

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ELECTRIC MIRROR, LLC,	)	
a Washington Limited Liability Company,	)	
	)	<b>CIVIL ACTION NUMBER:</b>
Plaintiff,	)	1:17-cv-01747-ALC
v.	)	
	)	
PROJECT LIGHT, LLC,	)	<b>Jury Trial Demanded</b>
an Ohio Limited Liability Company,	)	
PROJECT LIGHT, INC.,	)	<i>Document Filed Electronically</i>
an Ohio Corporation,	)	
PROSPETTO LIGHT, LLC,	)	
an Ohio Limited Liability Company, and	)	
PROSPETTO LIGHTING, LLC,	)	
an Ohio Limited Liability Company,	)	
	)	
Defendants.	)	

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT  
AND DEMAND FOR JURY TRIAL**

Plaintiff Electric Mirror, LLC, a Washington limited liability company (hereinafter “Electric Mirror” or “Plaintiff”) through its undersigned counsel, Bakos & Kritzer, brings this action against Defendants Project Light, LLC, Project Light, Inc., Prospetto Light, LLC, and Prospetto Lighting, LLC (collectively, “Defendants”), upon actual knowledge with respect to themselves and their own acts, and upon information and belief as to all other matters, alleges as follows:

**PARTIES**

1. Plaintiff Electric Mirror, LLC is a Washington limited liability company with a principal place of business in Everett, Washington.

2. Defendant Project Light, LLC is an Ohio limited liability company, with a principal place of business at 4976 Hudson Drive, Stow, Ohio 44224, which has substantial contacts with the Southern District of New York, as discussed in more detail below, and those contacts include (but are not limited to) advertising directed to New York and – upon information and belief – making substantial sales in New York.

3. Defendant Project Light, Inc. is an Ohio corporation, with a principal place of business at 4976 Hudson Drive, Stow, Ohio 44224, which has substantial contacts with the Southern District of New York, as discussed in more detail below, and those contacts include (but are not limited to) advertising to New York and – upon information and belief – making substantial sales in New York.

4. Defendant Prospetto Light, LLC is an Ohio limited liability company, with a principal place of business at 4976 Hudson Drive, Stow, Ohio 44224 and with its registered agent listed as Mitchell Spero, Esq., 1790 Miller Parkway, Streetsboro, Ohio 44241. Defendant Prospetto Light, LLC has substantial contacts with the Southern District of New York, as discussed in more detail below, and those contacts include (but are not limited to) advertising to New York and – upon information and belief – making substantial sales in New York.

5. Defendant Prospetto Lighting, LLC is an Ohio limited liability company, with a principal place of business at 4976 Hudson Drive, Stow, Ohio 44224 and with its registered agent listed as Sam Avny, 4976 Hudson Drive, Stow, Ohio 44224. Defendant Prospetto Lighting, LLC has substantial contacts with the Southern District of New York, as discussed in more detail below, and those contacts include (but are not limited to) advertising to New York and – upon information and belief – making substantial sales in New York.

#### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

7. This Court has subject matter jurisdiction over Plaintiff’s claims pursuant to 28 U.S.C. §§ 1331 and 1338(a), as it involves substantial claims arising under the patent laws of the United States.

8. Upon information and belief, this Court has personal jurisdiction over Defendants because Defendants regularly conduct business within, and specifically direct their business activities to, New York State and the Southern District of New York (“this District”). Defendants have purposefully availed themselves of the opportunity to conduct business in this state through

systematic and continuous dealings in New York. Defendants' actions that give rise to personal jurisdiction include, but are not limited to the following: (1) participating in trade shows in this District, including the Boutique Design New York show, held at the Jacob K. Javits Convention Center in 2014 and 2016; (2) offering for sale the accused products to customers in this District; and (3) operating an interactive website, [www.projectlightinc.com](http://www.projectlightinc.com), on which customers, including customers in this District, may directly inquire about and purchase accused products. Defendants' business activities are directed to, and occur within, this District.

9. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. § 1391(b)-(c), because a substantial part of the events giving rise to the claims pled herein occurred in the District. Venue also is proper under 28 U.S.C. § 1400(b) because Defendants have committed, induced others to commit, or contributed to others committing, acts of infringement in this District.

### **BACKGROUND**

10. On December 14, 2010, the United States Patent and Trademark Office issued U.S. Patent No. 7,853,414 ("the '414 patent"), entitled "Mounting Structure For a Mirror Assembly" to James V. Mischel, Jr. and Patrick Erickson. The '414 patent was assigned to Electric Mirror on April 29, 2009. The assignment was duly recorded with the United States Patent and Trademark Office on July 1, 2009. Electric Mirror maintains the exclusive right to make, have made, use, distribute, sell, offer for sale, and import in the United States certain products covered by the '414 patent. A true and correct copy of the '414 patent is attached hereto as Exhibit A.

11. Electric Mirror is recognized as a leading manufacturer and provider of mirrors featuring internal illumination, commonly referred to as lighted mirrors, that are sold to leading hotels, businesses and residences throughout the United States and worldwide. The '414 patent concerns lighted mirrors and their internal structures.

12. Plaintiff attempted service on Defendant Project Light, LLC on March 27, 2017. The Process Server rang the buzzer for entry and after identifying himself, was told by an unidentified male that Defendant Project Light, LLC would not allow entry onto the premises or

accept service. A true and correct copy of the Affidavit of Non-Service is attached hereto as Exhibit B.

13. Plaintiff again attempted service on Defendant Project Light, LLC on April 3, 2017. The Process Server spoke with an individual identified as Linda Kirkwood, Senior Account Manager. Ms. Kirkwood advised the Process Server that Defendant Project Light, LLC is defunct and that it is now Project Light, Inc. Ms. Kirkwood refused service per the instructions of counsel. Exhibit B.

14. The Ohio State Secretary of State webpage lists Project Light, LLC as an active entity. A true and correct copy of the Corporation Details webpage is attached hereto as Exhibit C.

15. Upon information and belief, Defendant Project Light, LLC improperly refused service on April 27, 2017 and April 3, 2017 in order to frustrate Plaintiff's efforts to enforce Plaintiff's patent rights.

16. Upon information and belief, Defendants make, use, sell, and/or offer to sell and induce others to make, use, sell, and/or offer to sell products that embody and/or use the invention claimed in the '414 patent, including products in the "Lighted Mirrors" category on their website ([http://www.projectlightinc.com/cn\\_asp/project.asp?typeid=15](http://www.projectlightinc.com/cn_asp/project.asp?typeid=15)).

17. Defendants are not, now or at any time, licensed under the '414 patent.

**COUNT I – INFRINGEMENT OF THE '414 PATENT**

18. Electric Mirror realleges and incorporates the allegations set forth in Paragraph 1 through Paragraph 17 herein.

19. Defendants are now, and have been, directly, contributorily and by inducement, infringing at least one claim of the '414 patent, literally and/or under the doctrine of equivalents. Defendants are violating 35 U.S.C. § 271 by selling, offering to sell, making or using the patented invention in the United States, by actively inducing others to sell, offer to sell,

make or use the patented invention in the United States, and by offering to sell or selling within the United States components of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

20. Defendants' acts of infringement have been, and continue to be, willful and deliberate (and Defendants' indirect infringement was known or so obvious it should have been known) as will be shown, at least in part, by Defendants' refusal to discontinue infringing the '414 patent despite knowledge of that patent obtained from Electric Mirror's website (<http://www.electricmirror.com/company/intellectual-property/>) and/or from Electric Mirror notifying Defendants of the patent.

21. Electric Mirror has been damaged by Defendants' foregoing acts of infringement of the '414 patent, and Electric Mirror will continue to be damaged by such infringement unless enjoined by this Court. Electric Mirror is entitled to recover damages adequate to compensate for the infringement under 35 U.S.C. § 284.

**PRAYER FOR RELIEF**

**WHEREFORE**, Electric Mirror respectfully prays for a judgment against Defendants:

- A. Finding that Defendants have infringed the '414 patent;
- B. Finding that the infringement of the '414 patent has been willful;
- C. Permanently enjoining Defendants from further infringement of the '414 patent;
- D. Awarding Plaintiff damages permitted by 35 U.S.C. § 284, including but not limited to pre-judgment interests and costs and increased damages up to three times the amount of compensatory damages;

E. Finding that this is an exceptional case and awarding Plaintiff its costs and reasonable attorneys' fees incurred in this action as provided by 35 U.S.C. § 285; and

F. Awarding Plaintiff such other relief as the Court deems just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury of all issues properly triable to a jury in this case.

DATED this 3rd day of May, 2017.

Respectfully submitted,  
BAKOS & KRITZER



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