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IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FT. MYERS, FLORIDA

Case No.: \_\_\_\_\_

GLOBAL TECH LED, LLC,  
a Florida Limited Liability Company

Plaintiff,

v.

HILUMZ INTERNATIONAL CORP.,  
a Georgia Corporation, HILUMZ, LLC, a  
Georgia Limited Liability Company, and  
HILUMZ USA, LLC, a Georgia Limited  
Liability Company,

Defendants.

2:15-CV-553-FtM-29CM

**COMPLAINT WITH DEMAND FOR JURY TRIAL AND INJUNCTIVE  
RELIEF SOUGHT**

Plaintiff, GLOBAL TECH LED, LLC (hereinafter "Plaintiff") files this  
Complaint for willful patent infringement against Defendants HILUMZ  
INTERNATIONAL CORP., a Georgia Corporation, HILUMZ, LLC, a Georgia  
Limited Liability Company, and HILUMZ USA, LLC, a Georgia Limited Liability  
Company (collectively the "Defendants") and alleges as follows:

**JURISDICTION, VENUE, AND THE PARTIES**

1. Plaintiff, Global Tech LED, LLC, is a Florida limited liability company with its principal offices located in this judicial district, at 8901 Quality Road, Bonita Springs, FL 34135, and is otherwise *sui juris*.

2. Defendant, HILUMZ INTERNATIONAL CORP., is a Georgia corporation with its principal place of business at 1595 Redi Road, Suite 700, Cumming, Ga 30040 and is, for the reasons set forth below, subject to the jurisdiction of this Court.

3. Defendant, HILUMZ LLC, is a Georgia limited liability company also with its principal place of business at 1595 Redi Road, Suite 700, Cumming, Ga 30040 and is, for the reasons set forth below, subject to the jurisdiction of this Court.

4. Defendant, HILUMZ USA LLC, is a Georgia limited liability company also with its principal place of business at 1595 Redi Road, Suite 700, Cumming, Ga 30040 and is, for the reasons set forth below, subject to the jurisdiction of this Court.

5. Defendants are all involved, directly or indirectly, in the manufacturing, distribution, sale, use, and/or offering for sale of LED lamp products, including those offered under the commercial designations of "Retrofit Kits," "DZ75 Retrofit Kit," "DZ130 Retrofit Kit," "DZ260 Retrofit Kit," "DZ185

Retrofit Kit,” and “DZ390 Retrofit Kit,” (hereinafter the “Accused Products”) in the United States, including in the State of Florida.

6. Upon information and belief, at all times material hereto, Defendants were and are engaged in the solicitation or service of activities within this judicial district, and, upon further information and belief, Defendants, directly or indirectly through agents or representatives, distributed the Accused Products in the United States, including within this judicial district.

7. Defendants have at least one authorized distributor and/or reseller, by the name of K&R Weight Systems and operating and transact business under the Internet domain [www.knrgroup.com](http://www.knrgroup.com), which has its principal place of business in this judicial district, or Cape Coral, Florida, and which, upon information and belief, has sold the Accused Products to Florida consumers, including in this judicial district, directly through its website.

8. Defendants have another authorized distributor and/or reseller, by the name of ShineRetrofits, which operate and transact business under the Internet domain [www.shineretrofits.com](http://www.shineretrofits.com), which, upon information and belief, has sold the Accused Products to Florida consumers, including in this judicial district, directly through its website.

9. Upon information and belief, Defendants are all owned by the same individuals or entities and have other authorized distributors, agents, and/or resellers operating within Florida, including in this judicial district.

10. This action arises under the patent laws of the United States, Title 35, United States Code, and is a claim for damages and injunctive relief pursuant to Sections 281 and 283-85 of that Title.

11. Jurisdiction of this Court over this action is based on 28 U.S.C. § 1338. Venue properly lies with the Southern District of Florida pursuant to the provisions of 28 U.S.C. § 1391.

12. Plaintiff is the owner of United States Patent No. 9,091,424 (“the ’424 Patent”). A copy of the ’424 Patent is attached to this Complaint as **Exhibit A**.

### **GENERAL ALLEGATIONS**

13. On July 28, 2015, inventors Gary K. Mart (hereinafter “Mart”) and Jeffrey Newman (hereinafter “Newman”) secured the ’424 Patent, entitled “LED Light Bulb.” **Exhibit A**.

14. Mart and Newman, through their respective corporations, GKM Holdings, Inc. and Jeffrey Jay Newman, Inc., are managing members of Plaintiff Global Tech LED Holdings, LLC.

15. Mart and Newman, through their respective corporations, GKM Holdings, Inc. and Jeffrey Jay Newman, Inc., are also managing members of

Global Tech LED, LLC, an entity which sells LED lighting covered under the '424 Patent.

16. Mart and Newman assigned all of their ownership rights to the '424 Patent to the Global Tech LED Holdings, and then to the Plaintiff, Global Tech LED, LLC, before the filing of this lawsuit.

17. The '424 Patent contains 20 total claims, wherein 3 of said claims are independent claims. *See* **EXHIBIT A**.

18. The claims of the '424 Patent inure economic benefit to the Plaintiff as Plaintiff makes, uses, sells, and/or offers for sale LED lamps that are the same or substantially similar to those LED lamps claimed in the '424 Patent.

19. Plaintiff and Defendants are competitors in the marketplace.

20. Defendants are also in the business of manufacturing, distributing, offering for sale, and/or selling in the United States LED lamps, which include the Accused Products.

21. The '424 Patent is in force and enjoys a presumption of validity, pursuant to 35 U.S.C. § 282.

22. Upon information and belief, Defendants continue to make, sell, offer for sale, use, and/or have, directly or indirectly, unjustly received and retained profits from the Accused Products in the United States.

23. Upon information and belief, Defendants were, and are currently aware of the fact that the Accused Products infringe upon the '424 Patent and that making, using, selling, and offering the Accused Products for sale in the United States is otherwise prohibited by United States law.

24. Upon information and belief, Defendants were, and are currently actively inducing others to use, sell, or offer for sale the Accused Products in the United States.

25. Upon information and belief, Defendants were, and are currently actively contributing to third parties' ability to use, sell, and offer for sale the Accused Products in the United States.

26. The Defendants do not have a license, sub-license or other authorization from the Plaintiff to make, use, sell, offer to sell, or offer to sell the Accused Products or any product which reads on the claims of the '424 Patent in the United States.

27. Plaintiff has suffered damages, lost profits and other economic harm as a direct and proximate result of Defendants' infringement of the '424 Patent.

28. Plaintiff has and continues to suffer irreparable harm each day Defendants' infringement is permitted to continue.

29. Plaintiff has no adequate remedy at law.

30. Justice and the balance of the equities favor entry of preliminary and permanent injunctive relief restraining and enjoining Defendants, and those acting in concert with them, or at their direction, from making, using, selling, or offering for sale products that infringe upon the '424 Patent.

31. Plaintiff has satisfied all applicable prerequisites to suit, and all conditions subsequent to suit, if any, have either been satisfied, waived or have occurred.

32. As a direct and proximate result of Defendants' actions, Plaintiff has been forced to incur litigation costs and to retain the undersigned law firm to represent them in this action and have agreed to pay them a reasonable fee for their services.

**COUNT I - WILLFUL DIRECT PATENT INFRINGEMENT**  
(against all Defendants)

33. Plaintiff realleges and reavers paragraphs one (1) through thirty two (32) as if fully set forth herein.

34. This is an action for direct and indirect patent infringement pursuant to Title 35, United States Code, Section 271, of the United States Patent Act.

35. Defendants HILUMZ INTERNATIONAL CORP., HILUMZ, LLC, and HILUMZ USA, LLC, have infringed, and continue to infringe, claims of the

'424 Patent by, *at least*, making, using, selling, or offering for sale, one or more of the Accused Products.

36. Specifically, Defendants HILUMZ INTERNATIONAL CORP., HILUMZ, LLC, and HILUMZ USA, LLC have infringed, literally and under the doctrine of equivalents, claims of the '424 Patent by using, making, selling, and offering to sell LED lamps, including one or more of the Accused Products, including those that have (1) a screw connector (or a structure functionally equivalent to a screw connector), a bracket, and a housing rotatably coupled to the bracket, (2) one or more LEDs on the housing that project light orthogonally from a linear direction at which the screw connector is screwed into the receiving socket (or a functional equivalent thereto), and (3) a fan attached to the back of the housing which dissipates air parallel to the light projected from the LEDs and orthogonally from a linear direction at which the screw connector is screwed into the receiving socket (or a functional equivalent thereto), as set forth in the claims of the '424 Patent.

37. Defendants have also induced infringement of claims of at least the '424 Patent by having one or more of its distributors and other entities use, sell or offer for sale the Accused Products and others substantially identical to the Accused Products with knowledge of the '424 Patent.



38. All such infringing conduct of Defendants have occurred and was committed in a willful manner by at least its knowledge of the '424 Patent.

39. Defendants' actions have caused and continue to cause irreparable harm to Plaintiff to which there is no adequate remedy at law.

40. Defendants' conduct in this instance is exceptional, and, as such, Plaintiff should be entitled to recover its attorneys' fees in this action pursuant to 35 USC § 285 which provides that the "court in exceptional cases may award reasonable attorney fees to the prevailing party."

WHEREFORE, Plaintiff Global Tech LED, LLC, by and through the undersigned, hereby respectfully demands judgment against Defendants HILUMZ INTERNATIONAL CORP., HILUMZ, LLC, and HILUMZ USA, LLC, said judgment which should include provisions:

- a) temporarily and permanently enjoining HILUMZ INTERNATIONAL CORP., HILUMZ, LLC, and HILUMZ USA, LLC, and all of those acting in concert with them, including, but not limited to, their agents, affiliates, subsidiaries, officers, directors, attorneys and employees from using, making, selling, or offering to sell the Accused Products, and all colorable imitations thereof;
- b) compensating Plaintiff for the full amount of damages sustained, including, but not limited to, any and all damage remedies available

pursuant to the Patent Laws of the United States, 35 U.S.C. §§ 271, *et.seq.*, which include, but are not limited to, lost profits and a reasonable royalty award;

- c) declaring this case exceptional and trebling all damages awarded to Plaintiff;
- d) imposition of all pre- and post-judgment interest at the maximum allowable rate on the full compensatory and trebled amount awarded to Plaintiff;
- e) awarding remuneration of all attorneys' fees, costs and expenses for Plaintiff having to investigate, prepare and prosecute this action; and
- f) for such further and additional relief this Court deems just and proper under the circumstances.

**[THIS SECTION INTENTIONALLY LEFT BLANK]**

**DEMAND FOR JURY TRIAL**

Plaintiff, Global Tech LED, LLC, hereby demand trial by jury of all issues so triable as a matter of law.

**Dated this 11<sup>th</sup> day of September, 2015.**

Respectfully Submitted,

THE CONCEPT LAW GROUP, P.A.  
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