

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

ORION ENERGY SYSTEMS, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Case No.
JAYKAL LED SOLUTIONS, INC.,	)	
	)	
Defendant.	)	
	)	
	)	

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**COMPLAINT**

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Orion Energy Systems, Inc. (“Orion”), by and for its Complaint against Defendant Jaykal LED Solutions, Inc. (“Jaykal”) alleges to the Court as follows:

**PARTIES**

1. Orion is a company organized and existing under the laws of the State of Wisconsin, with a principal place of business located at 2210 Woodland Drive, Manitowoc, Wisconsin 54220.

2. Orion is informed and believes that Jaykal LED Solutions, Inc. is a corporation organized under the laws of the State of Delaware, with a principal place of business located at 26832 Lewes Georgetown Highway, Building 2, Unit E, Harbeson, Delaware 19951. Upon information and belief, Harbeson is the U.S. Headquarters for Jaykal.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising out of the unauthorized manufacture, importing, offering for sale, and selling of certain troffer retrofit kits in violation

of Orion's patent rights. Because this is an action for infringement under the patent laws, 35 U.S.C. § 271, *et seq.*, of the United States, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

4. This Court has personal jurisdiction over Jaykal in that, upon information and belief, Jaykal is marketing, promoting, and offering for sale certain troffer retrofit kits in this District and as a result is committing infringing acts in Florida and this District. Upon information and belief, Jaykal transacts business within this District by offering to sell its infringing troffer retrofit kits in this District in direct competition with Orion.

5. Venue properly lies in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Jaykal is subject to personal jurisdiction in this District, due at least to their business with respect to the troffer retrofit kits at issue in this District.

## **COUNT I**

### **INFRINGEMENT OF U.S. PATENT NO. 9,206,948**

6. Orion repeats and realleges each and every allegation contained in paragraphs 1-5, inclusive, as though fully set forth herein.

7. Orion is the assignee and owner of United States Patent No. 9,206,948 ("the '948 patent").

8. The '948 patent, entitled "Troffer Light Fixture Retrofit Systems and Methods," was duly and legally issued by the United States Patent and Trademark Office on December 8, 2015. A true and correct copy of the '948 patent is attached hereto as Exhibit A.

9. The '948 patent is valid and enforceable.

10. Without permission or authorization from Orion and in violation of 35 U.S.C. § 271(a), Jaykal is manufacturing, importing, offering for sale, and selling in this District and

elsewhere in the United States, certain troffer retrofit kits, including, but not limited to the JLS68102-22TRF-XYZ 2x2 Troffer (Fixture / Retrofit Kit), JLS68102-24TRF-XYZ 2x4 Troffer (Fixture / Retrofit Kit), JLS68102-14TRF-XYZ 1x4 Troffer (Fixture / Retrofit Kit), and similarly configured retrofit kits (collectively, “Products-in-Suit”), that infringe at least one claim of the ’948 patent.

11. To the extent that any marking or notice was required by 35 U.S.C. § 287, Orion has complied with the requirements of that statute by providing actual and/or constructive notice to Jaykal of its infringement of the ’948 patent. After becoming aware of Jaykal’s infringing activities, Orion, by way of its counsel, delivered a cease and desist letter to Jaykal, on or around March 22, 2016, alerting Jaykal to Orion’s rights in the ’948 patent and the inventions protected therein. Notwithstanding Orion’s cease and desist letter, Jaykal has continued to advertise, offer to sell, and sell the Products-in-Suit.

12. Jaykal’s infringement of the ’948 patent has been and continues to be willful and deliberate.

13. Jaykal’s conduct has caused and will continue to cause Orion substantial damage, including irreparable harm, for which Orion has no adequate remedy at law, unless and until Jaykal is enjoined from infringing the ’948 patent.

#### **PRAYER FOR RELIEF**

Wherefore, Orion respectfully prays for entry of a judgment:

- A. That Jaykal has infringed the ’948 patent;
- B. That Jaykal and its respective agents, servants, officers, directors, employees and all persons in privity or active concert or participation with it, directly or indirectly, be preliminarily and permanently enjoined from infringing the ’948 patent;

C. That Jaykal be ordered to account for and pay to Orion damages adequate to compensate for its infringement of the '948 patent, including lost profits and/or no less than a reasonable royalty;

D. That a post-judgment equitable accounting of damages be ordered for the period of infringement of the '948 patent following the period of damages established by Orion at trial;

E. That damages be trebled for the willful, deliberate, and intentional infringement by Jaykal as alleged herein in accordance with 35 U.S.C. § 284;

F. That this case be adjudged an exceptional case under 35 U.S.C. § 285 and that Orion be awarded its costs, expenses, and disbursements incurred in this action, including reasonable attorneys' fees as available by law to be paid by Jaykal; and

G. For such other relief to Orion as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Orion demands a trial by jury on all issues so triable.

Dated: April 18, 2016

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