

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SOVEREIGN PEAK VENTURES, LLC,

Plaintiff,

v.

SENGLED USA, INC.,

Defendant.

CIVIL ACTION FILE

NO. _____

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Sovereign Peak Ventures, LLC (“SPV” or “Plaintiff”), by and through the undersigned counsel, hereby brings this action and makes the following allegations of patent infringement relating to U.S. Patent Nos. 6,577,073 (“the ’073 patent”) and 7,204,607 (“the ’607 patent”), (collectively “the Asserted Patents”) against Defendant Sengled USA, Inc. (“Sengled”) and alleges as follows upon actual knowledge with respect to itself and its own acts, and upon information and belief as to all other matters.

NATURE OF THE ACTION

1. This is an action for patent infringement. SPV alleges that Sengled has infringed and/or is infringing the Asserted Patents, copies of which are attached as

Exhibits A-B.

2. SPV alleges that Sengled directly infringes and/or has infringed the Asserted Patents by making, using, offering for sale, selling, and/or importing various models of LED bulbs. SPV seeks damages and other relief for Sengled's infringement of the Asserted Patents.

THE PARTIES

3. Plaintiff SPV is a Texas limited liability company with its principal place of business in Plano, Texas.

4. Upon information and belief, Sengled is a Georgia corporation with its principal place of business in Alpharetta, Georgia.

JURISDICTION AND VENUE

5. This Court has exclusive subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a) on the grounds that this action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285.

6. This Court has personal jurisdiction over Defendant on the grounds that Defendant has its principal office in this State, is incorporated in this State and commits infringing acts in this State.

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b) on the grounds that Defendant has committed acts of infringement and has a regular and established place of business in this Judicial District.

COUNT I – INFINGEMENT OF THE '073 PATENT

8. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1-7 set forth above, as if set forth verbatim herein.

9. SPV owns by assignment the entire right, title and interest in the '073 patent.

10. The '073 patent was issued by the United States Patent and Trademark Office on June 10, 2003 and is titled “LED Lamp.” A true and correct copy of the '073 patent is attached as Exhibit A.

11. Upon information and belief, Sengled has directly infringed at least claim 1 of the '073 patent by making, using, testing, selling, offering for sale and/or importing in the United States without authority devices such as the Sengled Smart LED Multicolor A19 Bulb (collectively “the Accused Infringing Devices”) in an exemplary manner as described below.

12. The Accused Infringing Devices are LED lamps.



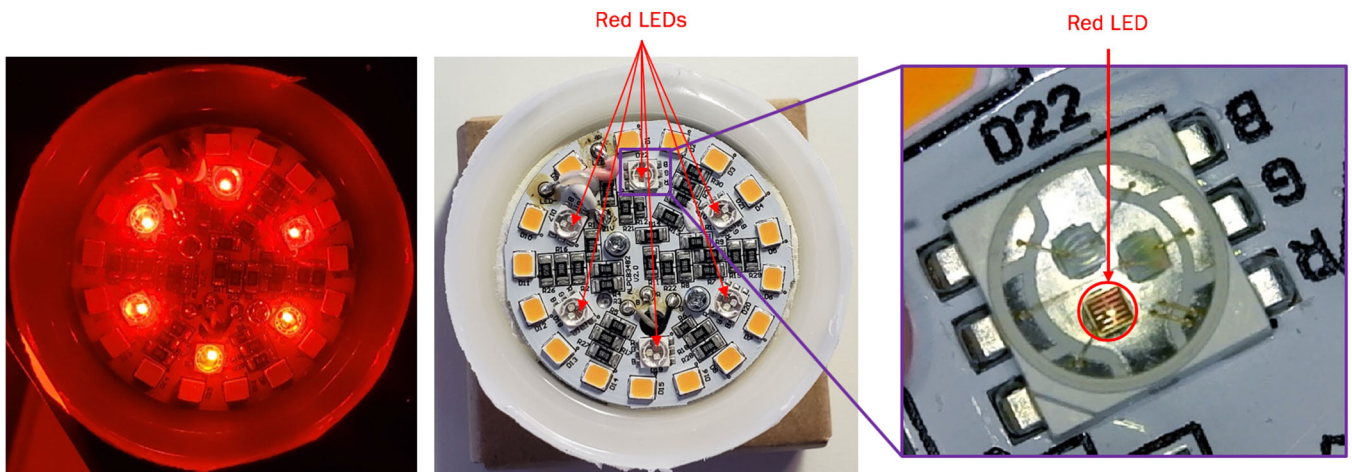
13. The Accused Infringing Devices have a blue LED for producing an emission wavelength falling within a blue wavelength range. Exemplary blue LEDs, which are covered in a yellow phosphor, are shown circled in red in the figures below.



Phosphor-converted white light: Another approach to generating white light is by use of phosphors together with a short-wavelength LED. For example, when one phosphor material used in LEDs is illuminated by blue light, it emits yellow light having a fairly broad spectral power distribution. By incorporating the phosphor in the body of a blue LED with a peak wavelength around 450 to 470 nanometers, some of the blue light will be converted to yellow light by the phosphor. The remaining blue light, when mixed with the yellow light, results in white light. New phosphors are being developed to improve color rendering as shown in Figure 5.

<https://www.lrc.rpi.edu/programs/nlpiip/lightinganswers/led/whiteLight.asp>

14. The Accused Infringing Devices have a red LED for producing an emission at a wavelength falling within a red wavelength range.



15. The Accused Infringing Devices have a phosphor that has been photoexcited by the blue LED to exhibit a luminescence having an emission spectrum in an intermediate wavelength range between the blue and red wavelength ranges.

Phosphor-converted white light: Another approach to generating white light is by use of phosphors together with a short-wavelength LED. For example, when one phosphor material used in LEDs is illuminated by blue light, it emits yellow light having a fairly broad spectral power distribution. By incorporating the phosphor in the body of a blue LED with a peak wavelength around 450 to 470 nanometers, some of the blue light will be converted to yellow light by the phosphor. The remaining blue light, when mixed with the yellow light, results in white light. New phosphors are being developed to improve color rendering as shown in Figure 5.

<https://www.lrc.rpi.edu/programs/nlpiip/lightinganswers/led/whiteLight.asp>



16. Sengled has thus infringed at least claim 1 of the '073 patent by making, using, testing, selling, offering for sale and/or importing the Accused Infringing Devices.

17. Sengled's acts of direct infringement have caused damage to SPV, and SPV is entitled to recover damages sustained as a result of Sengled's wrongful acts in an amount subject to proof at trial.

COUNT II – INFINGEMENT OF THE '607 PATENT

18. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1-7 set forth above, as if set forth verbatim herein.

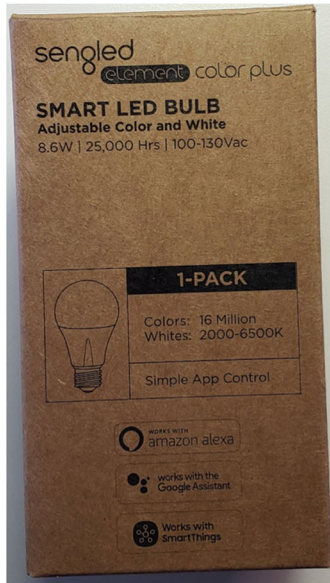
19. SPV owns by assignment the entire right, title and interest in the '607 patent.

20. The '607 patent was issued by the United States Patent and Trademark Office on April 17, 2007 and is titled "LED Lamp." A true and correct copy of the '607 patent is attached as Exhibit B.

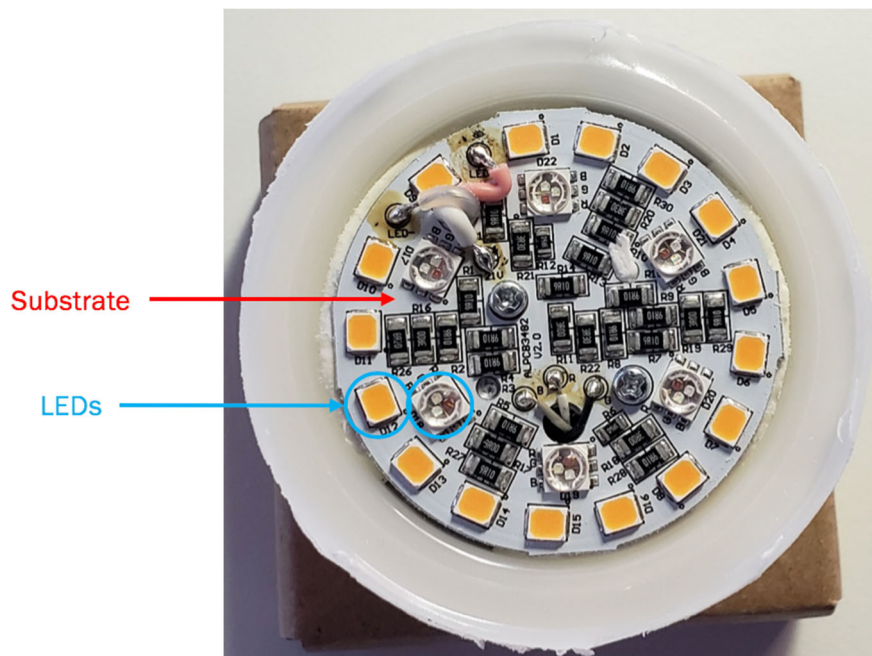
21. Upon information and belief, Sengled has directly infringed at least claim 9 of the '607 patent by making, using, testing, selling, offering for sale and/or importing in the United States without authority devices such as the Sengled Smart LED Multicolor A19 Bulb (collectively the "Accused Infringing Devices") in an exemplary manner as described below.

22. The Accused Infringing Devices are Light emitting diodes (LEDs).

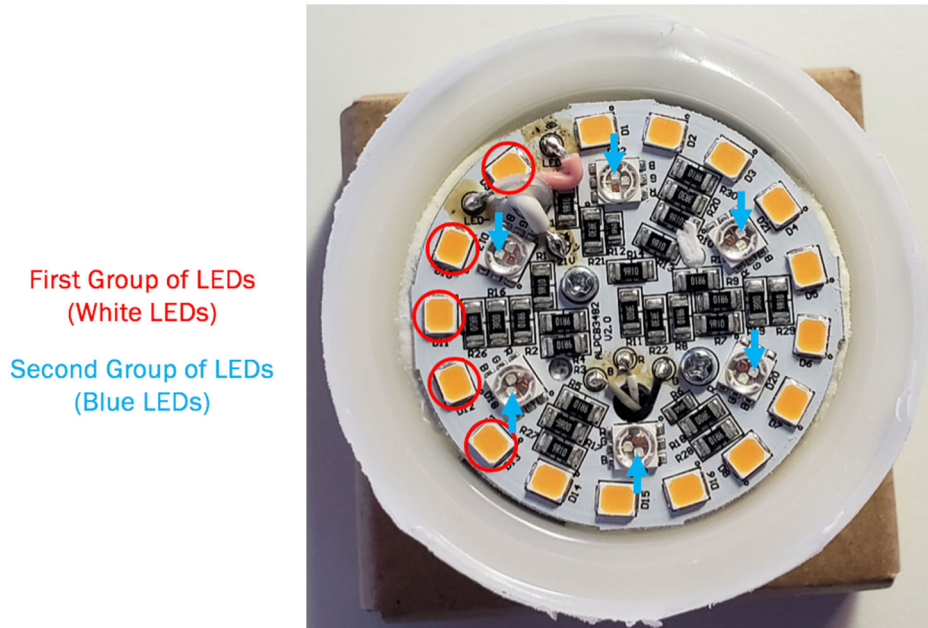




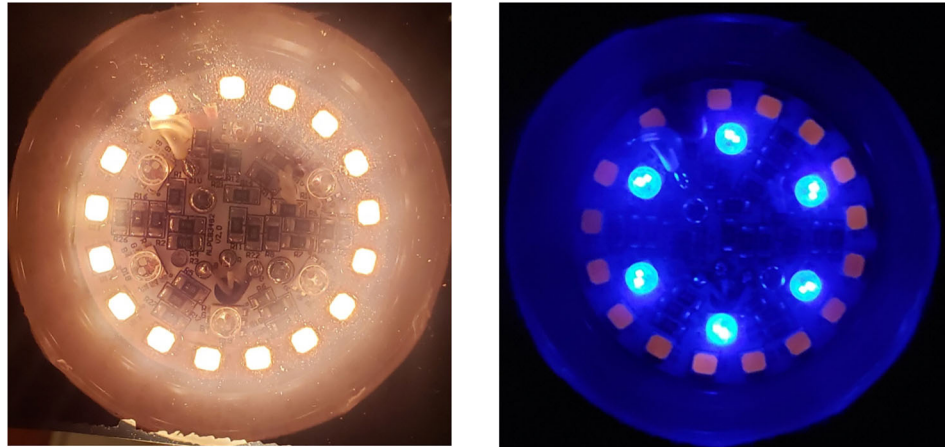
23. The Accused Infringing Devices contain a substrate, a cluster of LEDs, which are arranged two-dimensionally on the substrate and an interconnection circuit which is electrically connected to the LEDs.



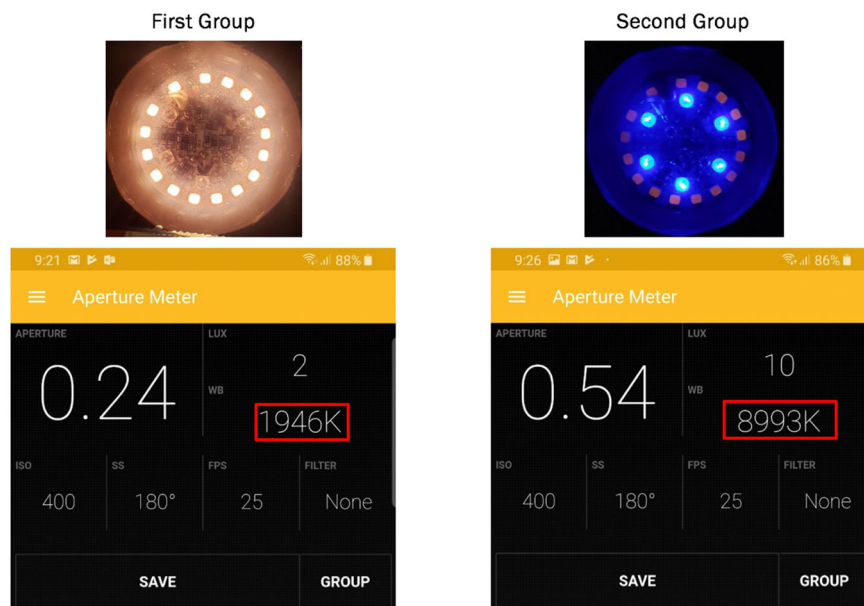
24. The Accused Infringing Devices contain LEDs where a first group of LEDs, which are located around the outer periphery of the cluster, and a second group of LEDs, which are located elsewhere in the cluster (e.g., toward the center).



25. The Accused Infringing Devices contain an interconnection circuit wherein the interconnection circuit has an interconnection structure for separately supplying drive currents to at least one of the LEDs in the first group and to at least one of the LEDs in the second group separately from each other. One or more of the LEDs in the outer periphery can be operated independently of one or more LEDs located toward the center.



26. The emission of the LEDs from the first group in the Accused Infringing Devices has a lower color temperature than that of the LEDs in the second group.



27. Sengled has thus infringed at least claim 9 of the '607 patent by making, using, testing, selling, offering for sale and/or importing the Accused Infringing Devices.

28. Sengled's acts of direct infringement have caused damage to SPV, and SPV is entitled to recover damages sustained as a result of Sengled's wrongful acts in an amount subject to proof at trial.

JURY DEMAND

29. Plaintiff hereby demands a trial by jury of all issues so triable pursuant to Fed. R. Civ. P. 38.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the '073 patent and/or the '607 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- B. An accounting and an award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement, together with pre-judgment and post-judgment interest and costs pursuant to 35 U.S.C. § 284;
- C. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and expenses in accordance with 35 U.S.C. § 285; and

D. Any further relief that this Court deems just and proper.

This 1st day of April, 2019.

/s/Daniel A. Kent

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