

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SUNRISE TECHNOLOGIES, INC.,

Plaintiff,

v.

SELC IRELAND LTD.

Defendant.

Civil Action No.: 1:15-cv-11546

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Sunrise Technologies, Inc. (“Sunrise” or “Plaintiff”) files this Complaint for Patent Infringement and Jury Demand against Defendant SELC Ireland Ltd. (“SELC” or “Defendant”) and alleges as follows:

NATURE OF THE SUIT

1. This is an action for patent infringement under the Patent Laws of the United States of America, 35 U.S.C. § 100 *et seq.*

THE PARTIES

2. Sunrise is a Massachusetts corporation, having a principal place of business at 54 Commercial Street, Raynham, MA 02767.

3. Sunrise markets outdoor lighting control products under a variety of brand names, as well as a variety of wireless products.

4. On information and belief, SELC is an Irish corporation, having a principal place of business at Industrial Estate, Bellmullet, Co. Mayo, Ireland, and a United States headquarters located at 4816 Holly Brook Drive, Apex, NC 27539. Sunrise is informed and believes that SELC makes, imports into the United States, sells, offers to sell and/or uses intelligent wireless

controllers that utilize a self-forming and self-healing RF mesh network used on individual light fixtures.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
6. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b).
7. On information and belief, SELC is subject to personal jurisdiction in the District of Massachusetts consistent with the principles of due process and the Massachusetts Long-Arm Statute because SELC has offered its products for sale in this District, has transacted business in this District, has committed and/or induced acts of patent infringement in this District, and/or has placed its products into the stream of commerce through established distribution channels with the expectation that such products will be purchased by residents of this District.

THE PATENT-IN-SUIT

8. Sunrise owns all rights, title, and interest in, and has standing to sue for infringement of United States Patent No. 7,825,793, entitled “Remote Monitoring and Control System,” which issued on November 2, 2010 (“the ‘793 patent”) (a true and correct copy is attached as Exhibit A).
9. The ‘793 patent is generally directed towards a communication system that communicates information between an end user device and a remote end user via a communication node mounted on the upper part of a utility pole. The communication node is capable of communicating with a nearby user device using a low-power communication protocol such as the ZigBee protocol, and transmits the communication to the end user via a neighborhood mesh network of nodes mounted on utility poles.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,825,793

10. The allegations of paragraphs 1 – 9 are restated and re-alleged as though fully set forth herein.

11. On information and belief, SELC has infringed and continues to infringe, literally or under the doctrine of equivalents, the ‘793 patent by making, using, importing, offering to sell, and/or selling products or processes that practice one or more inventions claimed in the ‘793 patent, as well as infringing by knowingly, actively and intentionally inducing others to infringe the ‘793 patent, including but not limited to customers, and/or by contributing to the infringement of the ‘793 patent by others, including but not limited to customers. Such infringing conduct includes, but is not limited to, SELC’s marketing and sale of its Wireless Central Monitoring Systems.

12. On information and belief, SELC had actual notice of the ‘793 patent at least as early as November 5, 2014, at which time Sunrise sent SELC a letter informing SELC of its infringement.

13. SELC’s infringement of the ‘793 patent has been and remains willful and deliberate.

14. SELC’s activities have been without Sunrise’s authorization.

15. SELC has profited through its infringement of the ‘793 patent.

16. As a result of SELC’s infringement, Sunrise has been damaged and will be further damaged, and is entitled to be compensated for such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be ascertained, but that will be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Sunrise respectfully requests the Court to enter judgment against SELC and against its respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

(a) The entry of judgment in favor of Sunrise and against SELC.

(b) An award of damages against SELC adequate to make Sunrise whole for SELC's infringement, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;

(c) A finding that SELC's infringement of the '793 patent has been willful and deliberate;

(d) A finding that this case is exceptional and an award to Sunrise of its reasonable attorneys' fees and costs as provided by 35 U.S.C. § 285;

(e) A preliminary and permanent injunction prohibiting further infringement of the '793 patent; and

(f) Such other relief as the Court deems just and proper.

JURY DEMAND

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

Respectfully submitted,

Sunrise Technologies, Inc.,

By its attorneys,

Dated: April 8, 2015

/s/ Michael A. Albert
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