

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TECHNICAL LED INTELLECTUAL
PROPERTY, LLC,

Plaintiff,

v.

OSRAM SYLVANIA INC.,

Defendant.

C.A. No. _____-

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Technical LED Intellectual Property, LLC (“Plaintiff”) makes the following allegations against Osram Sylvania Inc. (“Defendant”):

PARTIES

1. Plaintiff Technical LED Intellectual Property, LLC is a Delaware limited liability company, having a principal place of business of 2711 Centerville Rd., Suite 400, Wilmington, DE 19808.

2. Upon information and belief, Defendant Osram Sylvania Inc., is a corporation organized and existing under the laws of the State of Delaware. Defendant may be served via its registered agent for service of process: Corporation Creations Networks Inc., 3411 Silverside Road Tatnall Building Ste., 104, Wilmington, DE 19810.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271(a), 281, and 284-85. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and §1338(a.)

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed acts of patent infringement in this district. Additionally, Defendant is incorporated in this State.

5. Upon information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. RE41,685

6. Plaintiff is the owner by assignment of United States Patent No. RE41,685 ("the '685 Patent") titled "Light Source with Non-White and Phosphor-Based White LED Devices and LCD Assembly." The '685 Patent was reissued on September 14, 2010. The '685 Patent is a reissue of U.S. Patent No. 6,666,567, filed on December 28, 1999. A true and correct copy of the '685 Patent is attached as Exhibit A.

7. Alan Stuart Feldman, Brian David Cull, and Dennis Michael Davey are listed as the inventors of the '685 Patent.

8. Defendant directly or through intermediaries, makes, uses, offers to sell, or sells LED systems, arrays of LEDs, and/or products incorporating same which infringe the '685 Patent, shown in Exhibit B.

9. Upon information and belief, Defendant has been and is now infringing claims 10, and 12 of the '685 Patent in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling, and/or offering for sale LED systems, arrays of LEDs, and/or products incorporating same (including LEP-2100-840-

HD-C; LEP-2100-930-HD-C; LEP-800-840-HD-C; LEP800-930-HD-C; LED12A19/DIM/F/927) (the “Accused Instrumentalities”), covered by one or more claims of the ’685 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the ’685 Patent under the doctrine of equivalents. Defendant is thus liable for direct infringement of the ’685 Patent pursuant to 35 U.S.C. § 271(a).

10. The Accused Instrumentalities infringe claim 10 of the ’685 Patent. They are LED systems, arrays of LEDs, and/or products incorporating same which are light sources which includes an optical cavity; a plurality of first light-emitting diodes that emit a white light; a plurality of second light-emitting diodes each of which emits non-white light; wherein the first and second light emitting diodes are arranged to emit light into the optical cavity such that mixing of spectral outputs from the first and second light-emitting diodes occurs in the cavity. (*See representative* Ex. B, Figs. 1-8.)

11. The Accused Instrumentalities infringe claim 12 of the ’685 Patent. The second light-emitting diodes is a red output. (*See* Ex. B, Figs. 4, 5, 7.)

12. As a result of Defendant’s infringement of the ’685 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant’s infringing activities are enjoined by this Court.

13. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the ’685 Patent, Plaintiff will be greatly and irreparably harmed.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 6,373,188

14. Plaintiff is the owner by assignment of United States Patent No. 6,373,188 (“the ’188 Patent”) titled “Efficient Solid-State Light Emitting Device with Excited Phosphors for Producing a Visible Light Output.” The ’188 Patent was reissued on April 16, 2002. A reexamination for the ’188 Patent was requested on June 24, 2008. A reexamination certificate for the ’188 Patent issued January 11, 2011. A true and correct copy of the ’188 Patent and the reexamination certificate is attached as Exhibit C.

15. Burgess R. Johnson and Wei Yang are listed as the inventors of the ’188 Patent.

16. Defendant directly or through intermediaries, makes, uses, offers to sell, or sells phosphor based LEDs and/or products incorporating same that infringe the ’188 Patent, shown in Exhibit D.

17. Upon information and belief, Defendant has been and is now infringing claims 28 and 33 of the ’188 Patent in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling, and/or offering for sale phosphor based LEDs and/or products incorporating same (including LCW CP7P-KPKR-5R8T; LCW W5AM-HZJZ; LE CW E3B-NYPZ-QRRU; LUW C9EP-N4N6-EG-Z; LUW C9SP-N4N6-EG-Z; LUW CN5M-GAHA-5P7R; LUW CP7P-KTLP-5C8E; LUW W5AP-MYNY-5P7R; LW F65G; LW W5SN-JYKZ) (the “Accused Instrumentalities”), covered by one or more claims of the ’188 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the ’188 Patent under the doctrine of equivalents. Defendant is thus liable for direct infringement of the ’188 Patent pursuant to 35 U.S.C. § 271(a).

18. The Accused Instrumentalities infringe claim 28 of the ’188 Patent. They are phosphor based LEDs and/or products incorporating same which include a radiation source

having a first contact region and a second contact region for providing radiation, said radiation source having a top surface, a bottom surface, and one or more side walls; a phosphor layer provided adjacent to at least a portion of the one or more side walls of the radiation source, the phosphor layer including one or more excitable, light emitting phosphors that produce a light emission when excited by the radiation; a first contact layer for providing an electrical connection to the first contact region, the first contact layer on the bottom surface of the radiation source; and wherein the first contact layer reflects visible light toward the top surface of the radiation source and the first contact layer does not obstruct transmission of the visible light emitted from the top surface. (*See representative Ex. D, Figs. 1-4.*)

19. The Accused Instrumentalities infringe claim 33 of the '188 Patent. They are phosphor based LEDs and/or products incorporating same which include a radiation source and a first contact layer, the radiation source having a first contact region and a second contact region for providing radiation, providing radiation, said radiation source having a top surface and one or more side walls, and the first contact layer for providing an electrical connection to the first contact region of the radiation source; and a phosphor layer provided adjacent to at least a portion of the one or more side walls of the radiation source, the phosphor layer including one or more excitable, light emitting phosphors that produce a light emission when excited by the radiation, wherein the first contact layer is disposed on a first side of the radiation source and reflects visible light from the phosphor layer from the first side of the radiation source toward a designated light output on a second side of the radiation source opposite the first side of the radiation source. *See Ex. D, Figs. 1-4.*

20. As a result of Defendant's infringement of the '188 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for

Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

21. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '188 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '685 and '188 Patents;

2. a permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '685 and '188 Patents, or such other equitable relief the Court determines is warranted;

3. a judgment and order requiring Defendant pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '685 and '188 Patents as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

August 9, 2017

BAYARD, P.A.

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