

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO. _____

_____)	
FEIT ELECTRIC COMPANY, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	JURY TRIAL DEMANDED
CREE, INC.,)	
)	
Defendant.)	
)	
_____)	

COMPLAINT

Plaintiff Feit Electric Company, Inc. (“Feit”) for its Complaint against Cree, Inc. (“Cree”) hereby demands a jury trial and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. § 1 et seq. and such other relief as this Court deems just and proper. Briefly, Feit alleges that Cree’s 4Flow LED lamps infringe certain Feit patents relating to LED lamps (also known as LED light bulbs). Cree’s conduct, as alleged in more detail below, constitutes patent infringement.

PARTIES

2. Feit is a privately held company organized and existing under the laws of the State of California with a principal place of business at 4901 Gregg Road, Pico Rivera, CA 90660.

3. Feit is engaged in the sale of LED lamps that are manufactured for Feit.

4. Upon information and belief, Cree is a corporation organized and existing under the laws of the State of North Carolina with a principal place of business at 4600 Silicon Drive, Durham, North Carolina, 27703.

5. Upon information and belief, Cree imports, makes, sells, offers to sell, and/or uses LED lamps.

JURISDICTION AND VENUE

6. This lawsuit is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction over Feit's claims of patent infringement pursuant to 28 U.S.C. §§ 1331 and 1338.

7. This Court has personal jurisdiction over Cree because it has committed acts of patent infringement in this judicial district, has systematic and continuous contacts in this judicial district, regularly transacts business within this judicial district, regularly avails itself of the benefits of this judicial district, and has its principal place of business located in this judicial district.

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

THE PATENTS-IN-SUIT

9. On April 2, 2013, U.S. Patent No. 8,408,748 (“the ’748 patent”) entitled “LED Lamp Replacement of Low Power Incandescent Lamp,” was duly and lawfully issued by the United States Patent and Trademark Office (“PTO”). A copy of the ’748 patent is attached hereto as **Exhibit A**.

10. On April 28, 2015, U.S. Patent No. 9,016,901 (“the ’901 patent”) entitled “LED Lamp Replacement of Low Power Incandescent Lamp,” was duly and lawfully issued by the PTO. A copy of the ’901 patent is attached hereto as **Exhibit B**.

11. Feit is the owner and assignee of all right, title and interest in and to the ’748 and ’901 patents and holds the right to sue and recover damages for infringement thereof, including past damages.

COUNT I

(Infringement of U.S. Patent No. 8,408,748)

12. Paragraphs 1-11 are reincorporated by reference as if fully set forth herein.

13. Upon information and belief, Cree has infringed and continues to infringe at least one claim of the ’748 patent by at least importing, making, selling, offering to sell, and/or using products, including Cree 4Flow LED lamps, in this judicial district and elsewhere in the United States, and will continue to do so unless enjoined by this Court.

14. Upon information and belief, Cree has caused or will cause, by its infringing conduct, irreparable harm to Feit for which there is no adequate remedy at law.

15. As a result of Cree’s actions, Feit has suffered and continues to suffer substantial injury, including irreparable injury unless Cree is enjoined by this Court.

16. Upon information and belief, Cree's infringement has been and is now willful and deliberate.

17. Feit has suffered damages as a result of Cree's infringement of the '748 patent in an amount to be proven at trial.

18. At least by filing and serving this complaint for patent infringement, Feit has given Cree written notice of its infringement.

COUNT II

(Infringement of U.S. Patent No. 9,016,901)

19. Paragraphs 1-11 are reincorporated by reference as if fully set forth herein.

20. Upon information and belief, Cree has infringed and continues to infringe at least one claim of the '901 patent by at least importing, making, selling, offering to sell, and/or using products, including Cree 4Flow LED lamps, in this judicial district and elsewhere in the United States, and will continue to do so unless enjoined by this Court.

21. Upon information and belief, Cree has caused or will cause, by its infringing conduct, irreparable harm to Feit for which there is no adequate remedy at law.

22. As a result of Cree's actions, Feit has suffered and continues to suffer substantial injury, including irreparable injury unless Cree is enjoined by this Court.

23. Upon information and belief, Cree's infringement has been and is now willful and deliberate.

24. Feit has suffered damages as a result of Cree's infringement of the '901 patent in an amount to be proven at trial.

25. At least by filing and serving this complaint for patent infringement, Feit has given Cree written notice of its infringement.

PRAYER FOR RELIEF

WHEREFORE, Feit prays that the Court:

- A. Enter judgment that Cree has infringed the '748 and '901 patents;
- B. Enter a preliminary and permanent injunction against Cree and officers, directors, servants, consultants, managers, employees, agents, attorneys, successors, assigns, affiliates, subsidiaries, and all persons in active concert or participation with any of them, from infringing the '748 and '901 patents;
- C. Enter judgment that Cree has willfully infringed the '748 and '901 patents and award to Feit treble damages for Cree's willful infringement pursuant to 5 U.S.C. § 284;
- D. Enter judgment and issue an Order requiring Cree to pay damages to Feit under 35 U.S.C. § 284, together with costs and prejudgment and post-judgment interest;
- E. Adjudge and decree this case exceptional under 35 U.S.C. § 285 and award Feit its costs and reasonable attorneys' fees;
- F. Grant and award any and all relief found necessary and proper under these circumstances.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Feit hereby respectfully requests a jury trial on all issues and claims so triable.

Dated: July 7, 2015

By: /s/ Alan M. Ruley
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