

The Honorable _____

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEMAIRE ILLUMINATION
TECHNOLOGIES, LLC

Plaintiff,

v.

HTC AMERICA, INC.,

Defendant.

No.

**PLAINTIFF’S ORIGINAL
COMPLAINT FOR PATENT
INFRINGEMENT**

JURY DEMAND

Plaintiff Lemaire Illumination Technologies, LLC (“Lemaire Illumination”) files this Plaintiff’s Original Complaint for Patent Infringement against Defendant HTC America, Inc. (“HTC America” or “Defendant”), and alleges as follows:

INTRODUCTION

1. Lemaire Illumination is an inventor-owned technology company that holds thirteen issued U.S. Patents concerning pulsed light-emitting diode (“LED”) illumination and apparatuses and methods related thereto, including at least U.S. Patent No. 6,095,661, issued August 1, 2000, entitled “Method and Apparatus for an L.E.D. Flashlight” (the “’661 Patent”), U.S. Patent No. 6,488,390, issued December 3, 2002, entitled “Color-Adjusted Camera Light and Method” (the “’390 Patent”), and U.S. Patent No. 9,119,266, issued August 28, 2015,

1 entitled “Pulsed L.E.D. Illumination Apparatus and Method” (the “’266 Patent”),
2 (collectively, the “Patents-in-suit”).

3 2. Defendant has infringed the Patents-in-suit by making and using the apparatuses
4 and methods claimed by the Patents-in-suit by making, using, importing, providing,
5 supplying, distributing, selling, and/or offering for sale at least the HTC One M8 smartphone
6 device, the HTC One M9 smartphone device, the HTC 10 smartphone device, the HTC Desire
7 Eye smartphone device, and the HTC U Ultra smartphone device, (collectively, the “Accused
8 Devices”). Lemaire Illumination seeks damages for patent infringement.

9 **THE PARTIES**

10 3. Plaintiff **Lemaire Illumination** is a Texas limited liability company organized and
11 existing under the laws of the State of Texas, having a principal place of business at 14565
12 Grand Avenue, Burnsville, Minnesota 55306.

13 4. Defendant **HTC America** is a corporation organized and existing under the law of
14 the State of Washington having a principal place of business at 308 Occidental Avenue South,
15 Suite 300, Seattle, Washington 98104. HTC America can be served with process by serving
16 its registered agent, Cogency Global Inc., 1780 Barnes Blvd SW, Tumwater, Washington
17 98512.

18 **JURISDICTION AND VENUE**

19 5. This is an action for patent infringement in violation of the Patent Act of the United
20 States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271(a)-(c) and 281-285.

21 6. The Court has original and exclusive subject matter jurisdiction over the patent
22 infringement claims for relief under 28 U.S.C. §§ 1331 and 1338(a).

23 7. This Court has personal jurisdiction over Defendant. Defendant is a Washington
24 corporation with established regular places of business in the State of Washington and this
25 District. Defendant has conducted and continues to conduct business within the State of
26 Washington. Defendant, directly or through subsidiaries or intermediaries (including

1 distributors, retailers, and others), ships, distributes, offers for sale, sells, designs,
2 manufactures, and advertises products and/or services that infringe the Patents-in-suit in the
3 United States, the State of Washington, and the Western District of Washington.

4 8. Defendant, directly and/or through subsidiaries and intermediaries, has
5 purposefully and voluntarily placed one or more of its infringing Accused Devices, as
6 described below, into the stream of commerce with the expectation that they will be purchased
7 and used by consumers in the Western District of Washington. These infringing Accused
8 Devices have been and continue to be purchased and used by consumers in the Western
9 District of Washington. Defendant has committed acts of patent infringement within the State
10 of Washington and, more particularly, within the Western District of Washington.

11 9. Venue is proper in the Western District of Washington under 28 U.S.C. § 1400(b)
12 because Defendant HTC America is subject to personal jurisdiction in this District, and as a
13 Washington corporation has its principal place of business in Seattle, Washington. Hence,
14 HTC America resides in this District. Further, HTC America has committed acts of
15 infringement, has a regular and established place of business in this District, i.e., Seattle,
16 Washington, and a substantial part of the events or omissions giving rise to the claims herein
17 occurred in this judicial district.

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20 **FACTUAL BACKGROUND**

21 **A. Inventor Charles A. Lemaire**

22 10. Lemaire Illumination restates and re-alleges each of the allegations set
23 forth herein and incorporates them herein.

24 11. Mr. Charles A. Lemaire is one of the inventors of each of the Patents-in-
25 suit as well as the director and a member of Lemaire Illumination.

1 12. Passionate about computers, optics, semiconductors, and electronics,
2 Mr. Lemaire has spent more than three decades developing and perfecting a range of high-
3 performance computers and other technologies.

4 13. Mr. Lemaire received his undergraduate degree in electrical engineering
5 from the University of Minnesota with an emphasis on very-large-scale integration (“VLSI”)
6 circuits and integrated circuit fabrication. Fascinated about the area and willing to solidify his
7 training in electronics, Mr. Lemaire went on to take numerous graduate courses in electronics,
8 lasers, magnetics, and coding theory.

9 14. Mr. Lemaire continued his education earning an MBA from the College
10 of St. Thomas and a law degree from William Mitchell College of Law.

11 15. Upon obtaining his undergraduate electronics degree, Mr. Lemaire
12 completed an internship with Lawrence Livermore National Laboratory in California. After
13 numerous graduate-school courses, he practiced as an electronics and software engineer with
14 the IBM Corporation for more than seventeen years. After earning his law degree, Lemaire
15 practiced patent law with the Intellectual Property Group at the law firm of Schwegman,
16 Lundberg and Woessner, P.A. Mr. Lemaire is currently the founder and president of the
17 Lemaire Patent Law Firm, PLLC.

18 16. Mr. Lemaire began working on his very first patented co-invention in
19 the early 1980s and he continues to this day to use his knowledge and his vast experience to
20 innovate and improve various technologies.

21 **B. Mr. Lemaire’s Inventions related to LEDs**

22 17. Lemaire Illumination restates and re-alleges each of the allegations set
23 forth herein and incorporates them herein.

24 18. Prior to Mr. Lemaire’s work, LEDs were typically driven by a voltage
25 supply that supplied current through a current-limiting resistor. The brightness changed as
26 the voltage changed; for example, as a battery drained, LEDs grew dimmer. Some companies

1 at that time used pulsed electrical current to drive red LEDs to obtain monochrome images
2 that were analyzed for machine-vision automation applications. Other companies used
3 varying pulse widths to change the relative amounts of pulsed electrical current to drive red-,
4 green-, and blue-light LEDs to obtain mixes of colors, but not while maintaining the
5 illumination at a given level, nor to obtain color balance for digital color photos.

6 19. Over a period of approximately eight years, Mr. Lemaire worked with a
7 team that included Mr. Lemaire's future co-inventors, Mr. Gary A. Lebens and Mr. Charles
8 T. Bourn, to contribute to several innovations covering the LED field. Mr. Lebens, Mr. Bourn,
9 and Mr. Lemaire considered how to drive LEDs more efficiently, how to maintain
10 illumination brightness over a range of input voltages, and how to obtain and use various color
11 spectra that were newly enabled by gallium nitride ("GaN") LEDs.

12 20. Mr. Lemaire's wide-ranging engineering background enabled him to
13 envision new applications for the pulsed LED illumination and new ways to modify and
14 control the color spectrum while maintaining a given brightness. As a result, Mr. Lemaire,
15 together with Mr. Lebens and Mr. Bourn, co-invented several related inventions involving
16 various applications for LEDs.

17 21. An initial patent application, U.S. Application No. 09/044,559, filed on
18 March 19, 1998 (the "'559" Application), described several inventions that contributed
19 greatly to methods, devices, and applications related to LED technology that extended way
20 beyond the old premise of supplying pulsed current to LEDs. The '559 Application duly and
21 legally issued as the '661 Patent on August 1, 2000.

22 22. While the '559 Application was still pending, the first of several
23 divisional and continuation patent applications was filed, each duly and legally claiming
24 priority to the original '559 Application. These additional patent applications form a portfolio
25 that contains claims to other inventions described in the specification and drawings of the
26 original '559 Application.

1 23. On October 28, 2004, Mr. Lemaire purchased the entire portfolio of
2 patents related to the initial '661 Patent, including a related pending patent application at the
3 time and all future applications based on the original '661 Patent filed in the United States
4 and all foreign countries, including the '390 Patent and the '266 Patent.

5 **C. Lemaire Illumination**

6 24. Lemaire Illumination restates and re-alleges each of the allegations set
7 forth herein and incorporates them herein.

8 25. In 2011, following his entrepreneurial spirit, Mr. Lemaire co-founded
9 Lemaire Illumination Technologies, LLC with the intent to develop and license various LED
10 technologies based on the LED patents co-invented and owned by Mr. Lemaire.

11 26. Today, Lemaire Illumination owns a diverse portfolio of electrical
12 patents, including the Patents-in-suit.

13 27. Over the last four and a half years, Lemaire Illumination's portfolio has
14 increased substantially through Mr. Lemaire's efforts to strengthen the color-spectrum-
15 control and color-balance technology and better understand and address the needs of the LED
16 industry.

17 **D. Lemaire Illumination Patents**

18 28. Lemaire Illumination restates and re-alleges each of the allegations set
19 forth herein and incorporates them herein.

20 29. The United States Patent and Trademark Office (the "USPTO") has
21 recognized the contributions of Mr. Lemaire to the public domain and it has awarded Mr.
22 Lemaire numerous patents.

23 30. Lemaire Illumination is the owner of the entire right, title, and interest
24 in and to the '661 Patent entitled "Method and Apparatus for an L.E.D. Flashlight" that issued
25 on August 1, 2000. Lemaire Illumination holds the exclusive rights to bring suit with respect
26

1 to any past, present, and future infringement of the '661 Patent. A copy of the '661 Patent is
2 attached as Exhibit A hereto.

3 31. Claim 32 of the '661 Patent, which depends from claim 31, is exemplary
4 and recites as follows: An illumination source, comprising: (a) a light-emitting diode (LED)
5 housing comprising one or more LEDs; (b) a source of electrical power; and (c) a control
6 circuit that selectively applies power from a source of electric power to the one or more LEDs
7 to substantially maintain a predetermined color spectrum of the one or more LEDs as a voltage
8 of the source of electric power varies over a range that would otherwise vary the light output
9 color spectrum, wherein: the one or more LEDs comprise one or more LEDs having a first
10 characteristic color spectrum output and one or more LEDs having a second characteristic
11 color spectrum output, the first characteristic color spectrum output different from the second
12 characteristic color spectrum output; and wherein the control circuit controls a pulse
13 characteristic in order to control the proportion of light output having the first characteristic
14 color spectrum output to that having the second characteristic color spectrum output.

15 32. Claim 34 of the '661 Patent is exemplary and recites as follows: An
16 illumination source, comprising: (a) a light-emitting diode (LED) housing comprising one or
17 more LEDs; and (b) an electrical control circuit that selectively applies pulsed power from a
18 DC voltage source of electric power to the LEDs to control a light output color spectrum of
19 the one or more LEDs and maintain a predetermined light output level of the LED units as a
20 charge on the DC voltage source varies.

21 33. Claim 35 of the '661 Patent recites: The illumination source of claim 34,
22 wherein: the one or more LEDs comprise one or more LEDs having a first characteristic color
23 spectrum output and one or more LEDs having a second characteristic color spectrum output,
24 the first characteristic color spectrum output different from the second characteristic color
25 spectrum output; and wherein the control circuit controls one or more pulse characteristics in
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1 order to control the proportion of light output having the first characteristic color spectrum
2 output to that having the second characteristic color spectrum output.

3 34. Lemaire Illumination is the owner of the entire right, title, and interest
4 in and to the '390 Patent entitled "Color-Adjusted Camera Light and Method" that issued on
5 December 3, 2002. Lemaire Illumination holds the exclusive rights to bring suit with respect
6 to any past, present, and future infringement of the '390 Patent. A copy of the '390 Patent is
7 attached as Exhibit B hereto.

8 35. Claim 8 of the '390 Patent, which depends from claim 1, is exemplary
9 and recites as follows: A portable video camera and illumination source system, comprising:
10 a housing; one or more light-emitting diodes (LEDs) attached to the housing; a video camera
11 imaging device attached to the housing; a control circuit that selectively applies a plurality of
12 pulses from a source of electric power to the one or more LEDs; and a feedback signal coupled
13 to the control circuit, wherein the control circuit changes a characteristic of each one of the
14 plurality of pulses to control a light output characteristic of the LEDs based on the feedback
15 signal, wherein the feedback signal is based on a color balance of a output signal from the
16 imaging device and the control circuit separately adjusts the light output characteristic of each
17 of a plurality of different color LEDs.

18 36. Claim 40 of the '390 Patent, which depends from claim 35, is exemplary
19 and recites as follows: A method for illuminating a scene comprising: controlling one or more
20 light output pulses, directed towards the scene, of one or more light-emitting diodes (LEDs);
21 obtaining a video image of the scene; and generating feedback, wherein the controlling
22 maintains a characteristic of the illumination on the scene by varying the pulses of the LEDs
23 based on the feedback, wherein the feedback is based at least in part on a measurement of
24 color.

25 37. Lemaire Illumination is the owner of the entire right, title, and interest
26 in and to the '266 Patent entitled "Pulsed L.E.D. Illumination Apparatus and Method" and

1 issued on August 25, 2015. Lemaire Illumination holds the exclusive rights to bring suit with
2 respect to any past, present, and future infringement of the '266 Patent. A copy of the '266
3 Patent is attached as Exhibit C hereto.

4 38. Claim 2 of the '266 Patent, which depends from claim 1, is exemplary
5 and recites: An apparatus comprising: a device that includes an electronic camera configured
6 to output an image signal; a measurement unit configured to measure a color balance of the
7 image signal; a plurality of light-emitting diodes (LEDs) mounted to the device, wherein the
8 plurality of light-emitting diodes includes one or more LEDs having a first characteristic
9 spectrum and one or more LEDs having a second characteristic spectrum, wherein the first
10 characteristic spectrum is different from the second characteristic spectrum; a control circuit,
11 operably coupled to the measurement unit and to the plurality of light emitting diodes, wherein
12 the control circuit controls a pulse characteristic to the one or more LEDs having a first
13 characteristic spectrum in order to change a proportion of light output having the first
14 characteristic spectrum to that having the second characteristic spectrum that is different than
15 the first spectrum based at least in part on the measured color balance of the image signal; a
16 DC voltage source, wherein the control circuit generates the series of pulses such that the
17 average intensity of the light from the light-emitting diodes is kept constant as a voltage of
18 the DC voltage source changes.

19 39. Claim 5 of the '266 Patent, which depends from claim 1, is exemplary
20 and recites: An apparatus comprising: a device that includes an electronic camera configured
21 to output an image signal; a measurement unit configured to measure a color balance of the
22 image signal; a plurality of light-emitting diodes (LEDs) mounted to the device, wherein the
23 plurality of light-emitting diodes includes one or more LEDs having a first characteristic
24 spectrum and one or more LEDs having a second characteristic spectrum, wherein the first
25 characteristic spectrum is different from the second characteristic spectrum; a control circuit,
26 operably coupled to the measurement unit and to the plurality of light emitting diodes, wherein

1 the control circuit controls a pulse characteristic to the one or more LEDs having a first
2 characteristic spectrum in order to change a proportion of light output having the first
3 characteristic spectrum to that having the second characteristic spectrum that is different than
4 the first spectrum based at least in part on the measured color balance of the image signal,
5 wherein the control circuit also controls a pulse width of pulses applied to the plurality of
6 light-emitting diodes based on a measured light output intensity of the plurality of light-
7 emitting diodes.

8 40. Claim 17 of the '266 Patent, which depends from claim 16, is exemplary
9 and recites: An apparatus comprising: a device that includes an electronic camera configured
10 to output an image signal; a measurement unit configured to measure a color balance of the
11 image signal; a plurality of light-emitting diodes mounted to the device, wherein the plurality
12 of light-emitting diodes includes one or more LEDs having a first characteristic spectrum and
13 one or more LEDs having a second characteristic spectrum, wherein the first characteristic
14 spectrum is different from the second characteristic spectrum; means for adjusting a color
15 spectrum of light from the plurality of light-emitting diodes based at least in part on the
16 measured color balance, wherein the means for adjusting the color spectrum comprises: means
17 for generating a feedback signal based on the color balance of light from the plurality of light-
18 emitting diodes, wherein the means for generating of the series of pulses includes means for
19 controlling the color of light from the plurality of light-emitting diodes using means for
20 adjusting an amount of current through the plurality of light-emitting diodes based on the
21 feedback signal.

22 41. On information and belief, the Defendant was well aware of the '661
23 Patent, the '390 Patent, and the '266 Patent since at least the filing of this action.

24 **E. Conduct by Defendant**

25 **i. The HTC One M8 Smartphone Device**

1 42. Lemaire Illumination restates and re-alleges each of the allegations set
2 forth herein and incorporates them herein.

3 43. On information and belief, on or about March 25, 2014, Defendant
4 unveiled the HTC One M8 smartphone device worldwide. *See* Exhibit D.

5 44. On information and belief, on or about March 25, 2014, Defendant began
6 making, using, importing, providing, supplying, distributing, selling, and/or offering for sale
7 the HTC One M8 smartphone device in the United States. *See id.*

8 45. On information and belief, the HTC One M8 smartphone device
9 includes, among other things, a housing, an electrical control circuit, a measurement unit
10 (which can be a processor and/or a sensor), a camera, a dual LED flash that includes one or
11 more LEDs, and a battery that provides DC voltage to the one or more LEDs of the HTC One
12 M8 smartphone device. *See* Exhibit D; *see also* Exhibit E; *see also* Exhibit F.

13 46. On information and belief, when the camera of the HTC One M8
14 smartphone device is activated to capture an image, the electrical control circuit selectively
15 provides a set of pulses from the battery to the dual LED flash, which generates a light output
16 of the one or more LEDs. This set of pulses changes to control a color spectrum of the light
17 output of the one or more LEDs of the dual LED flash and to maintain the light output as the
18 DC voltage source (i.e., the battery) charge varies. Further, the control circuit adjusts a height
19 of the pulses to control a color spectrum of the LED output light and adjusts an LED on-time
20 proportion to control an amount of the output light. According to Defendant:

21 [t]he twin LED Smart Flash system is designed to vastly improve flash photos,
22 eliminating the overblown glare and unnatural color of typical flash systems.
23 *It works by making an instant light reading and firing the cool and warm LEDs*
24 *in one of over a five hundred unique color temperature combinations that best*
25 *match the scene.* This results in precisely controlled exposures, yielding more
26 true-to-life pictures with vivid, authentic colors and especially accurate skin
tones, even in difficult lighting conditions.

(emphasis added) Exhibit E. Further, the dual LED flash “[w]hen the flash is required, the
intelligent LED Dual Flash automatically selects the exact color tone and light intensity for

1 more natural skin tones and a professional-looking shot.” (emphasis added) Exhibit D.

2 47. On information and belief, at least the camera of the HTC One M8
3 smartphone device outputs an image signal, and the measurement unit measures a color
4 balance of the image signal. *See* Exhibit E.

5 **ii. The HTC One M9 Smartphone Device**

6 48. Lemaire Illumination restates and re-alleges each of the allegations set
7 forth herein and incorporates them herein.

8 49. On information and belief, on or about March 1, 2015, Defendant
9 unveiled the HTC One M9 smartphone device at a launch event in Barcelona, Spain. *See*
10 Exhibit G.

11 50. On information and belief, on or about March 27, 2015, Defendant began
12 making, using, importing, providing, supplying, distributing, selling, and/or offering for sale
13 the HTC One M9 smartphone device in the United States. *See* Exhibit H.

14 51. On information and belief, the HTC One M9 smartphone device
15 includes, among other things, a housing, an electrical control circuit, a measurement unit
16 (which can be a processor and/or a sensor), a camera, a dual LED flash that includes one or
17 more LEDs, and a battery that provides DC voltage to the one or more LEDs of the HTC One
18 M9 smartphone device. *See* Exhibit I.

19 52. On information and belief, when the camera of the HTC One M9
20 smartphone device is activated to capture an image, the electrical control circuit selectively
21 provides a set of pulses from the battery to the dual LED flash, which generates a light output
22 of the one or more LEDs. This set of pulses changes to control a color spectrum of the light
23 output of the one or more LEDs of the dual LED flash and to maintain the light output as the
24 DC voltage source (i.e., the battery) charge varies. Further, the control circuit adjusts a height
25 of the pulses to control a color spectrum of the LED output light and adjusts an LED on-time
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1 proportion to control an amount of the output light. *See* Exhibit G; *See also* Exhibit H; *see*
2 *also* Exhibit I.

3 53. On information and belief, at least the camera of the HTC One M9
4 smartphone device outputs an image signal, and the measurement unit measures a color
5 balance of the image signal. *See id.*

6 **iii. The HTC 10 Smartphone Device**

7 54. Lemaire Illumination restates and re-alleges each of the allegations set
8 forth herein and incorporates them herein.

9 55. On information and belief, on or about April 12, 2016, Defendant
10 unveiled the HTC 10 smartphone device worldwide with a launch event in Seattle,
11 Washington. *See* Exhibit J.

12 56. On information and belief, on or about April 12, 2016, Defendant began
13 making, using, importing, providing, supplying, distributing, selling, and/or offering for sale
14 the HTC 10 smartphone device in the United States. *See* Exhibit K.

15 57. On information and belief, the HTC 10 smartphone device includes,
16 among other things, a housing, an electrical control circuit, a measurement unit (which can be
17 a processor and/or a sensor), a camera, a dual LED flash that includes one or more LEDs, and
18 a battery that provides DC voltage to the one or more LEDs of the HTC 10 smartphone device.
19 *See* Exhibit L; *see also* Exhibit M.

20 58. On information and belief, when the camera of the HTC 10 smartphone
21 device is activated to capture an image, the electrical control circuit selectively provides a set
22 of pulses from the battery to the dual LED flash, which generates a light output of the one or
23 more LEDs. This set of pulses changes to control a color spectrum of the light output of the
24 one or more LEDs of the dual LED flash and to maintain the light output as the DC voltage
25 source (i.e., the battery) charge varies. Further, the control circuit adjusts a height of the
26

1 pulses to control a color spectrum of the LED output light and adjusts an LED on-time
2 proportion to control an amount of the output light. *See id.*

3 59. On information and belief, at least the camera of the HTC 10 smartphone
4 device outputs an image signal, and the measurement unit measures a color balance of the
5 image signal. *See id.*

6 **iv. The HTC Desire Eye Smartphone Device**

7 60. Lemaire Illumination restates and re-alleges each of the allegations set forth herein
8 and incorporates them herein.

9 61. On information and belief, on or about October 8, 2014, Defendant
10 unveiled the HTC Desire Eye smartphone device worldwide with a launch event in New York
11 City. *See Exhibit N.*

12 62. On information and belief, on or about October 8, 2014, Defendant
13 began making, using, importing, providing, supplying, distributing, selling, and/or offering
14 for sale the HTC Desire Eye smartphone device in the United States. *See id.*

15 63. On information and belief, the HTC Desire Eye smartphone device
16 includes, among other things, a housing, an electrical control circuit, a measurement unit
17 (which can be a processor and/or a sensor), a rear-facing camera, a front-facing camera, a dual
18 LED flash adjacent the rear-facing camera that includes one or more LEDs, a dual LED flash
19 adjacent the front-facing camera that includes one or more LEDs and a battery that provides
20 DC voltage to the one or more LEDs of each of the dual LED flash adjacent the rear-facing
21 camera and the dual LED flash adjacent the front-facing camera of the HTC Desire Eye
22 smartphone device. *See Exhibit O; see also Exhibit N.*

23 64. On information and belief, when the rear-facing camera of the HTC
24 Desire Eye smartphone device is activated to capture an image, the electrical control circuit
25 selectively provides a set of pulses from the battery to the dual LED flash adjacent the rear-
26 facing camera, which generates a light output of the one or more LEDs. This set of pulses

1 changes to control a color spectrum of the light output of the one or more LEDs of the dual
2 LED flash adjacent the rear-facing camera and to maintain the light output as the DC voltage
3 source (i.e., the battery) charge varies. Further, the control circuit adjusts a height of the
4 pulses to control a color spectrum of the LED output light and adjusts an LED on-time
5 proportion to control an amount of the output light. According to Defendant, “BSI sensors
6 capture crisp photos, even in low-light conditions, and *intelligent dual-LED flash on both*
7 *cameras provides flattering, natural tones when ambient light levels drop further.*” (emphasis
8 added) Exhibit N.

9 65. On information and belief, at least the rear-facing camera of the HTC
10 Desire Eye smartphone device outputs an image signal, and the measurement unit measures
11 a color balance of the image signal. *See* Exhibit O; *see also* Exhibit N.

12 66. On information and belief, when the front-facing camera of the HTC
13 Desire Eye smartphone device is activated to capture an image, the electrical control circuit
14 selectively provides a set of pulses from the battery to the dual LED flash adjacent the front-
15 facing camera, which generates a light output of the one or more LEDs. This set of pulses
16 changes to control a color spectrum of the light output of the one or more LEDs of the dual
17 LED flash adjacent the front-facing camera and to maintain the light output as the DC voltage
18 source (i.e., the battery) charge varies. Further, the control circuit adjusts a height of the
19 pulses to control a color spectrum of the LED output light and adjusts an LED on-time
20 proportion to control an amount of the output light. According to Defendant, “BSI sensors
21 capture crisp photos, even in low-light conditions, and *intelligent dual-LED flash on both*
22 *cameras provides flattering, natural tones when ambient light levels drop further.*” (emphasis
23 added) Exhibit N.

24 67. On information and belief, at least the front-facing camera of the HTC
25 Desire Eye smartphone device outputs an image signal, and the measurement unit measures
26 a color balance of the image signal. *See* Exhibit O; *see also* Exhibit N.

1 **v. The HTC U Ultra Smartphone Device**

2 68. Lemaire Illumination restates and re-alleges each of the allegations set forth
3 herein and incorporates them herein.

4 69. On information and belief, on or about January 12, 2017, Defendant unveiled the
5 HTC U Ultra smartphone device worldwide. *See* Exhibit P.

6 70. On information and belief, on or about March 10, 2017, Defendant began making,
7 using, importing, providing, supplying, distributing, selling, and/or offering for sale the HTC
8 U Ultra smartphone device in the United States. *See* Exhibit Q.

9 71. On information and belief, the HTC U Ultra smartphone device includes, among
10 other things, a housing, an electrical control circuit, a measurement unit (which can be a
11 processor and/or a sensor), a camera, a dual LED flash that includes one or more LEDs, and
12 a battery that provides DC voltage to the one or more LEDs of the HTC U Ultra smartphone
13 device. *See* Exhibit R; *see also* Exhibit S.

14 72. On information and belief, when the camera of the HTC U Ultra smartphone device
15 is activated to capture an image, the electrical control circuit selectively provides a set of
16 pulses from the battery to the dual LED flash, which generates a light output of the one or
17 more LEDs. This set of pulses changes to control a color spectrum of the light output of the
18 one or more LEDs of the dual LED flash and to maintain the light output as the DC voltage
19 source (i.e., the battery) charge varies. Further, the control circuit adjusts a height of the
20 pulses to control a color spectrum of the LED output light and adjusts an LED on-time
21 proportion to control an amount of the output light. *See id.*

22 73. On information and belief, at least the camera of the HTC U Ultra smartphone
23 device outputs an image signal, and the measurement unit measures a color balance of the
24 image signal. *See id.*

COUNT I

INFRINGEMENT OF UNITED STATES PATENT NO. 6,095,661

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3 74. Lemaire Illumination restates and re-alleges each of the allegations set
4 forth herein and incorporates them herein.

5 75. On August 1, 2000, the '661 Patent entitled "Method and Apparatus for
6 an L.E.D. Flashlight" was duly and legally issued by the USPTO.

7 76. Lemaire Illumination owns the '661 Patent by assignment and possesses
8 all rights of recovery under the '661 Patent, including the exclusive right to sue for
9 infringement, recover damages, and obtain injunctive relief.

10 77. Lemaire Illumination has not licensed or otherwise authorized, explicitly
11 or implicitly, the '661 Patent in any way to Defendant.

12 78. Defendant, directly or through intermediaries, has been and is now,
13 among other things, making, using, importing, providing, supplying, distributing, selling,
14 and/or offering for sale apparatuses including, without limitation, the Accused Devices that
15 are covered by one or more claims of the '661 Patent, in the State of Washington, in this
16 judicial district, and elsewhere in the United States. In doing so, Defendant infringes one or
17 more claims of the '661 Patent, literally or under the doctrine of equivalents, under 35 U.S.C.
18 § 271(a), including claims 32, 34, and 35 of the '661 Patent.

19 79. For example, each of the Accused Devices directly infringes claim 32 of
20 the '661 Patent because each Accused Device is an illumination source and has at least a light-
21 emitting diode (LED) housing comprising one or more LEDs, i.e., each of the Accused
22 Devices has a dual LED flash having one or more LEDs and supporting case structure; a
23 source of electrical power, i.e., each of the Accused Devices has at least a battery, which is a
24 source of electrical power; and a control circuit that selectively applies power from a source
25 of electric power to the one or more LEDs to substantially maintain a predetermined color
26 spectrum of the one or more LEDs as a voltage of the source of electric power varies over a

1 range that would otherwise vary the light output color spectrum, i.e., each of the Accused
2 Devices includes a control circuit that selectively applies power from a source of electric
3 power to the one or more LEDs to substantially maintain a predetermined color spectrum of
4 the one or more LEDs as a voltage of the source of electric power varies over a range that
5 would otherwise vary the light output color spectrum; wherein: the one or more LEDs
6 comprise one or more LEDs having a first characteristic color spectrum output and one or
7 more LEDs having a second characteristic color spectrum output, the first characteristic color
8 spectrum output different from the second characteristic color spectrum output, i.e., in each
9 of the Accused Devices one or more LEDs in the dual flash having a first characteristic color
10 spectrum output and one or more LEDs having a second characteristic color spectrum output,
11 the first characteristic color spectrum output different from the second characteristic color
12 spectrum output; and wherein the control circuit controls a pulse characteristic in order to
13 control the proportion of light output having the first characteristic color spectrum output to
14 that having the second characteristic color spectrum output, i.e., the control circuit in each of
15 the Accused Devices controls a pulse characteristic in order to control the proportion of light
16 output having the first characteristic color spectrum output to that having the second
17 characteristic color spectrum output. *See* Exhibits A, D-S.

18 80. For example, each of the Accused Devices directly infringes claim 34 of
19 the '661 Patent because each Accused Device is an illumination source and has at least a light-
20 emitting diode (LED) housing comprising one or more LEDs, i.e., each of the Accused
21 Devices has a dual LED flash having one or more LEDs and supporting case structure, and
22 an electrical control circuit that selectively applies pulsed power from a DC voltage source of
23 electric power to the LEDs to control a light output color spectrum of the one or more LEDs
24 and maintain a predetermined light output level of the LED units as a charge on the DC voltage
25 source varies, i.e., each of the Accused Devices has an electrical control circuit that selectively
26 provides a set of pulses from the battery to the dual LED flash, which generates a light output

1 of the one or more LEDs of the dual LED flash. This set of pulses changes to control a color
2 spectrum of the light output of the one or more LEDs of the dual LED flash and maintains the
3 light output as the DC voltage source (i.e., the battery) charge varies. *See* Exhibits A, D-S.

4 81. For example, each of the Accused Devices directly infringes claim 35 of
5 the '661 Patent because each Accused Devices includes all limitations of claim 34 and
6 wherein: the one or more LEDs comprise one or more LEDs having a first characteristic color
7 spectrum output and one or more LEDs having a second characteristic color spectrum output,
8 the first characteristic color spectrum output different from the second characteristic color
9 spectrum output, i.e., the one or more LEDs of the dual flash of each Accused Devices
10 comprise one or more LEDs having a first characteristic color spectrum output and one or
11 more LEDs having a second characteristic color spectrum output, the first characteristic color
12 spectrum output different from the second characteristic color spectrum output; and wherein
13 the control circuit controls one or more pulse characteristics in order to control the proportion
14 of light output having the first characteristic color spectrum output to that having the second
15 characteristic color spectrum output, i.e., in each of the Accused Devices the control circuit
16 controls one or more pulse characteristics in order to control the proportion of light output
17 having the first characteristic color spectrum output to that having the second characteristic
18 color spectrum output. *See* Exhibits A, D-S.

19 82. On information and belief, Defendant has infringed the '661 Patent by
20 inducing others, including at least users of the Accused Devices, through its advertising,
21 publications, instructions, manuals, and/or technical support to infringe claims 32, 34, and 35
22 of the '661 Patent in violation of 35 U.S.C. § 271(b). *See, e.g.,* Exhibits D, E, N.

23 83. On information and belief, Defendant takes active steps to induce
24 infringement of claims 32, 34, and 35 of the '661 Patent by others, including its customers,
25 authorized resellers, distributors, and users of the Accused Devices, and Defendant takes such
26 active steps knowing that those steps will induce, encourage, and facilitate direct infringement

1 by others. Such active steps include, but are not limited to, encouraging, advertising
2 (including by internet websites, television, store displays, etc.), promoting, and instructing
3 others to use and/or how to use at least the camera and flash systems of the Accused Devices.

4 *See id.*

5 84. On information and belief, Defendant knows or should know that such
6 activities induce others to directly infringe claims 32, 34, and 35 of the '661 Patent, including
7 for example, by encouraging them to use and/or how to use at least the camera and flash
8 systems of the Accused Devices.

9 85. On information and belief, Defendant contributes to the infringement of
10 claims 32, 34, and 35 of the '661 Patent by others, including its customers, authorized
11 resellers, and distributors, and users of the Accused Devices. Acts by Defendant that
12 contributes to the infringement by others include, but are not limited to, the sale, offer for sale,
13 and/or import by Defendant of at least the Accused Devices for use in the claimed processes
14 of the '661 Patent and/or the camera and flash component systems of the Accused Devices
15 which are not staple articles or capable of substantial non-infringing uses, and constitute a
16 material part of the inventions claimed in claims 32, 34, and 35 of the '661 Patent. Defendant
17 knew or should have known that at least the Accused Devices and/or the camera and flash
18 component systems of the Accused Devices were especially made or adapted for use in an
19 infringement of claims 32, 34, and 35 of the '661 Patent.

20 86. Defendant undertook and continues infringing actions despite that such
21 activities infringe the '661 Patent, which has been duly issued by the USPTO, and is presumed
22 valid. For example, since at least the filing of this action, Defendant has been aware that its
23 actions constituted and continues to constitute infringement of the '661 Patent, and that the
24 '661 Patent is valid. Despite its knowledge that its actions constitute infringement, Defendant
25 has continued its infringing activities in a willful, wanton, malicious, bad-faith, deliberate,
26

1 consciously wrongful or flagrant manner, which is an egregious case of culpable behavior.
2 As such, Defendant willfully infringes the '661 Patent.

3 87. Lemaire Illumination has been injured and has been caused significant
4 financial damage as a direct and proximate result of the Defendant's infringement of the '661
5 Patent.

6 88. Unless enjoined by this Court, Defendant will continue to infringe the
7 '661 Patent, and thus cause irreparable injury and damage to Lemaire Illumination.

8 89. Lemaire Illumination is entitled to recover from Defendant the damages
9 sustained by Lemaire Illumination as a result of the Defendant's wrongful acts in an amount
10 subject to proof at trial.

11 90. Lemaire Illumination has been irreparably injured and is entitled to seek
12 injunctive relief, in addition to all other legal and equitable remedies.

13 **COUNT II**

14 **INFRINGEMENT OF UNITED STATES PATENT NO. 6,488,390**

15 91. Lemaire Illumination restates and re-alleges each of the allegations set
16 forth herein and incorporates them herein.

17 92. On December 3, 2002, the '390 Patent entitled "Color-Adjusted Camera
18 Light and Method" was duly and legally issued by the USPTO.

19 93. Lemaire Illumination owns the '390 Patent by assignment and possesses
20 all rights of recovery under the '390 Patent, including the exclusive right to sue for
21 infringement, recover damages, and obtain injunctive relief.

22 94. Lemaire Illumination has not licensed or otherwise authorized, explicitly
23 or implicitly, the '390 Patent in any way to Defendant.

24 95. Defendant, directly or through intermediaries, has been and is now,
25 among other things, making, using, importing, providing, supplying, distributing, selling,
26 and/or offering for sale apparatuses including, without limitation, the HTC One M8

1 smartphone device, the HTC One M9 smartphone device, and the HTC Desire Eye
2 smartphone device that are covered by one or more claims of the '390 Patent, in the State of
3 Washington, in this judicial district, and elsewhere in the United States. In doing so,
4 Defendant infringes one or more claims of the '390 Patent, literally or under the doctrine of
5 equivalents, under 35 U.S.C. § 271(a), including claims 8 and 40 of the '390 Patent.

6 96. For example, each of the HTC One M8 smartphone device, the HTC One
7 M9 smartphone device, and the HTC Desire Eye smartphone device directly infringes claim
8 8 of the '390 Patent because each of the HTC One M8 smartphone device, the HTC One M9
9 smartphone device, and the HTC Desire Eye smartphone device is a portable video camera
10 and illumination source system that has at least a housing; one or more light-emitting diodes
11 (LEDs) attached to the housing, i.e., each of the HTC One M8 smartphone device, the HTC
12 One M9 smartphone device, and the HTC Desire Eye smartphone device has a dual flash that
13 includes one or more LEDs attached to the housing; a video camera imaging device attached
14 to the housing, i.e., each of the HTC One M8 smartphone device, the HTC One M9
15 smartphone device, and the HTC Desire Eye smartphone device has a video camera imaging
16 devices attached to the housing; a control circuit that selectively applies a plurality of pulses
17 from a source of electric power to the one or more LEDs; and a feedback signal coupled to
18 the control circuit, i.e., each of the HTC One M8 smartphone device, the HTC One M9
19 smartphone device, and the HTC Desire Eye smartphone device has a control circuit that
20 selectively applies a plurality of pulses from at least a battery to the dual flash that has one or
21 more LEDs; and a feedback signal coupled to the control circuit; wherein the control circuit
22 changes a characteristic of each one of the plurality of pulses to control a light output
23 characteristic of the LEDs based on the feedback signal, i.e., wherein the control circuit of
24 each of the HTC One M8 smartphone device, the HTC One M9 smartphone device, and the
25 HTC Desire Eye smartphone device changes a characteristic of each one of the plurality of
26 pulses to control a light output characteristic of the LEDs based on the feedback signal;

1 wherein the feedback signal is based on a color balance of a output signal from the imaging
2 device and the control circuit separately adjusts the light output characteristic of each of a
3 plurality of different color LEDs, i.e., the feedback signal of each of the HTC One M8
4 smartphone device, the HTC One M9 smartphone device, and the HTC Desire Eye
5 smartphone device is based on a color balance of a output signal from the imaging device and
6 the control circuit separately adjusts the light output characteristic of each of a plurality of
7 different color LEDs. *See* Exhibits B, D-I, N-O.

8 97. For example, each of the HTC One M8 smartphone device, the HTC One
9 M9 smartphone device, and the HTC Desire Eye smartphone device directly infringes claim
10 40 of the '390 Patent because each of the HTC One M8 smartphone device, the HTC One M9
11 smartphone device, and the HTC Desire Eye smartphone device performs a method for
12 illuminating a scene that includes at least the steps of: controlling one or more light output
13 pulses, directed towards the scene, of one or more light-emitting diodes (LEDs), i.e., each of
14 the HTC One M8 smartphone device, the HTC One M9 smartphone device, and the HTC
15 Desire Eye smartphone device controls one or more light output pulses, directed towards the
16 scene, of one or more light-emitting diodes (LEDs) of a dual flash; obtaining a video image
17 of the scene, i.e., each of the HTC One M8 smartphone device, the HTC One M9 smartphone
18 device, and the HTC Desire Eye smartphone device obtains a video image of the scene; and
19 generating feedback, wherein the controlling maintains a characteristic of the illumination on
20 the scene by varying the pulses of the LEDs based on the feedback, i.e., each of the HTC One
21 M8 smartphone device, the HTC One M9 smartphone device, and the HTC Desire Eye
22 smartphone device generates feedback, wherein the controlling maintains a characteristic of
23 the illumination on the scene by varying the pulses of the LEDs of the dual flash based on the
24 feedback, wherein the feedback is based at least in part on a measurement of color, i.e., the
25 feedback of each of the HTC One M8 smartphone device, the HTC One M9 smartphone
26

1 device, and the HTC Desire Eye smartphone device is based at least in part on a measurement
2 of color. *See* Exhibits B, D-I, N-O.

3 98. On information and belief, Defendant has infringed the '390 Patent by
4 inducing others, including at least users of the HTC One M8 smartphone device, the HTC
5 One M9 smartphone device, and the HTC Desire Eye smartphone device, through its
6 advertising, publications, instructions, manuals, and/or technical support to infringe one or
7 more of at least claims 8 and 40 of the '390 Patent in violation of 35 U.S.C. § 271(b). *See*,
8 e.g., Exhibits D, E, N.

9 99. On information and belief, Defendant takes active steps to induce
10 infringement of claims 8 and 40 of the '390 Patent by others, including its customers,
11 authorized resellers, distributors, and users of the HTC One M8 smartphone device, the HTC
12 One M9 smartphone device, and the HTC Desire Eye smartphone device, and Defendant takes
13 such active steps knowing that those steps will induce, encourage, and facilitate direct
14 infringement by others. Such active steps include, but are not limited to, encouraging,
15 advertising (including by internet websites, television, store displays, etc.), promoting, and
16 instructing others to use and/or how to use at least the camera and flash systems of the HTC
17 One M8 smartphone device, the HTC One M9 smartphone device, and the HTC Desire Eye
18 smartphone device. *See id.*

19 100. On information and belief, Defendant knows or should know that such
20 activities induce others to directly infringe claims 8 and 40 of the '390 Patent, including for
21 example, by encouraging them to use and/or how to use at least the camera and flash systems
22 of the HTC One M8 smartphone device, the HTC One M9 smartphone device, and the HTC
23 Desire Eye smartphone device.

24 101. On information and belief, Defendant contributes to the infringement of
25 claims 8 and 40 of the '390 Patent by others, including its customers, authorized resellers, and
26 distributors, and users of the HTC One M8 smartphone device, the HTC One M9 smartphone

1 device, and the HTC Desire Eye smartphone device. Acts by Defendant that contribute to the
2 infringement by others include, but are not limited to, the sale, offer for sale, and/or import
3 by Defendant of at least the HTC One M8 smartphone device, the HTC One M9 smartphone
4 device, and the HTC Desire Eye smartphone device for use in the claimed processes of the
5 '390 Patent and/or the camera and flash component systems of the HTC One M8 smartphone
6 device, the HTC One M9 smartphone device, and the HTC Desire Eye smartphone device
7 which are not staple articles or capable of substantial non-infringing uses, and constitute a
8 material part of the inventions claimed in claims 8 and 40 of the '390 Patent. Defendant knew
9 or should have known that at least the HTC One M8 smartphone device, the HTC One M9
10 smartphone device, and the HTC Desire Eye smartphone device and/or the camera and flash
11 component systems of the HTC One M8 smartphone device, the HTC One M9 smartphone
12 device, and the HTC Desire Eye smartphone device were especially made or adapted for use
13 in an infringement of claims 8 and 40 of the '390 Patent.

14 102. Defendant undertook and continues its infringing actions despite that
15 such activities infringe the '390 Patent, which has been duly issued by the USPTO, and is
16 presumed valid. For example, since at least the filing of this action, Defendant has been aware
17 that its actions constituted and continues to constitute infringement of the '390 Patent, and
18 that the '390 Patent is valid. Despite its knowledge that its actions constitute infringement in
19 a willful, wanton, malicious, bad-faith, deliberate, consciously wrongful or flagrant manner,
20 Defendant has continued its infringing activities, which is an egregious case of culpable
21 behavior. As such, Defendant willfully infringes the '390 Patent.

22 103. Lemaire Illumination has been injured and has been caused significant
23 financial damage as a direct and proximate result of the Defendant's infringement of the '390
24 Patent.

25 104. Unless enjoined by this Court, Defendant will continue to infringe the
26 '390 Patent, and thus cause irreparable injury and damage to Lemaire Illumination.

1 configured to measure a color balance of the image signal, i.e., each of the Accused Devices
2 includes a measurement unit configured to measure a color balance of the image signal; a
3 plurality of light-emitting diodes (LEDs) mounted to the device, i.e., each of the Accused
4 Devices has a dual flash that includes a plurality of light-emitting diodes (LEDs) mounted to
5 the device, wherein the plurality of light-emitting diodes includes one or more LEDs having
6 a first characteristic spectrum and one or more LEDs having a second characteristic spectrum,
7 i.e., the dual flash of each of the Accused Devices includes one or more LEDs having a first
8 characteristic spectrum and one or more LEDs having a second characteristic spectrum,
9 wherein the first characteristic spectrum is different from the second characteristic spectrum,
10 i.e., for each of the Accused Devices the first characteristic spectrum is different from the
11 second characteristic spectrum; a control circuit, operably coupled to the measurement unit
12 and to the plurality of light emitting diodes, i.e., each of the Accused Devices includes a
13 control circuit, operably coupled to the measurement unit and to the plurality of light emitting
14 diodes, wherein the control circuit controls a pulse characteristic to the one or more LEDs
15 having a first characteristic spectrum in order to change a proportion of light output having
16 the first characteristic spectrum to that having the second characteristic spectrum that is
17 different than the first spectrum based at least in part on the measured color balance of the
18 image signal, i.e., the control signal of each of the Accused Devices controls a pulse
19 characteristic to the one or more LEDs having a first characteristic spectrum in order to change
20 a proportion of light output having the first characteristic spectrum to that having the second
21 characteristic spectrum that is different than the first spectrum based at least in part on the
22 measured color balance of the image signal; a DC voltage source, wherein the control circuit
23 generates the series of pulses such that the average intensity of the light from the light-emitting
24 diodes is kept constant as a voltage of the DC voltage source changes, i.e., each of the Accused
25 Devices includes at least a battery which is a DC voltage source, wherein the control circuit
26

1 generates the series of pulses such that the average intensity of the light from the light-emitting
2 diodes is kept constant as a voltage of the DC voltage source changes. *See* Exhibits C-S.

3 113. For example, each of the Accused Devices directly infringes claim 5 of
4 the '266 Patent because each Accused Device is an apparatus that includes at least a device
5 that includes an electronic camera configured to output an image signal; a measurement unit
6 configured to measure a color balance of the image signal, i.e., each of the Accused Devices
7 includes a measurement unit configured to measure a color balance of the image signal; a
8 plurality of light-emitting diodes (LEDs) mounted to the device, i.e., each of the Accused
9 Devices has a dual flash that includes a plurality of light-emitting diodes (LEDs) mounted to
10 the device, wherein the plurality of light-emitting diodes includes one or more LEDs having
11 a first characteristic spectrum and one or more LEDs having a second characteristic spectrum,
12 i.e., the dual flash of each of the Accused Devices includes one or more LEDs having a first
13 characteristic spectrum and one or more LEDs having a second characteristic spectrum,
14 wherein the first characteristic spectrum is different from the second characteristic spectrum,
15 i.e., for each of the Accused Devices the first characteristic spectrum is different from the
16 second characteristic spectrum; a control circuit, operably coupled to the measurement unit
17 and to the plurality of light emitting diodes, i.e., each of the Accused Devices includes a
18 control circuit, operably coupled to the measurement unit and to the plurality of light emitting
19 diodes, wherein the control circuit controls a pulse characteristic to the one or more LEDs
20 having a first characteristic spectrum in order to change a proportion of light output having
21 the first characteristic spectrum to that having the second characteristic spectrum that is
22 different than the first spectrum based at least in part on the measured color balance of the
23 image signal, i.e., the control signal of each of the Accused Devices controls a pulse
24 characteristic to the one or more LEDs having a first characteristic spectrum in order to change
25 a proportion of light output having the first characteristic spectrum to that having the second
26 characteristic spectrum that is different than the first spectrum based at least in part on the

1 measured color balance of the image signal; wherein the control circuit also controls a pulse
2 width of pulses applied to the plurality of light-emitting diodes based on a measured light
3 output intensity of the plurality of light-emitting diodes, i.e., the control circuit of each of the
4 Accused Devices also controls a pulse width of pulses applied to the plurality of light-emitting
5 diodes of the dual flash based on a measured light output intensity of the plurality of light-
6 emitting diodes of the dual flash. *See* Exhibits C-S.

7 114. For example, each of the Accused Devices directly infringes claim 17 of
8 the '266 Patent because each Accused Device is an apparatus that includes at least a device
9 that includes an electronic camera configured to output an image signal; a measurement unit
10 configured to measure a color balance of the image signal, i.e., each of the Accused Devices
11 has a a measurement unit configured to measure a color balance of the image signal; a plurality
12 of light-emitting diodes mounted to the device, i.e., each of the Accused Devices has a dual
13 flash that includes a plurality of light-emitting diodes mounted to the device, wherein the
14 plurality of light-emitting diodes includes one or more LEDs having a first characteristic
15 spectrum and one or more LEDs having a second characteristic spectrum, wherein the first
16 characteristic spectrum is different from the second characteristic spectrum, i.e., the dual flash
17 having one or more LEDs of each of the Accused Devices includes one or more LEDs having
18 a first characteristic spectrum and one or more LEDs having a second characteristic spectrum,
19 wherein the first characteristic spectrum is different from the second characteristic spectrum;
20 means for adjusting a color spectrum of light from the plurality of light-emitting diodes based
21 at least in part on the measured color balance, i.e., each of the Accused Devices includes a
22 means for adjusting a color spectrum of light from the plurality of light-emitting diodes based
23 at least in part on the measured color balance, wherein the means for adjusting the color
24 spectrum comprises: means for generating a feedback signal based on the color balance of
25 light from the plurality of light-emitting diodes, i.e., the means for adjusting the color
26 spectrum of each of the Accused Devices includes at least means for generating a feedback

1 signal based on the color balance of light from the plurality of light-emitting diodes of the
2 dual flash; wherein the means for generating of the series of pulses includes means for
3 controlling the color of light from the plurality of light-emitting diodes using means for
4 adjusting an amount of current through the plurality of light-emitting diodes based on the
5 feedback signal, i.e., the means for generating of the series of pulses of each of the Accused
6 Devices includes means for controlling the color of light from the plurality of light-emitting
7 diodes using means for adjusting an amount of current through the plurality of light-emitting
8 diodes based on the feedback signal. *See* Exhibits C-S.

9 115. On information and belief, Defendant has infringed the '266 Patent by
10 inducing others, including at least users of the Accused Devices, through its advertising,
11 publications, instructions, manuals, and/or technical support to infringe one or more of at least
12 claims 2, 5, and 17 of the '266 Patent in violation of 35 U.S.C. § 271(b). *See, e.g.,* Exhibits
13 D, E, N.

14 116. On information and belief, Defendant takes active steps to induce
15 infringement of claims 2, 5, and 17 of the '266 Patent by others, including its customers,
16 authorized resellers, distributors, and users of the Accused Devices, and Defendant takes such
17 active steps knowing that those steps will induce, encourage, and facilitate direct infringement
18 by others. Such active steps include, but are not limited to, encouraging, advertising
19 (including by internet websites, television, store displays, etc.), promoting, and instructing
20 others to use and/or how to use at least the camera and flash systems of the Accused Devices.
21 *See id.*

22 117. On information and belief, Defendant knows or should know that such
23 activities induce others to directly infringe claims 2, 5, and 17 of the '266 Patent, including
24 for example, by encouraging them to use and/or how to use at least the camera and flash
25 systems of the Accused Devices.
26

1 118. On information and belief, Defendant contributes to the infringement of
2 claims 2, 5, and 17 of the '266 Patent by others, including its customers, authorized resellers,
3 and distributors, and users of the Accused Devices. Acts by Defendant that contribute to the
4 infringement by others include, but are not limited to, the sale, offer for sale, and/or import
5 by Defendant of at least the Accused Devices for use in the claimed processes of the '266
6 Patent and/or the camera and flash component systems of the Accused Devices which are not
7 staple articles or capable of substantial non-infringing uses, and constitute a material part of
8 the inventions claimed in claims 2, 5, and 17 of the '266 Patent. Defendant knew or should
9 have known that at least the Accused Devices and/or the camera and flash component systems
10 of the Accused Devices were especially made or adapted for use in an infringement of claims
11 2, 5, and 17 of the '266 Patent.

12 119. Defendant undertook and continues its infringing actions despite that
13 such activities have infringed the '266 Patent, which has been duly issued by the USPTO, and
14 is presumed valid. For example, since at least the filing of this action, Defendant has been
15 aware that its actions constituted and continue to constitute infringement of the '266 Patent,
16 and that the '266 Patent is valid. Despite its knowledge that its actions constitute
17 infringement, Defendant has continued its infringing activities in a willful, wanton, malicious,
18 bad-faith, deliberate, consciously wrongful or flagrant manner, which is an egregious case of
19 culpable behavior. As such, Defendant willfully infringes the '266 Patent.

20 120. Lemaire Illumination has been injured and has been caused significant
21 financial damage as a direct and proximate result of the Defendant's infringement of the '266
22 Patent.

23 121. Unless enjoined by this Court, Defendant will continue to infringe the
24 '266 Patent, and thus cause irreparable injury and damage to Lemaire Illumination.

1 122. Lemaire Illumination is entitled to recover from Defendant the damages
2 sustained by Lemaire Illumination as a result of the Defendant's wrongful acts in an amount
3 subject to proof at trial.

4 123. Lemaire Illumination has been irreparably injured and is entitled to seek
5 injunctive relief, in addition to all other legal and equitable remedies.

6 **EXCEPTIONAL CASE**

7 124. Lemaire Illumination restates and re-alleges each of the allegations set
8 forth herein and incorporates them herein.

9 125. This is an exceptional case warranting an award of attorney's fees to
10 Lemaire Illumination under 35 U.S.C. § 285.

11 126. The Defendant has willfully and deliberately infringed, induced others
12 to infringe, and/or contributed to the infringement of the Patents-in-suit with full knowledge
13 and wanton disregard of Lemaire Illumination's rights thereunder, rendering this an
14 "exceptional" case within the meaning of 35 U.S.C. § 285.

15 127. Lemaire Illumination has incurred attorneys' fees, costs, and expenses
16 in the prosecution of this action. Pursuant to 35 U.S.C. § 285, Lemaire Illumination is entitled
17 to recover its reasonable and necessary fees and expenses.

18
19 **DEMAND FOR TRIAL BY JURY**

20 128. Lemaire Illumination, specifically requests a trial by jury on all issues so
21 triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

22 **PRAYER FOR RELIEF**

23 129. WHEREFORE, Plaintiff Lemaire Illumination respectfully requests that
24 judgment be entered in its favor and against Defendant and that the Court grant the following
25 relief to Plaintiff:

26 A. Judgment that Defendant has infringed the '661 Patent;

1 B. Judgment that Defendant has infringed the '390 Patent;

2 C. Judgment that Defendant has infringed the '266 Patent;

3 D. That the Court award general and special damages to Lemaire Illumination for
4 Defendant's infringing activities, which include but are not limited to Lemaire Illumination a
5 reasonable royalty;

6 E. Judgment that this case is exceptional;

7 F. That this Court award Lemaire Illumination increased damages in an amount not
8 less than three times the amount of damages found by the jury or assessed by this Court, for
9 Defendant's willful infringement pursuant to 35 U.S.C. § 285;

10 G. That the Court enter a preliminary and thereafter a permanent injunction against
11 Defendant, its officers, directors, agents, servants, employees, parent companies, affiliates,
12 subsidiaries, divisions, branches, attorneys, representatives, and all others acting in concert or
13 privity with them, from direct infringement of the '661 Patent;

14 H. That the Court enter a preliminary and thereafter a permanent injunction against
15 Defendant's active inducements of infringement and/or contributory infringements of the
16 '661 Patent by others;

17 I. That the Court enter a preliminary and thereafter a permanent injunction against
18 Defendant, its officers, directors, agents, servants, employees, parent companies, affiliates,
19 subsidiaries, divisions, branches, attorneys, representatives, and all others acting in concert or
20 privity with them, from direct infringement of the '390 Patent;

21 J. That the Court enter a preliminary and thereafter a permanent injunction against
22 Defendant's active inducements of infringement and/or contributory infringements of the
23 '390 Patent by others;

24 K. That the Court enter a preliminary and thereafter a permanent injunction against
25 Defendant, its officers, directors, agents, servants, employees, parent companies, affiliates,
26

1 subsidiaries, divisions, branches, attorneys, representatives, and all others acting in concert or
2 privity with them, from direct infringement of the '266 Patent;

3 L. That the Court enter a preliminary and thereafter a permanent injunction against
4 Defendant's active inducements of infringement and/or contributory infringements of the
5 '266 Patent by others;

6 M. That this Court enter an order directing Defendant to deliver to Lemaire
7 Illumination, and serve upon Lemaire Illumination's counsel, within thirty (30) days after
8 entry of the order of injunction, a report setting forth the manner and form in which Defendant
9 has complied with each injunction;

10 N. That this Court award pre-judgment and post-judgment interest;

11 O. That this Court award Lemaire Illumination's costs and attorney fees incurred in
12 this action; and

13 P. That this Court award such further and other relief and the Court may deem just
14 and proper.

1 Dated: March 4, 2019.

2 NORTH CITY LAW, PC

3
4 /s/ Paul A. Barrera

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