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13 HGCI, INC.

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

17 HGCI, INC., a Nevada corporation,
18 Plaintiff,
19 v.
20 LUXX LIGHTING, INC., a California
21 corporation,
22 Defendant.

Case No.
COMPLAINT
DEMAND FOR JURY TRIAL

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1 HGCI, Inc. ("HGCI"), for its complaint against Defendant Luxx Lighting, Inc.
2 ("Luxx Lighting"), states as follows:

3 **SUMMARY AND NATURE OF THE ACTION**

4 1. This is an action for patent infringement. HGCI owns utility patents
5 directed to unique horticulture light fixtures, and HGCI also owns design patents for the
6 ornamental designs of such fixtures. Defendant Luxx Lighting sells light fixtures that
7 are covered by HGCI's patents. HGCI files this lawsuit to put an end to Defendant
8 Luxx Lighting's infringement and to recover damages resulting from Defendant Luxx
9 Lighting's misconduct.

10 **PARTIES**

11 2. HGCI is a Nevada corporation having an office and principal place of
12 business in Las Vegas, NV. HGCI is an affiliate of The Scotts Company, LLC, an Ohio
13 limited liability company.

14 3. On information and belief, Defendant Luxx Lighting is a California
15 corporation having an office and principal place of business in this judicial district at
16 3827 Wacker Drive, Mira Loma, CA 91752.

17 **JURISDICTION AND VENUE**

18 4. This action arises under the patent laws of the United States, Title 35 of the
19 United States Code, 35 U.S.C. § 271 et seq. Subject matter jurisdiction of this Court is
20 conferred by 28 U.S.C. §§ 1331 and 1338.

21 5. Venue in this judicial district is proper under 28 U.S.C. § 1400(b) because
22 Defendant Luxx Lighting is incorporated in California and this judicial district is where
23 Defendant Luxx Lighting has committed acts of infringement and has a regular and
24 established place of business.

25 6. This Court has personal jurisdiction over Defendant Luxx Lighting at least
26 because it is a California corporation.

27 **PATENTS-IN-SUIT**

28 7. United States Patent No. 7,524,090 ("the '090 patent") is titled

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1 "Horticulture Light fixture having integrated lamp and ballast" and issued on April 28,
2 2009. Attached as Exhibit 1 is a copy of the '090 patent.

3 8. United States Patent No. D740,486 ("the D'486 patent") is titled "Light
4 fixture" and issued on October 6, 2015. Attached as Exhibit 2 is a copy of the D'486
5 patent.

6 9. United States Patent No. D771,301 ("the D'301 patent") is titled
7 "Horticulture grow light fixture" and issued on November 8, 2016. Attached as Exhibit
8 3 is a copy of the D'301 patent.

9 10. HGCI is the owner of the '090, D'486, and D'301 patents by assignment.

10 **ALLEGATIONS COMMON TO ALL CLAIMS**

11 **The Business of HGCI**

12 11. HGCI is an industry leader in horticulture products, including horticulture
13 light fixtures, with over 100 patents in the industry.

14 12. HGCI's '090 patent is directed to a novel horticultural light system
15 integrating a grow lamp and lamp ballast within a single fixture.

16 13. HGCI's D'486 and D'301 both claim designs of a horticulture light fixture,
17 as shown below in Fig. 1 of each patent, respectively:

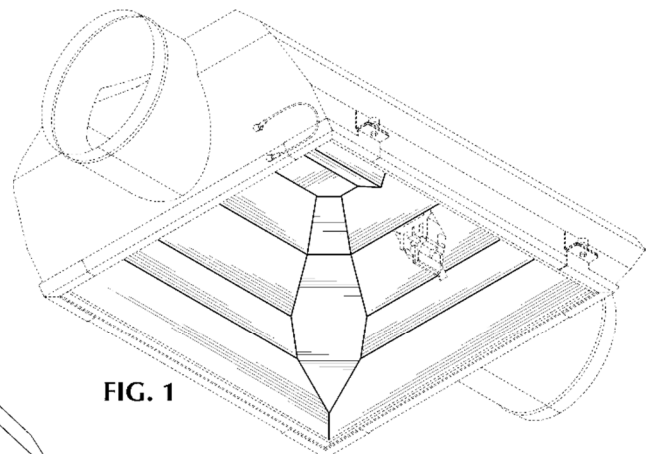
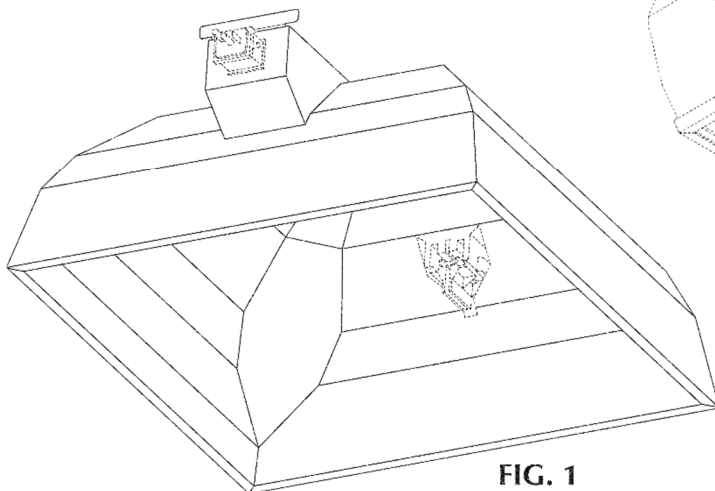


FIG. 1

FIG. 1

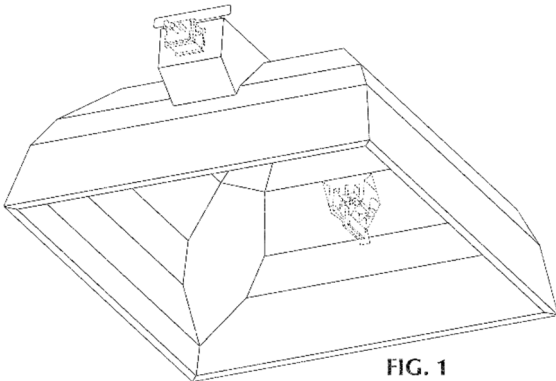

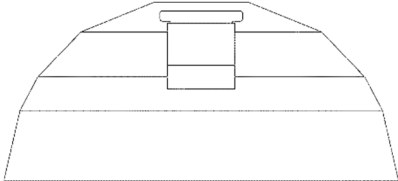

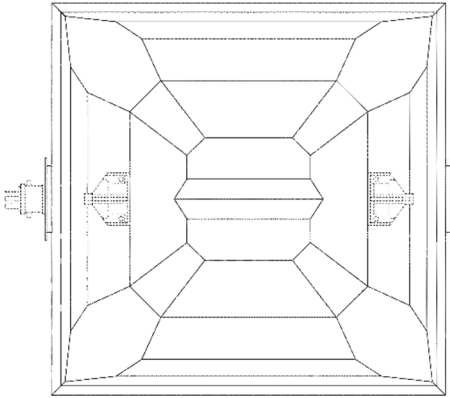
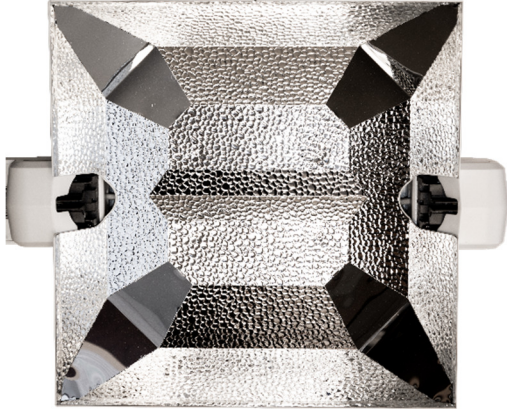
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Defendant Luxx Lighting Sells Infringing Products

14. Defendant Luxx Lighting is in the business of making, using, commercializing, and importing grow light fixtures ("Infringing Products") described in the '090, D'486, and D'301 patents.

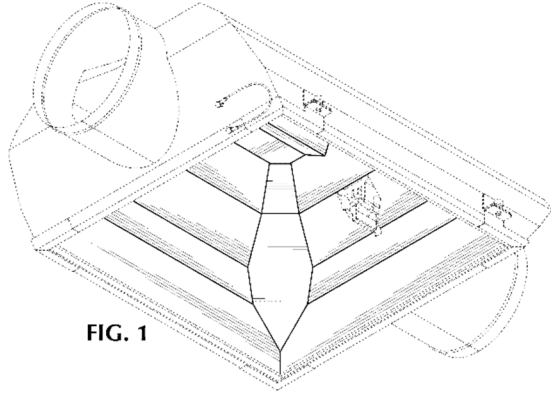

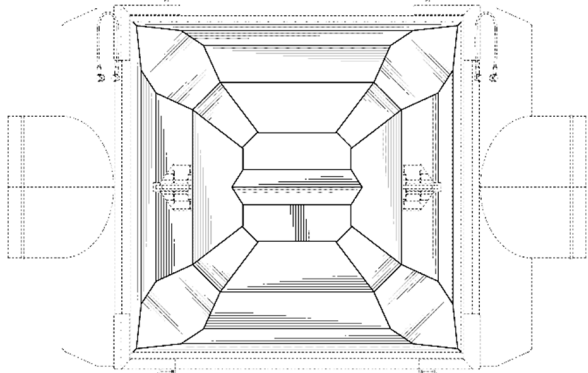
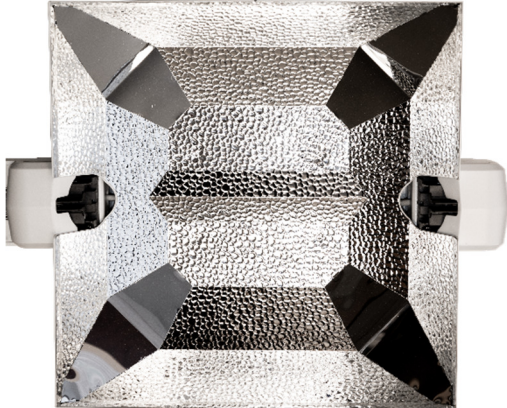
15. Indeed, the design for these Infringing Products is virtually identical in appearance to the novel designs covered by the D'486 and D'301 patents.

16. For example, a side-by-side comparison of select figures from the D'486 patent and Defendant Luxx Lighting's Infringing Products is shown in the table below:

D'486 Patent	Luxx Lighting's Infringing Products
 <p style="text-align: right;">FIG. 1</p>	
 <p style="text-align: center;">FIG. 4</p>	
 <p style="text-align: right;">FIG. 8</p>	

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1 17. A side-by-side comparison of select figures from the D'301 patent and
 2 Defendant Luxx Lighting's Infringing Products is likewise shown in the table below:

D'301 Patent	Luxx Lighting's Infringing Products
 <p>FIG. 1</p>	
 <p>FIG. 2</p>	

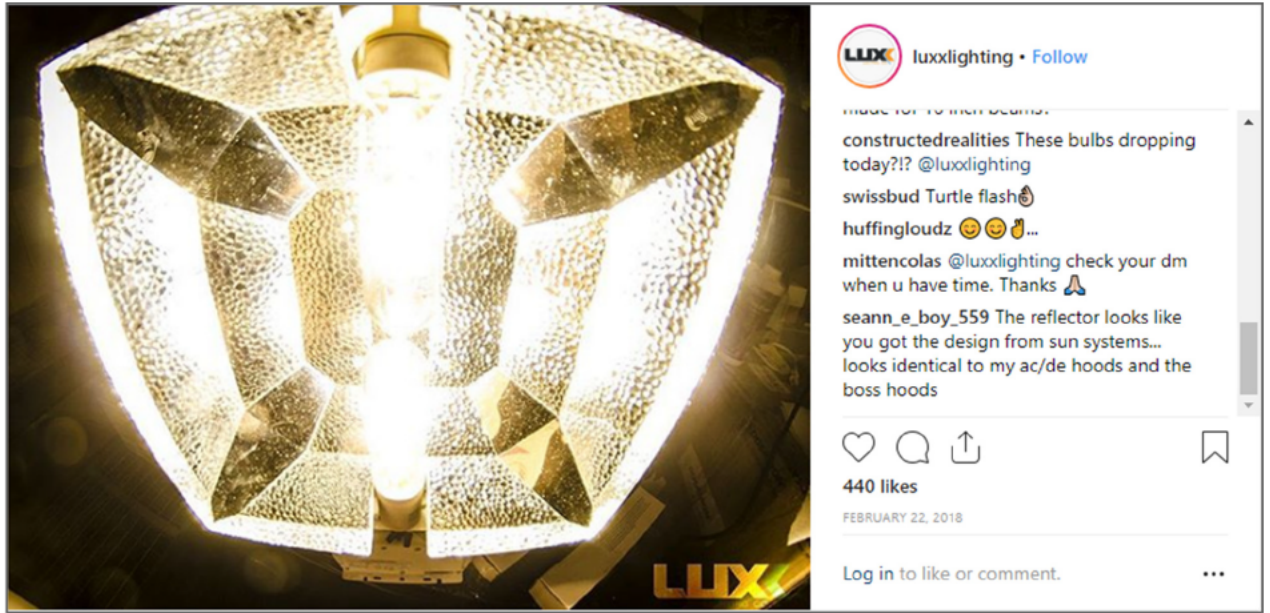
19 18. The design of the Infringing Products and the designs of the D'486 and
 20 D'301 patents are so similar that it is highly unlikely that Defendant Luxx Lighting
 21 designed the Infringing Products without prior knowledge of the designs set forth in the
 22 D'486 and D'301 patents.

23 19. Indeed, customers have noticed the similarity between Defendant Luxx
 24 Lighting's Infringing Products and HGCI's products. For example, as shown in the
 25 below Instagram post (<https://www.instagram.com/p/BfhPfYAnexf/>), a user stated:
 26 "The [Defendant Luxx Lighting] reflector looks like you got the design from sun
 27 systems" ("Sun Systems" is part of HGCI):
 28

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20. In fact, as a retailer, Defendant Luxx Lighting had sold horticulture light fixtures of HGCI before Defendant Luxx Lighting began designing and selling its Infringing Products. Not only was Defendant Luxx Lighting familiar with the designs of HGCI's horticulture light fixtures, the Infringing Products are blatant knockoffs—as recognized by customers familiar with both companies' products.

21. Not only are the parties' products substantially similar in appearance, Defendant Luxx Lighting named Infringing Products the "Luxx DE 1000" in a flagrant attempt to cause, at a minimum, consumers to identify and associate the properties and reputation of the Infringing Products with HGCI's similarly named product: the "1000 DE BOSS®."

22. On or about January 23, 2019, HGCI wrote Defendant Luxx Lighting, enclosing a copy of the D'486 patent and putting Defendant Luxx Lighting on notice of the D'486 patent and of Defendant Luxx Lighting's infringement of the D'486 patent.

23. Nevertheless, to date, Defendant Luxx Lighting continues to sell its Infringing Products and continues to offer them for sale.

24. On information and belief, Defendant Luxx Lighting is marketing, advertising, selling, and offering for sale these light fixtures in California, in this judicial district, throughout the United States, and in other jurisdictions worldwide over

1 the Internet.

2 **FIRST CLAIM FOR RELIEF**
3 **(Patent Infringement—'090 Patent)**

4 25. HGCI repeats and incorporates by reference the allegations set forth in the
5 foregoing paragraphs.

6 26. Defendant Luxx Lighting infringed one or more claims of the '090 patent,
7 including claim 1, in violation of 35 U.S.C. § 271, at least by making, offering to sell,
8 selling, and using within the United States the "Luxx DE 1000" grow light fixture.

9 27. For example, claim 1 of the '090 patent recites:

10 *The method for integrating a lamp ballast within a grow light fixture comprising*
11 *the steps of:*

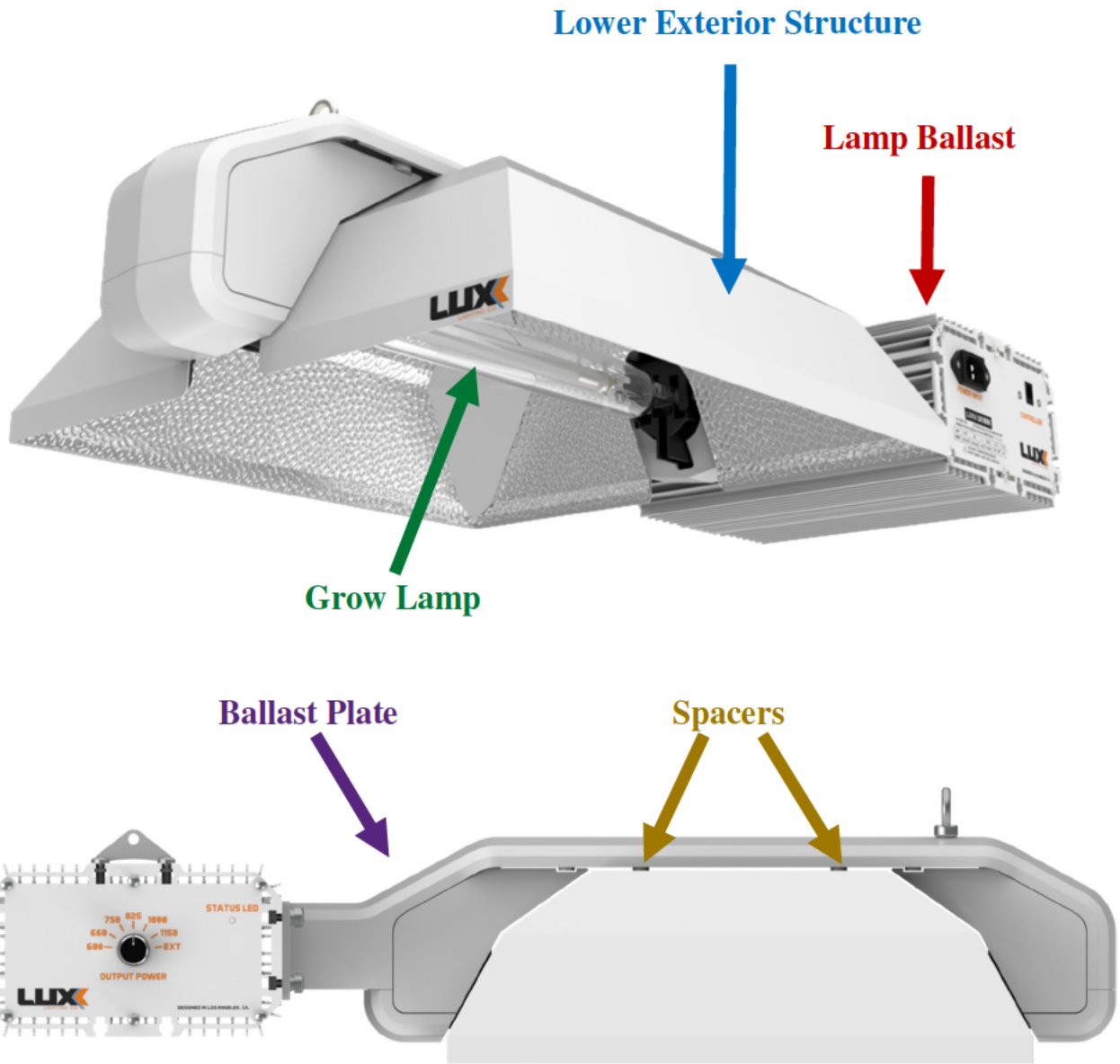
- 12 a) *enclosing the grow lamp in a lower exterior structure;*
- 13 b) *securing the lamp ballast to a ballast plate;*
- 14 c) *mounting said ballast plate to the top side of the lower exterior*
15 *structure using at least one stand off spacer between the ballast*
16 *plate and the lower exterior structure; and,*
- 17 d) *said stand off spacer being the size of the desired air gap between*
18 *the ballast plate and the lower exterior structure.*

19 28. As shown in the below images of Defendant Luxx Lighting's Luxx DE
20 1000 grow light fixture (from <https://luxxlighting.com>), the grow light fixture integrates
21 a lamp ballast within the grow light fixture and includes (a) a grow lamp enclosed in a
22 lower exterior structure and (b) a lamp ballast secured to a ballast plate, which (c) is
23 mounted to the top side of the lower exterior structure using spacers between the ballast
24 plate and the lower exterior structure; moreover, (d) the spacers are the size of the air
25 gap between the ballast plate and the lower exterior structure.

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29. Defendant Luxx Lighting thus performs every step of the method recited in claim 1.

30. By at least the foregoing acts, Defendant Luxx Lighting has willfully infringed the '090 patent.

31. HGCI owned the '090 patent through the period of the infringing acts of Defendant Luxx Lighting, and HGCI still owns the '090 patent.

32. HGCI has been and continues to be damaged and otherwise harmed by Defendant Luxx Lighting's infringement, and HGCI will be irreparably harmed unless

1 Defendant Luxx Lighting's infringing activities are enjoined.

2
3 **SECOND CLAIM FOR RELIEF**
(Patent Infringement—D'486 Patent)

4 33. HGCI repeats and incorporates by reference the allegations set forth in the
5 foregoing paragraphs.

6 34. Defendant Luxx Lighting, without authorization from HGCI, has
7 distributed, advertised, promoted, offered for sale, and sold light fixtures, the designs of
8 which are substantially the same as the design set forth in the D'486 patent.

9 35. Defendant Luxx Lighting's infringing light fixtures appropriate the novel
10 ornamental features set forth in the D'486 patent such that an ordinary observer, giving
11 such attention as a purchaser usually gives, would find HGCI's patented design and
12 Defendant Luxx Lighting's designs to be substantially the same, and the resemblance is
13 such as to deceive such an observer, inducing him to purchase one supposing it be the
14 other.

15 36. By at least the foregoing acts, Defendant Luxx Lighting has infringed the
16 D'486 patent.

17 37. HGCI owned the D'486 patent through the period of the infringing acts of
18 Defendant Luxx Lighting, and HGCI still owns the D'486 patent.

19 38. HGCI has been and continues to be damaged and otherwise harmed by
20 Defendant Luxx Lighting's infringement, and HGCI will be irreparably harmed unless
21 Defendant Luxx Lighting's infringing activities are enjoined.

22
23 **THIRD CLAIM FOR RELIEF**
(Patent Infringement—D'301 Patent)

24 39. HGCI repeats and incorporates by reference the allegations set forth in the
25 foregoing paragraphs.

26 40. Defendant Luxx Lighting, without authorization from HGCI, has
27 distributed, advertised, promoted, offered for sale, and sold light fixtures, the designs of
28 which are substantially the same as the design set forth in the D'301 patent.

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1 41. Defendant Luxx Lighting's infringing light fixtures appropriate the novel
2 ornamental features set forth in the D'301 patent such that an ordinary observer, giving
3 such attention as a purchaser usually gives, would find HGCI's patented design and
4 Defendant Luxx Lighting's designs to be substantially the same, and the resemblance is
5 such as to deceive such an observer, inducing him to purchase one supposing it be the
6 other.

7 42. By at least the foregoing acts, Defendant Luxx Lighting has infringed the
8 D'301 patent.

9 43. HGCI owned the D'301 patent through the period of the infringing acts of
10 Defendant Luxx Lighting, and HGCI still owns the D'301 patent.

11 44. HGCI has been and continues to be damaged and otherwise harmed by
12 Defendant Luxx Lighting's infringement, and HGCI will be irreparably harmed unless
13 Defendant Luxx Lighting's infringing activities are enjoined.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, HGCI prays for judgment and relief against Defendant Luxx
16 Lighting, including:

17 A. Adjudging that Defendant Luxx Lighting has infringed the '090, D'486,
18 and D'301 patents;

19 B. Permanently enjoining Defendant Luxx Lighting, its agents, suppliers,
20 distributors, servants, employees, successors, assigns, and all persons acting in concert
21 or participation with Defendant Luxx Lighting from continuing acts of infringement of
22 the '090, D'486, and D'301 patents;

23 C. Awarding HGCI compensatory damages, together with pre-judgment and
24 post-judgment interest;

25 D. Awarding HGCI enhanced damages under 35 U.S.C. § 284 for Defendant
26 Luxx Lighting's willful infringement; and

27 E. Such other and further relief as this Court may deem just and proper.
28

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), HGCI demands a trial by jury of all issues triable of right by a jury.

Respectfully submitted,

Dated: March 29, 2019

STETINA BRUNDA GARRED & BRUCKER

By: /s/Mark B. Garred
Mark B. Garred
William J. Brucker

Attorneys for Plaintiff
HGCI, INC.

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