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25 IN THE UNITED STATES DISTRICT COURT
26
27 CENTRAL DISTRICT OF CALIFORNIA
28

29 LUMEE LLC, a Delaware limited
30 liability company,

31 Plaintiff,

32 v.

33 SNAP LIGHT, LLC (d.b.a.
34 SNAPLIGHT), a California limited
35 liability company; HOOSHMAND
36 HAROONI, an individual residing in
37 California,

38 Defendants.

Case No. 2:17-cv-9042

**COMPLAINT FOR
DECLARATORY JUDGMENT OF
NONINFRINGEMENT**

Jury Trial Demanded

1 **COMPLAINT**

2 Plaintiff LuMee LLC (“LuMee”) brings this action against Defendants Snap
3 Light, LLC (d.b.a. Snaplight) (“Snaplight”) and Hooshmand Harooni (“Harooni”),
4 and alleges the following claims for relief:

5 **PARTIES**

6 1. Plaintiff LuMee is a Delaware limited liability company with its
7 principal place of business at Gateway Center 136 Heber Ave Suite 103, Park City,
8 UT 84060.

9 2. On information and belief, Defendant Harooni is an individual
10 residing in this district and having a principal place of business at 3010 Olympic
11 Blvd., Los Angeles, California 90023.

12 3. On information and belief, Harooni is the owner of U.S. Patent No.
13 8,428,644 (“the ’644 patent”), attached hereto as Exhibit A.

14 4. On information and belief, Defendant Snaplight is a California limited
15 liability company with its principal place of business at 1780 La Costa Meadows
16 Drive, Suite 100, San Marcos, California 92078.

17 5. Snaplight has asserted that Harooni has granted it an exclusive license
18 to the ’644 patent with rights to enforce the ’644 patent.

19 **JURISDICTION AND VENUE**

20 6. This is an action for declaratory relief under the Declaratory Judgment
21 Act, 28 U.S.C. § 2201 *et seq.* seeking a declaratory judgment of non-infringement
22 of the ’644 patent.

23 7. LuMee has sold and is currently selling its “LuMee Two” and
24 “LuMee Duo” products to customers within the United States.

25 8. On July 31, 2017, Snaplight filed an action against Kimsaprincess Inc.
26 (“Kimsaprincess”) and Urban Outfitters, Inc. (“Urban Outfitters”) in this district
27 (Case No. 2:17-CV-05468-JVS), claiming to be an exclusive licensee of the ’644
28 patent and asserting that LuMee’s “LuMee Two” and “LuMee Duo” products fall

1 within the scope of the '644 patent. The action filed by Snaplight against
2 Kimsaprincess and Urban Outfitters is hereafter referred to as the "Customer Suit."

3 9. Snaplight asserts in the Customer Suit that Kimsaprincess infringes by
4 reason of its promotion and use of the LuMee Two and LuMee Duo products and
5 that Urban Outfitters infringes the '644 patent by reason of its re-sale of the LuMee
6 Two and LuMee Duo products.

7 10. The LuMee Two and LuMee Duo do not infringe any claim of the
8 '644 patent, and as a result, none of the activities of Kimsaprincess or Urban
9 Outfitters complained of by Snaplight constitute infringement of the '644 patent.

10 11. Because of Snaplight's assertions of patent infringement in the
11 Customer Suit, a case or controversy now exists between LuMee, on the one hand,
12 and Snaplight and Harooni, on the other hand, as to whether LuMee's LuMee Two
13 and LuMee Duo products fall within the scope of any claim of the '644 patent and
14 thus as to whether LuMee is infringing the '644 patent.

15 12. Snaplight is subject to personal jurisdiction in this district under
16 Fed.R.Civ.P. 4(k)(1)(A) and Cal. Code Civ. Proc. § 410.10 because Snaplight's
17 actions giving rise to the aforesaid case or controversy (namely the filing of the
18 Customer Suit) occurred in this district.

19 13. Harooni is subject to personal jurisdiction in this district under
20 Fed.R.Civ.P. 4(k)(1)(A) and Cal. Code Civ. Proc. § 410.10 because, on
21 information and belief, he resides in this district.

22 14. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(1) and
23 1391(b)(2).

24 15. This action arises under the federal patent laws, and therefore this
25 court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and
26 1338(a).

FACTUAL BACKGROUND

16. LuMee's LuMee Two product is a smartphone case that provides illumination for pictures taken by the smartphone's front-facing camera. The illumination is provided by two parallel linear strips of LEDs on the left and right sides of the front of the smartphone case. Photographs of the LuMee Two product are attached hereto as Exhibit B.

17. LuMee's LuMee Duo product is a smartphone case that provides illumination for pictures taken by the smartphone's front-facing camera as well as illumination for pictures taken by the smartphone's rear-facing camera. The front-facing illumination is provided by two parallel linear strips of LEDs on the left and right sides of the front of the smartphone case, and the rear-facing illumination is provided by two parallel linear strips of LEDs on the left and right sides of the back of the smartphone case. Photographs of the LuMee Duo product are attached hereto as Exhibit C.

18. Neither the LuMee Two nor the LuMee Duo includes a ring of LED lights.

19. Both the LuMee Two and LuMee Duo products provide a battery as part of the case and a port on the bottom end of the case that allows the battery to be recharged. Neither the port on the LuMee Two nor the port on the LuMee Duo provides programmability for the LED lights on either case.

20. Neither the LuMee Two nor the LuMee Duo infringes or has infringed any valid claim of the '644 patent.

COUNT ONE

Noninfringement of the '644 Patent

21. LuMee repeats and incorporates by reference the allegations set forth above as though fully set forth herein.

22. For the reasons set forth above, an actual case or controversy exists between LuMee, on the one hand, and Snaplight and Harooni, on the other hand,

1 regarding whether the LuMee Two and LuMee Duo products fall within the scope
2 of the '644 patent, either literally or under the doctrine of equivalents, and thus
3 regarding whether LuMee infringes the '644 patent by selling the LuMee Two and
4 LuMee Duo products.

5 23. LuMee is entitled to a declaration that neither it nor others, including
6 its customers, directly or indirectly infringes the '644 patent under 35 U.S.C. § 271
7 by virtue of the manufacture, sale, offer for sale, use, or promotion of the LuMee
8 Two and LuMee Duo products because those products do not fall within the scope
9 of any claim of the '644 patent for at least the reasons that (1) neither product has a
10 "ring" of LED lights or a permissible equivalent and (2) neither product has a "port
11 used to provide...programmability" to the LED lights or a permissible equivalent.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, LuMee respectfully requests that the Court enter a judgment
14 in favor of LuMee and against Snaplight and Harooni as follows:

15 A. Declaring that the LuMee Two and LuMee Duo products do not fall
16 within the scope of any claim of the '644 patent, either literally or under
17 the doctrine of equivalents, and that LuMee does not infringe the '644
18 patent by selling the LuMee Two and LuMee Duo products;

19 B. Declaring that no user or re-seller of the LuMee Two or LuMee Duo
20 products directly or indirectly infringes any claim of the '644 patent;

21 C. Enjoining Snaplight and Harooni, their counsel, officers, and all persons
22 in active concert or participation with either of them from charging
23 infringement of, or instituting or continuing any action for infringement
24 of, the '644 patent by virtue of the manufacture, sale, offer for sale, use,
25 or promotion of the LuMee Two and LuMee Duo products, including in
26 the Customer Suit; and

27 D. Awarding LuMee its costs and attorney fees pursuant to Fed.R.Civ.P.
28 54(d), 35 U.S.C. § 285, and any other applicable statute or rule.

DEMAND FOR JURY TRIAL

LuMee demands a jury trial on all issues so triable under Rule 38 of the Federal Rules of Civil Procedure.

DATED this 15th day of December, 2017.

By /s/ Daniel M. Livingston
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