customers. Rigid’s LED Lighting Devices include, without limitation, dome  
13 lights, deck lights, driving lights, fog lights, light bars, spotlights, floodlights, diffused  
14 lights, and marine lighting products.

15                                           **COUNT I: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,250,774**

16           10.    Philips incorporates by reference paragraphs 1-9 as if fully set forth  
17 herein.

18           11.    On June 26, 2001, the United States Patent & Trademark Office (“Patent  
19 Office”) duly and legally issued the ’774 patent, entitled “Luminaire,” to Simon H. A.  
20 Begemann et al. Plaintiff KPNV is the assignee and owner of the ’774 patent.

21           12.    A true and correct copy of the ’774 patent is attached hereto as **Exhibit 1**.

22           13.    Upon information and belief, Rigid is engaged in activities that infringe  
23 the ’774 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or  
24 importing LED Lighting Devices, including without limitation its E-Series light bars, D-  
25 Series lights, and SR-M lights, in the United States.

26           14.    Philips provided notice of the ’774 patent to Rigid on or before  
27 February 12, 2013.

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1 15. Upon information and belief, Rigid's infringement is deliberate, willful,  
2 and in reckless disregard of Philips' patent rights.

3 16. Philips has been and continues to be injured by the infringing activities of  
4 Rigid.

5 **COUNT II: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,561,690**

6 17. Philips incorporates by reference paragraphs 1-9 as if fully set forth  
7 herein.

8 18. On May 13, 2003, the Patent Office duly and legally issued the '690  
9 patent, entitled "Luminaire Based on the Light Emission of Light-Emitting Diodes," to  
10 Christophe Balestrierio et al. Plaintiff KPNV is the assignee and owner of the '690  
11 patent.

12 19. A true and correct copy of the '690 patent is attached hereto as **Exhibit 2**.

13 20. Upon information and belief, Rigid is engaged in activities that infringe  
14 the '690 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or  
15 importing LED Lighting Devices, including without limitation its E-Series light bars, D-  
16 Series lights, and SR-M lights, in the United States.

17 21. Philips provided notice of the '690 patent to Rigid on or before  
18 March 6, 2013.

19 22. Upon information and belief, Rigid's infringement is deliberate, willful,  
20 and in reckless disregard of Philips' patent rights.

21 23. Philips has been and continues to be injured by the infringing activities of  
22 Rigid.

23 **COUNT III: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,586,890**

24 24. Philips incorporates by reference paragraphs 1-9 as if fully set forth  
25 herein.

26 25. On July 1, 2003, the Patent Office duly and legally issued the '890 patent,  
27 entitled "LED Driver Circuit with PWM Output," to Young-Kee Min et al. Plaintiff  
28 KPNV is the assignee and owner of the '890 patent.

1           26. A true and correct copy of the '890 patent is attached hereto as **Exhibit 3**.

2           27. Upon information and belief, Rigid is engaged in activities that infringe  
3 the '890 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or  
4 importing LED Lighting Devices, including without limitation its E-Series light bars, D-  
5 Series lights, and SR-M lights, in the United States.

6           28. Philips provided notice of the '890 patent to Rigid on or before  
7 February 12, 2013.

8           29. Upon information and belief, Rigid's infringement is deliberate, willful,  
9 and in reckless disregard of Philips' patent rights.

10           30. Philips has been and continues to be injured by the infringing activities of  
11 Rigid.

12           **COUNT IV: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,692,136**

13           31. Philips incorporates by reference paragraphs 1-9 as if fully set forth  
14 herein.

15           32. On February 17, 2004, the Patent Office duly and legally issued the '136  
16 patent, entitled "LED/Phosphor-LED Hybrid Lighting Systems," to Thomas M.  
17 Marshall et al. Plaintiff KPNV is the assignee and owner of the '136 patent.

18           33. A true and correct copy of the '136 patent is attached hereto as **Exhibit 4**.

19           34. Upon information and belief, Rigid is engaged in activities that infringe  
20 the '136 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or  
21 importing LED Lighting Devices, including without limitation its SR-Q RGBW and  
22 Wake Flame RGBW products, in the United States.

23           35. Philips provided notice of the '136 patent to Rigid on or before  
24 March 6, 2013.

25           36. Upon information and belief, Rigid's infringement is deliberate, willful,  
26 and in reckless disregard of Philips' patent rights.

27           37. Philips has been and continues to be injured by the infringing activities of  
28 Rigid.

1                    **COUNT V: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,788,011**

2                    38. Philips incorporates by reference paragraphs 1-9 as if fully set forth  
3 herein.

4                    39. On September 7, 2004, the Patent Office duly and legally issued the '011  
5 patent, entitled "Multicolored LED Lighting Method and Apparatus," to George G.  
6 Mueller et al. Plaintiff PLNA is the assignee and owner of the '011 patent.

7                    40. A true and correct copy of the '011 patent is attached hereto as **Exhibit 5**.

8                    41. Upon information and belief, Rigid is engaged in activities that infringe  
9 the '011 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or  
10 importing LED Lighting Devices, including without limitation its SR-Q RGBW and  
11 Wake Flame RGBW products, in the United States.

12                    42. Philips provided notice of the '011 patent to Rigid on or before  
13 March 6, 2013.

14                    43. Upon information and belief, Rigid's infringement is deliberate, willful,  
15 and in reckless disregard of Philips' patent rights.

16                    44. Philips has been and continues to be injured by the infringing activities of  
17 Rigid.

18                    **COUNT VI: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,806,659**

19                    45. Philips incorporates by reference paragraphs 1-9 as if fully set forth  
20 herein.

21                    46. On October 19, 2004, the Patent Office duly and legally issued the '659  
22 patent, entitled "Multicolored LED Lighting Method and Apparatus," to George G.  
23 Mueller et al. Plaintiff PLNA is the assignee and owner of the '659 patent.

24                    47. A true and correct copy of the '659 patent is attached hereto as **Exhibit 6**.

25                    48. Upon information and belief, Rigid is engaged in activities that infringe  
26 the '659 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or  
27 importing LED Lighting Devices, including without limitation its SR-Q RGBW and  
28 Wake Flame RGBW products, in the United States.

1 49. Philips provided notice of the '659 patent to Rigid on or before  
2 March 6, 2013.

3 50. Upon information and belief, Rigid's infringement is deliberate, willful,  
4 and in reckless disregard of Philips' patent rights.

5 51. Philips has been and continues to be injured by the infringing activities of  
6 Rigid.

7 **COUNT VII: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,967,448**

8 52. Philips incorporates by reference paragraphs 1-9 as if fully set forth  
9 herein.

10 53. On November 22, 2005, the Patent Office duly and legally issued the '448  
11 patent, entitled "Methods and Apparatus for Controlling Illumination," to Frederick M.  
12 Morgan et al. Plaintiff PLNA is the assignee and owner of the '448 patent.

13 54. A true and correct copy of the '448 patent is attached hereto as **Exhibit 7**.

14 55. Upon information and belief, Rigid is engaged in activities that infringe  
15 the '448 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or  
16 importing LED Lighting Devices, including without limitation its SR-Q RGBW and  
17 Wake Flame RGBW products, in the United States.

18 56. Philips provided notice of the '448 patent to Rigid on or before  
19 March 6, 2013.

20 57. Upon information and belief, Rigid's infringement is deliberate, willful,  
21 and in reckless disregard of Philips' patent rights.

22 58. Philips has been and continues to be injured by the infringing activities of  
23 Rigid.

24 **COUNT VIII: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,030,572**

25 59. Philips incorporates by reference paragraphs 1-9 as if fully set forth  
26 herein.

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1           60. On April 18, 2006, the Patent Office duly and legally issued the '572  
2 patent, entitled "Lighting Arrangement," to Engbert Bernard Gerard Nijhof et al.  
3 Plaintiff KPNV is the assignee and owner of the '572 patent.

4           61. A true and correct copy of the '572 patent is attached hereto as **Exhibit 8**.

5           62. Upon information and belief, Rigid is engaged in activities that infringe  
6 the '572 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or  
7 importing LED Lighting Devices, including without limitation its E-Series light bars, D-  
8 Series lights, and SR-M lights, in the United States.

9           63. Upon information and belief, Rigid is aware of the '572 patent, at least as  
10 of the filing of this Complaint.

11           64. Philips has been and continues to be injured by the infringing activities of  
12 Rigid.

13           **COUNT IX: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,262,559**

14           65. Philips incorporates by reference paragraphs 1-9 as if fully set forth  
15 herein.

16           66. On August 28, 2007, the Patent Office duly and legally issued the '559  
17 patent, entitled "LEDS Driver," to Ajay Tripathi et al. Plaintiff KPNV is the assignee  
18 and owner of the '559 patent.

19           67. A true and correct copy of the '559 patent is attached hereto as **Exhibit 9**.

20           68. Upon information and belief, Rigid is engaged in activities that infringe  
21 the '559 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or  
22 importing LED Lighting Devices, including without limitation its E-Series light bars, D-  
23 Series lights, and SR-M lights, in the United States.

24           69. Philips provided notice of the '559 patent to Rigid on or before  
25 February 12, 2013.

26           70. Upon information and belief, Rigid's infringement is deliberate, willful,  
27 and in reckless disregard of Philips' patent rights.

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1           71. Philips has been and continues to be injured by the infringing activities of  
2 Rigid.

3           **COUNT X: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,348,604**

4           72. Philips incorporates by reference paragraphs 1-9 as if fully set forth  
5 herein.

6           73. On March 25, 2008, the Patent Office duly and legally issued the '604  
7 patent, entitled "Light-Emitting Module," to George E. Matheson. Plaintiff KPNV is  
8 the assignee and owner of the '604 patent.

9           74. A true and correct copy of the '604 patent is attached hereto as  
10 **Exhibit 10.**

11           75. Upon information and belief, Rigid is engaged in activities that infringe  
12 the '604 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or  
13 importing LED Lighting Devices, including without limitation its E-Series light bars, D-  
14 Series lights, and SR-M lights, in the United States.

15           76. Upon information and belief, Rigid is aware of the '604 patent, at least as  
16 of the filing of this Complaint.

17           77. Philips has been and continues to be injured by the infringing activities of  
18 Rigid.

19           **COUNT XI: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,566,155**

20           78. Philips incorporates by reference paragraphs 1-9 as if fully set forth  
21 herein.

22           79. On July 28, 2009, the Patent Office duly and legally issued the '155  
23 patent, entitled "LED Light System," to Josef Andreas Schug et al. Plaintiff KPNV is  
24 the assignee and owner of the '155 patent.

25           80. A true and correct copy of the '155 patent is attached hereto as  
26 **Exhibit 11.**

27           81. Upon information and belief, Rigid is engaged in activities that infringe  
28 the '155 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or

1 importing LED Lighting Devices, including without limitation its E-Series Diffused  
2 light bars, D-Series Diffused lights, and SR-M Diffused lights, in the United States.

3 82. Upon information and belief, Rigid is aware of the '155 patent, at least as  
4 of the filing of this Complaint.

5 83. Philips has been and continues to be injured by the infringing activities of  
6 Rigid.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Philips respectfully requests the following relief:

9 (a) a declaration that Rigid infringes the patents-in-suit and a final judgment  
10 incorporating same;

11 (b) entry of preliminary and/or permanent equitable relief, including but not  
12 limited to a preliminary and/or permanent injunction that enjoins Rigid and any of its  
13 officers, agents, employees, assigns, representatives, privies, successors, and those  
14 acting in concert or participation with them from infringing and/or inducing  
15 infringement of the patents-in-suit;

16 (c) an award of damages sufficient to compensate Philips for infringement of the  
17 patents-in-suit by Rigid, together with prejudgment and post-judgment interest;

18 (d) a declaration or order finding that Rigid's infringement is willful and/or an  
19 order increasing damages under 35 U.S.C. § 284;

20 (e) a judgment holding that this is an exceptional case under 35 U.S.C. § 285 and  
21 awarding Philips its reasonable attorneys' fees, costs, and expenses; and

22 (f) such other relief deemed just and proper.

23 **JURY DEMAND**

24 Under Rule 38 of the Federal Rules of Civil Procedure, Philips hereby demands  
25 trial by jury of all issues so triable by a jury in this action.

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Filed this 11th day of December, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2014, the attached document was electronically transmitted to the Clerk of the Court using the CM/ECF System which will send notification of such filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

s/Susanne Wedemeyer