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9 Attorneys for Plaintiff
LEXINGTON LUMINANCE LLC

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

LEXINGTON LUMINANCE LLC,
Plaintiff,
v.
FEIT ELECTRIC COMPANY, INC.,
Defendant.

Case No. 2:18-cv-10513-PSG-KS
Hon. Philip S. Gutierrez
**FIRST AMENDED
COMPLAINT FOR
PATENT INFRINGEMENT
DEMAND FOR JURY TRIAL**

1 Plaintiff Lexington Luminance LLC (“Lexington” or “Plaintiff”) hereby files this
2 First Amended Complaint for patent infringement against Feit Electric Company, Inc.
3 (“Feit” or “Defendant”) pursuant to Fed. R. Civ. P. 15(a)(1)(B) and alleges as follows:

4 **THE PARTIES**

5 1. Plaintiff Lexington Luminance LLC is a limited liability company
6 organized under the laws of Massachusetts with its principal place of business at 468
7 Lowell Street, Lexington, Massachusetts 02420.

8 2. Upon information and belief, Defendant Feit Electric Company, Inc. is a
9 corporation organized under the laws of California with its principal place of business
10 at 4901 Gregg Road, Pico Rivera, CA 90660. Feit has appointed Aaron Feit as its agent
11 for service of process, and such agent may be served at 4901 Gregg Road, Pico Rivera,
12 CA 90660.

13 **JURISDICTION AND VENUE**

14 3. This is an action for patent infringement arising under the patent laws of
15 the United States, Title 35, United States Code. Jurisdiction as to these claims is
16 conferred on this Court by 35 U.S.C. §§1331 and 1338(a).

17 4. Venue is proper in this District under 28 U.S.C. 1400(b). On information
18 and belief, Defendant has committed acts of infringement in this District by selling,
19 importing, and/or offering for sale the products alleged herein to infringe Lexington’s
20 patent through its location at 4901 Gregg Road, Pico Rivera, CA 90660. The foregoing
21 location constitutes a regular and established place of business with this District. Thus,
22 venue is also proper in this District because Defendant maintains a regular and
23 established place of business within this District.

24 5. This Court has personal jurisdiction over the Defendant. Defendant has
25 conducted and does conduct business within the State of California and within this
26 District. Defendant purposefully and voluntarily sold one or more of the infringing
27 products with the expectation that they will be purchased by and used by consumers in
28 this District. These infringing products have been and continue to be purchased by and

1 used by consumers in this District. Defendant has committed acts of patent
2 infringement within the United States and, more particularly, within this District.

3 **PATENT INFRINGEMENT**

4 6. Lexington realleges and incorporates by reference the allegations in
5 paragraphs 1-5 above as if fully set forth herein.

6 **The '851 Patent**

7 7. On August 30, 2005, U.S. Patent No. 6,936,851 B2 entitled
8 "Semiconductor Light-Emitting Device and Method for Manufacturing the Same" was
9 duly and legally issued to inventor Tien Yan Wang after full and fair examination.
10 Lexington is the owner of all right, title, and interest in and to the patent by assignment,
11 with full right to bring suit to enforce the patent, including the right to recover for past
12 infringement damages and the right to recover future royalties, damages, and income.

13 8. On September 30, 2013, an *ex parte* reexamination no. 90/012,964 was
14 initiated for U.S. Patent No. 6,936,851 B2. An *ex parte* reexamination certificate was
15 issued on December 5, 2014 for United States Patent No. 6,936,851 C1. The patent,
16 together with the *ex parte* reexamination certificate, is attached hereto as Exhibit A.
17 United States Patent No. 6,936,851 B2 and 6,936,851 C1 are collectively known as "the
18 '851 Patent."

19 9. The '851 Patent is valid and enforceable.

20 10. To the extent any marking or notice was required by 35 U.S.C. § 287,
21 Plaintiff has complied with the applicable marking and/or notice requirements of 35
22 U.S.C. § 287. Upon information and belief, since at least September 19, 2012,
23 Defendant has had actual notice of the '851 Patent.

24 11. Defendant has had actual notice of the '851 Patent since at least September
25 19, 2012, when Defendant waived service of the summons in an earlier patent
26 infringement complaint against Defendant involving the '851 Patent in *Lexington*
27 *Luminance LLC v. Feit Electric Company, Inc.*, No. 1:12-cv-11554-WGY (D. Mass.)
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Defendant’s Accused Products

12. Upon information and belief, Defendant has infringed and/or continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the ’851 Patent in this judicial district and elsewhere in the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling, and/or importing lighting products and other electronic devices including, without limitation:

- (1) Feit Electric A19 6W 450 Lumen Medium-Base Non-Dimmable LED Bulb 4PK A450/827/10KLED/4 SKU 46665645
- (2) Feit Electric A19 40W LED Daylight 5000K 5W 450 Lumen Light Bulbs 4PK A450/850/10KLED/4 SKU 61616868
- (3) Feit Electric A19 60W 2700K 10W 800 Lumen Soft white Medium-Base Non-Dimmable LED Bulb 4PK A800/827/10KLED/4 SKU 46665652
- (4) Feit Electric A19 8.5W 800 Lumen Medium-Base Non-Dimmable LED Bulb A800/850/10KLED SKU 46665638
- (5) Feit Electric A19 60W Daylight 5000K Medium-Base 10W 800 Lumen Non-Dimmable LED Bulb 4PK A800/850/10KLED/4 SKU 46665669
- (6) Feit Electric 4.5W 2000K SW 125LM AT19 DIM LED VINTAGE CLEAR horizontal filament amber glass AT19/H/LED SKU 1002421457
- (7) Feit Electric CA10 25W LED Bulb 3W 200 lumens Soft White 2700K Chandelier BPCFC25/827/LED/2 (K) SKU 3597366
- (8) Feit Electric C10 40W Chandelier LED Bulb 3.8W 300 lumens Soft White 2700K BPCFC40/827/LED/2(K2) SKU 3597218
- (9) Feit Electric Filament A15 60W Soft white 2700K 6.5W 500 Lumen LED Light Bulbs 2PK BPCTC60827/LED/2/CAN (C1) SKU 61616950
- (10) Feit Electric G25 4.5W LED Bulb 300 lumens Soft White 40 Watt Equivalence Globe BPG2540/827/LED SKU 3597200

- 1 (11) Feit Electric A19 9.9W GU24 LED Bulb 800 lumens Warm White 3000K
2 A-Line 60 Watt Equivalence BPOM60DM/930CA/GU24 SKU 3467099
- 3 (12) Feit Electric A19 60W GU24 Equivalent Daylight (5000K) Dimmable LED
4 Light Bulb BPOM60DM/950CA/GU24 SKU 1001797770
- 5 (13) Feit Electric BR40 65W Floodlight Soft White 2700K LED Bulb 9.4W 850
6 lumens BR40DM/927CA SKU 3435245
- 7 (14) Feit Electric BR30 65W Flood 8.3W 750 Lumen 2700K CEBR30/927/6
8 SKU 1200268
- 9 (15) Feit Electric A-shape 100W 17.5W 1600 Lumen Bright White 3000K 4PK
10 CEOM100/930/4 (N) SKU 1200267
- 11 (16) Feit Electric 100W 17.5W 1600 Lumen 5000K CEOM100/950/4 SKU
12 1230351
- 13 (17) Feit Electric A19 60W Enhance Soft White 2700K 8.8W 800 Lumen
14 Dimmable 6PK CEOM60/27/6 SKU 1300520
- 15 (18) Feit Electric A19 60W Enhance Daylight 5000K 8.8W 800 Lumen
16 Dimmable 6PK CEOM60/50/6 (W) SKU 1300539
- 17 (19) Feit Electric 60W Replacement 8.8W 800 Lumen 5000K 6PK
18 CEOM60/950/6 SKU 1200261
- 19 (20) Feit Electric B10 40W LED Flame Tip Chandelier Light Bulbs in White
20 3PK CTF40/10KLED/3 SKU 47012189
- 21 (21) Feit Electric R56 Retrofit Kit 12W LEDR56/827/MED SKU 3560489
- 22 (22) Feit Electric A19 60W LED Bulb 9.5W 800 lumens A-Line Daylight 5000K
23 60 Watt Equivalence OM60DM/950CA SKU 3510955
- 24 (23) Feit Electric A19 60W LED Bulb 9.5W 800 lumens Daylight 5000K A-Line
25 2PK OM60DM/950CA/2 SKU 3618949
- 26 (24) Feit Electric PAR38 Blue 40W LED Bulb 7W 1000 lumens Blue 40 Watt
27 Equivalence Decorative PAR38/B/10KLED/BX SKU 3492816
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- 1 (25) Feit Electric R20 45W LED Bulb 5W 450 lumens Soft White Reflector
2 R20DM/927CA/2 SKU 3505781
- 3 (26) Feit Electric S14 11W Filament Equivalent Soft White 2200K String Light
4 1W 50 Lumen LED Light Bulb 4PK S14/822/FILED/4 SKU 1002757260
- 5 (27) Feit Electric 6.5W SW ST19 DIM M-Type Filament LED VINTAGE
6 AMBER GLASS ST19/M/LED SKU 1002421458
- 7 (28) Feit Electric A19 75W Equivalent Non-Dimmable Omni LED Light Bulb
8 A1100/827/10KLED(N) SKU 46968289
- 9 (29) Feit Electric IntelliBulb A21 40W Battery Backup Soft White 2700K 8.5W
10 600 Lumen LED Light Bulb A800/827/BAT/LEDI SKU 1002549513
- 11 (30) Feit Electric IntelliBulb A19 60W D2D Dusk To Dawn 9.5W 800 Lumen
12 2700K LED Light Bulb A800/827/DD/LEDI SKU 1002883353
- 13 (31) Feit Electric T8 Bulb 40W 3.5W 270 Lumen Warm White 3000K
14 BP40T8N/SU/LED SKU 3867900
- 15 (32) Feit Electric A19 75W LED Bulb 11W 1100 lumens A-Line 75 Watt
16 Equivalence Daylight 5000K BPOM75/850/LEDG2(N1) SKU 3511003
- 17 (33) Feit Electric BR30 65W LED Bulb 9.5W 750 lumens Soft White 2700K
18 Reflector 65 Watt Equivalence BR30DM/927CA SKU 3424371
- 19 (34) Feit Electric BR30 65W LED Bulb 10.5W 750 lumens Daylight 5000K
20 Reflector BR30DM/950CA SKU 3505757
- 21 (35) Feit Electric R6 Retrofit 5-6 inch 9.4W 850 Lumen Flood 75W 2700K Soft
22 White CELEDR6/927/2 SKU 1200274
- 23 (36) Feit Electric A19 40W Performance LED OMNI All Around Light 5.6W
24 450 Lumen Dimmable OM40/830/LED/CAN(N3) SKU 41265970
- 25 (37) Feit Electric A19 60W Warm White 3000K 9.5W 800 Lumen Dimmable
26 LED Bulb OM60/830/LED/CAN(N4) SKU 42565284
- 27 (38) Feit Electric R20 45W LED Bulb 8W 450 lumens Reflector Soft White
28 2700K R20DM/927CA 3435385

- 1 (39) Feit Electric A15 5W A-Shape Performance LED Light Bulbs 3PK
- 2 A1540/10KLED/3 SKU 46968302
- 3 (40) Feit Electric A19 100W LED 14.7W 1500 Lumen Soft White 2700K Light
- 4 Bulbs 2PK A1600/827/10KLED/2 SKU 61616882
- 5 (41) Feit Electric A19 100W LED Daylight 5000K 9W 1500 Lumen Light Bulbs
- 6 2PK A1600/850/10KLED/2 SKU 61616899
- 7 (42) Feit Electric A19 40W Soft White 2700K Medium-Base Non-Dimmable 6W
- 8 450 Lumen LED Bulb A450/827/10KLED SKU 46665614
- 9 (43) Feit Electric A19 9W 800 Lumen 2700K Medium-Base Non-Dimmable
- 10 LED Bulb A800/827/10KLED(F) SKU 46665621
- 11 (44) Feit Electric T60 3W Flame Design LED Light Bulb Soft White 1500K
- 12 C/FLAME2/LED/36 Store SKU 1003229872

13 and other similar products, which perform substantially the same function as the devices
14 embodied in one or more claims of the '851 Patent in substantially the same way to
15 achieve the same result.

16 13. The devices above are collectively referred to as the "Accused Products."

17 14. On information and belief, the Accused Products use Light-Emitting
18 Diodes ("LEDs") that infringe one or more claims of the '851 Patent, including, at least,
19 claim 1:

20 A semiconductor light-emitting device comprising:
21 a substrate; a textured district defined on the surface of said substrate comprising
22 a plurality of etched trenches having a sloped etching profile with a smooth
23 rotation of microfacets without a prescribed angle of inclination;
24 a first layer disposed on said textured district, comprising a plurality of inclined
25 lower portions, said first layer and said substrate form a lattice-mismatched
26 misfit system, said substrate having at least one of a group consisting of
27 group III-V, group IV, group II-VI elements and alloys, ZnO, spinel and
28 sapphire; and

1 a light-emitting structure containing an active layer disposed on said first layer,
2 whereby said plurality of inclined lower portions are configured to guide
3 extended lattice defects away from propagating into the active layer.

4 15. For example, the Feit Electric A19 6W 450 Lumen Medium-Base Non-
5 Dimmable LED Bulb 4PK A450/827/10KLED/4 SKU 46665645 is an exemplary
6 Accused Product. Photographs of the Feit Electric A19 6W 450 Lumen Medium-Base
7 Non-Dimmable LED Bulb 4PK A450/827/10KLED/4 SKU 46665645 appear below:

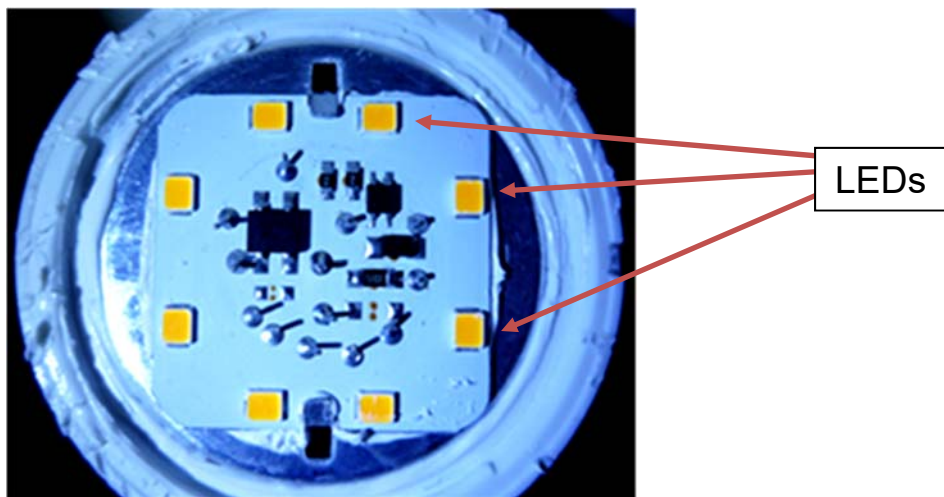
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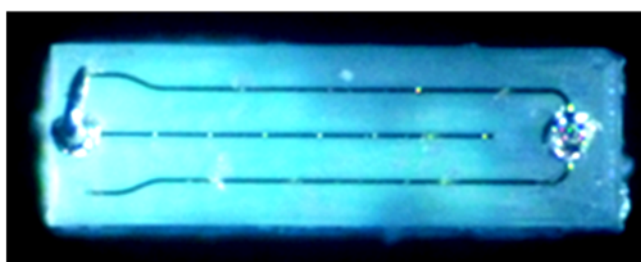
1 16. The LEDs used in the Accused Products are **semiconductor light-**
2 **emitting devices.** For example, the LEDs in Feit Electric A19 6W 450 Lumen
3 Medium-Base Non-Dimmable LED Bulb 4PK A450/827/10KLED/4 SKU 46665645
4 are used to produce light:



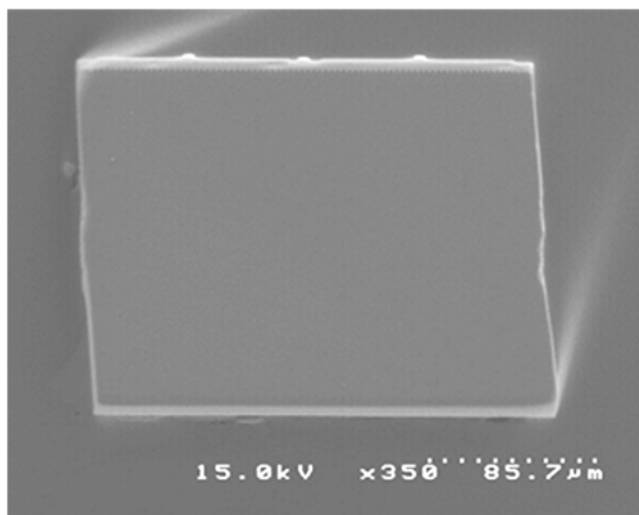
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15 17. A photograph depicting the LEDs found inside of the exemplary Feit
16 Electric A19 6W 450 Lumen Medium-Base Non-Dimmable LED Bulb 4PK
17 A450/827/10KLED/4 SKU 46665645 appears below:



1 18. A photograph depicting the LED chip inside, showing the electrode pattern
2 of the LEDs found inside of the exemplary Feit Electric A19 6W 450 Lumen Medium-
3 Base Non-Dimmable LED Bulb 4PK A450/827/10KLED/4 SKU 46665645 appears
4 below:

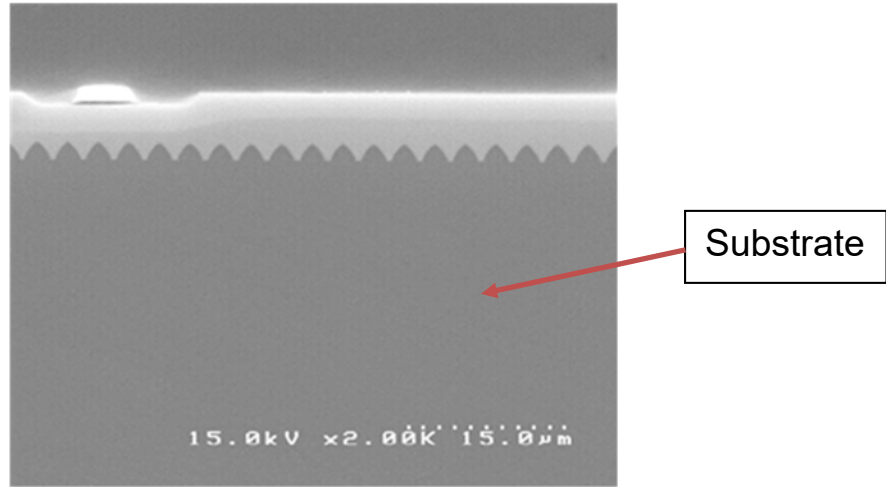


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11 19. A scanning electron microscope (SEM) image of LED cross-section for
12 the exemplary Feit Electric A19 6W 450 Lumen Medium-Base Non-Dimmable LED
13 Bulb 4PK A450/827/10KLED/4 SKU 46665645 appears below:

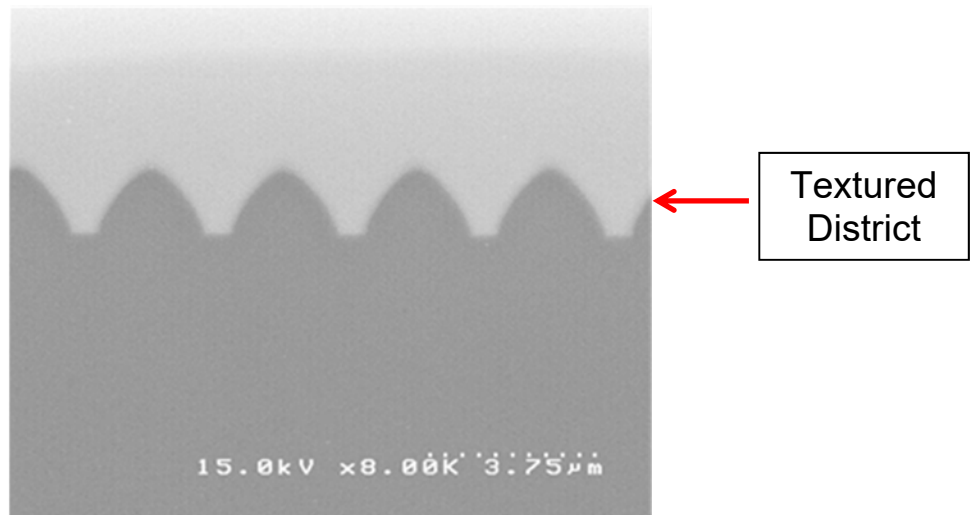


23 20. The LEDs used in the Accused Products contain a **substrate**. For
24 example, the substrate used in the LEDs found in the Feit Electric A19 6W 450 Lumen
25 Medium-Base Non-Dimmable LED Bulb 4PK A450/827/10KLED/4 SKU 46665645
26 appears below:

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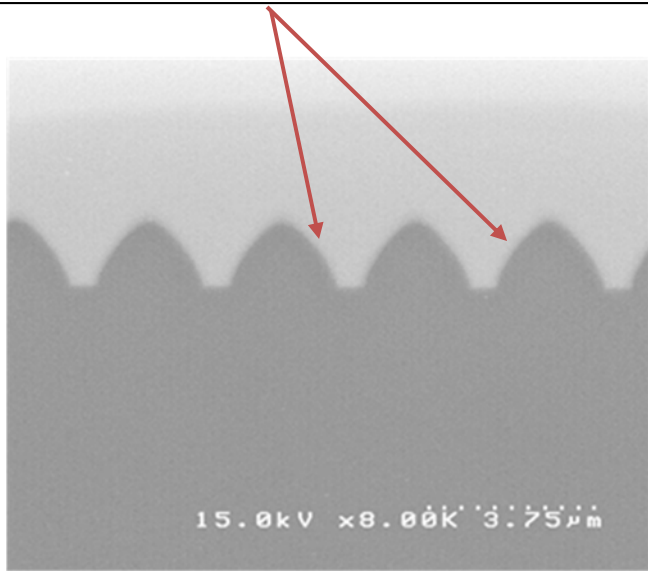


21. The LEDs used in the Accused Products contain a **textured district defined on the surface of said substrate comprising a plurality of etched trenches having a sloped etching profile with a smooth rotation of micro-facets without a prescribed angle of inclination.** For example, the textured district found on the substrate used in the LEDs found in the Feit Electric A19 6W 450 Lumen Medium-Base Non-Dimmable LED Bulb 4PK A450/827/10KLED/4 SKU 46665645 appears below:



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The plurality of etched trenches has sloped etching profiles with a smooth rotation of micro-facets without a prescribed angle of inclination.



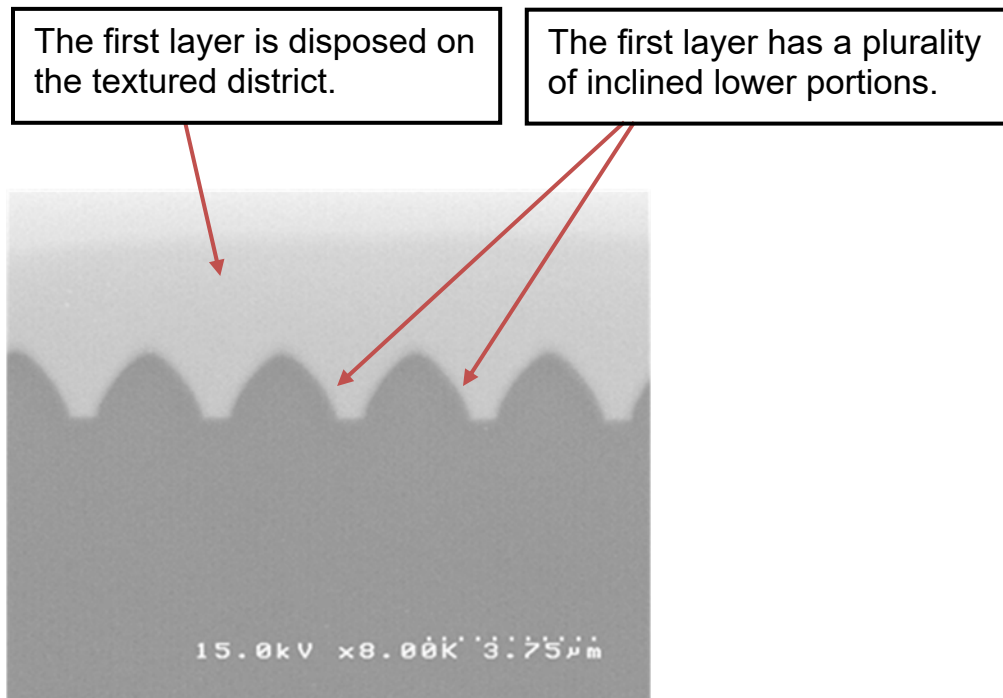
15.0kV x8.00k 3.75µm

Etched trenches (the areas in the surface of the substrate from which some amount of material has been etched away in order to create the pattern on the surface of the substrate)

Sloped etching profile (the etched sloped sides of the trench). The sloped etching profile contains a smooth rotation of microfacets.

Without a prescribed angle of inclination (the sloped etching profile is without a constant angle of inclination)

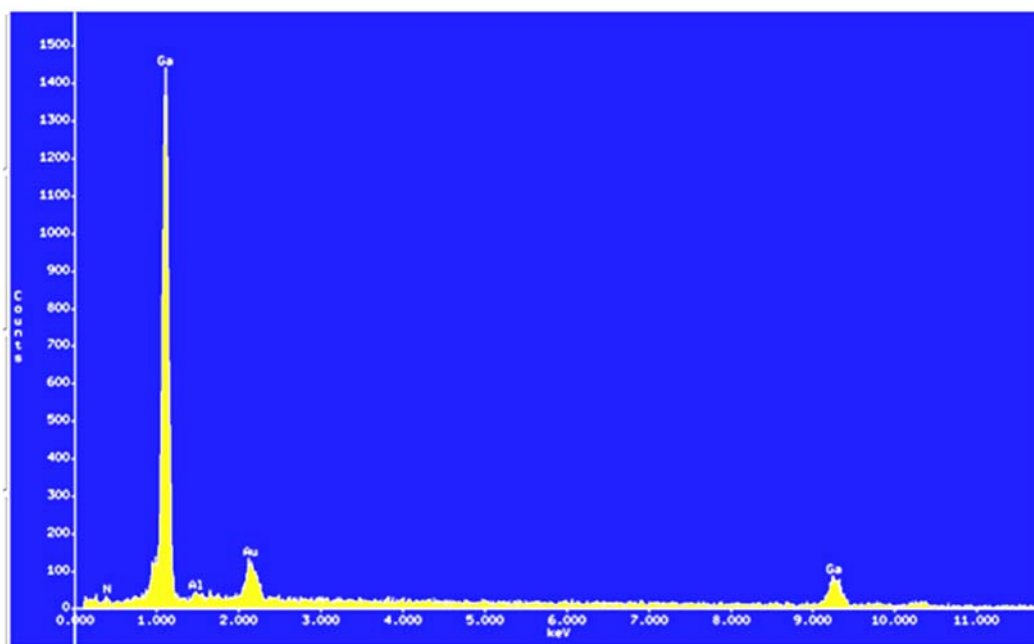
1 22. The LEDs used in the Accused Products contain a **first layer disposed on**
2 **said textured district comprising a plurality of inclined lower portions, said first**
3 **layer and said substrate form a lattice-mismatched misfit system, said substrate**
4 **having at least one of a group consisting of group III-V, group IV, group II-VI**
5 **elements and alloys, ZnO, spinel and sapphire.** For example, the first layer used in
6 the LEDs found in the Feit Electric A19 6W 450 Lumen Medium-Base Non-Dimmable
7 LED Bulb 4PK A450/827/10KLED/4 SKU 46665645 appears below:



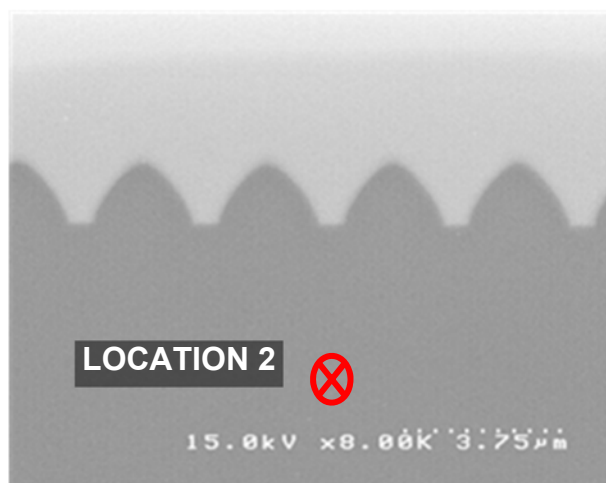
20 23. The LEDs used in the Accused Products use a gallium nitride first layer.
21 For example, the SEM image of the LED cross-section identifying the location of the
22 energy-dispersive X-ray (EDX) measurement of the first layer used in the LEDs found
23 in the Feit Electric A19 6W 450 Lumen Medium-Base Non-Dimmable LED Bulb 4PK
24 A450/827/10KLED/4 SKU 46665645 appears below:



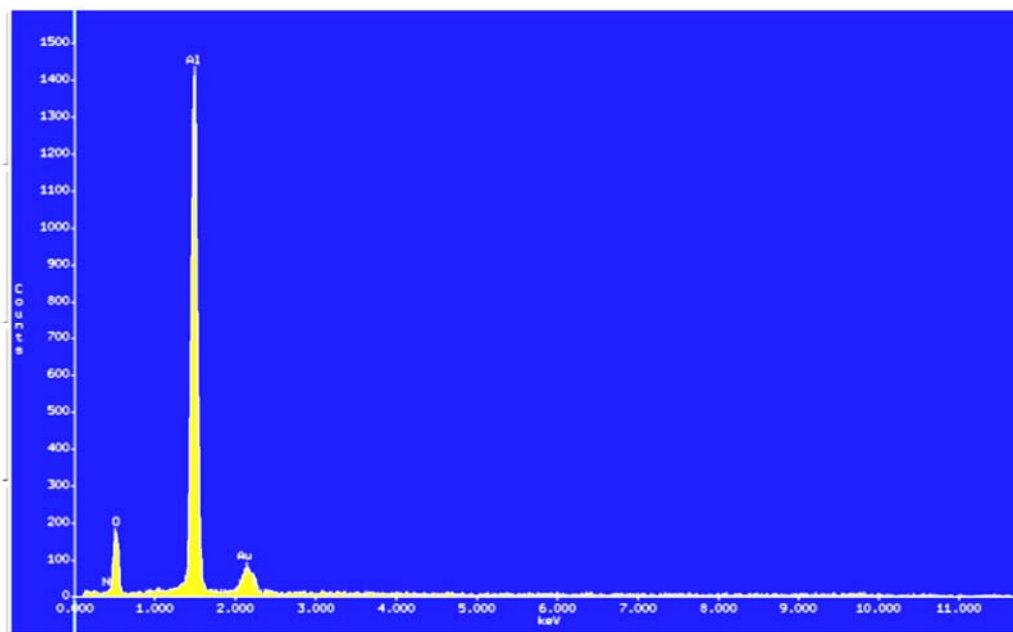
9 24. The EDX analysis of the first layer confirms that the first layer used in the
 10 LEDs found in the Feit Electric A19 6W 450 Lumen Medium-Base Non-Dimmable
 11 LED Bulb 4PK A450/827/10KLED/4 SKU 46665645 is comprised of gallium nitride
 12 (GaN):



24 25. The LEDs used in the Accused Products contain a sapphire substrate. For
 25 example, the SEM image of the LED cross-section identifying the location of the
 26 energy-dispersive X-ray (EDX) measurement of the substrate used in the LEDs found
 27 in the Feit Electric A19 6W 450 Lumen Medium-Base Non-Dimmable LED Bulb 4PK
 28 A450/827/10KLED/4 SKU 46665645 appears below:



9 26. The EDX analysis of the substrate confirms that the substrate used in the
10 LEDs found in the Feit Electric A19 6W 450 Lumen Medium-Base Non-Dimmable
11 LED Bulb 4PK A450/827/10KLED/4 SKU 46665645 is comprised of sapphire (Al_2O_3):



23 27. The Gallium Nitride first layer and Sapphire (Al_2O_3) substrate **form a**
24 **lattice-mismatched misfit system**. This is so because of the significant difference in
25 the lattice constants of GaN and sapphire.

26 28. The LEDs used in the Accused Products contain a **light-emitting**
27 **structure containing an active layer disposed on said first layer, whereby said**
28 **plurality of inclined lower portions are configured to guide extended lattice defects**

1 away from propagating into the active layer. See Daniel A. Steigerwald, et al.,
 2 *Illumination with Solid State Lighting Technology*, IEEE Journal on Selected Topics in
 3 Quantum Electronics, Vol. 8, No. 2, March/April 2002 (“LEDs have a cross section
 4 similar to that depicted in Fig. 8. n-type GaN layers are grown on the substrate, an
 5 active layer is grown on top of this, and p-GaN layers are then grown over the top of
 6 the structure”):

IV. HIGH POWER LED NITRIDE FLIP-CHIP TECHNOLOGY

A. Conventional Indicator LED Device Structures

9 The bulk of commercially available GaN-based devices are
 10 grown on sapphire substrates. LEDs have a cross section sim-
 11 ilar to that depicted in Fig. 8. n-type GaN layers are grown
 12 on the substrate, an active layer is grown on top of this, and
 13 p-GaN layers are then grown over the top of the structure. Part
 14 of the p-GaN and active layers are etched away to reveal and
 allow the formation of an electrical contact to the underlying
 n-GaN layers. Light is extracted from these devices through the
 uppermost p-GaN layers. However, the limited conductivity of

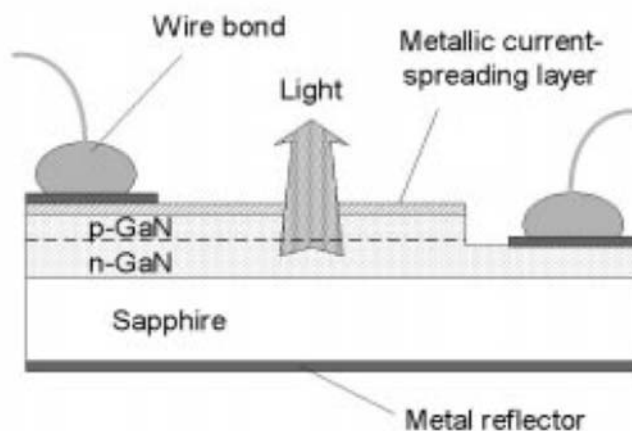


Fig. 8. Diagrammatic cross section through a standard, commercially available GaN-based LED. Light is extracted through a partially absorbing Ni-Au-based layer which acts as both hole-spreading layer and a hole injecting contact to the p-GaN.

25 29. The “active layer” is the portion of the LED structure that produces the
 26 light. The above journal article excerpt depicts the structure of a “GaN on sapphire”
 27 LED. The LEDs used in the Accused Products are “GaN on sapphire” LEDs. The
 28 above journal article excerpt identifies the locations of the structures used in GaN on

1 sapphire LEDs, including the “active layer” which is the light-producing region at the
2 intersection of the n-type GaN Layer and the p-GaN layer. On information and belief,
3 the plurality of the lower inclined portions of the first layer disposed on the textured
4 district on the surface of the substrate of the LEDs used in the Accused Products are
5 configured to guide extended lattice defects away from propagating into the active layer.

6 30. The Accused Products are not licensed under the ’851 Patent.

7 31. Defendant’s acts of infringement have caused damage to Plaintiff.
8 Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a
9 result of the wrongful acts of Defendant in an amount subject to proof at trial.

10 **Defendant’s Willful Infringement**

11 32. Since at least the filing of the original complaint in this action, and/or
12 service of same, Defendant has had knowledge of its infringement of the ’851 Patent.

13 33. Upon information and belief, since at least September 19, 2012, Defendant
14 has been aware of the ’851 Patent. By this Complaint, Defendant is on notice of the
15 products that infringe the ’851 Patent, and how they infringe. Defendant will be liable
16 for contributory and/or inducing infringement if Defendant’s infringing conduct
17 continues. For example, Defendant will be liable for inducement of infringement under
18 35 U.S.C. § 271(b) when, without limitation, it intentionally induces or encourages the
19 direct infringement of the ’851 Patent by Defendant’s customers, by intentionally
20 directing them and encouraging them to use within the United States one or more
21 devices that embody the patented invention or when Defendant’s customers use the
22 Accused Products in the ordinary, customary, and intended way. On information and
23 belief, Defendant provides support to instruct its customers on how to use the infringing
24 technology.

25 34. Upon information and belief, since at least September 19, 2012, Defendant
26 has been aware of the ’851 Patent. Defendant’s infringement has been and continues to
27 be willful and deliberate. Upon information and belief, Defendant deliberately
28 infringed the ’851 Patent and acted recklessly and in disregard to the ’851 Patent by

1 making, having made, using, importing, and offering for sale products that infringe the
2 '851 Patent. Upon information and belief, the risks of infringement were known to
3 Defendant and/or were so obvious under the circumstances that the infringement risks
4 should have been known. Upon information and belief, Defendant has no reasonable
5 non-infringement theories. Upon information and belief, Defendant has not attempted
6 any design/sourcing change to avoid infringement. Defendant has acted despite an
7 objectively high likelihood that its actions constituted infringement of the '851 Patent.
8 In addition, this objectively-defined risk was known or should have been known to
9 Defendant. Upon information and belief, Defendant has willfully infringed and/or
10 continues to willfully infringe the '851 Patent. Defendant's actions of being made
11 aware of its infringement, not developing any non-infringement theories, not attempting
12 any design/sourcing change, and not ceasing its infringement constitute egregious
13 behavior beyond typical infringement.

14 35. Defendant's affirmative acts of selling the Accused Products, causing the
15 Accused Products to be sold, advertised, offered for sale, and/or distributed, and
16 providing instruction manuals for the Accused Products have induced and continue to
17 induce Defendant's customers, and/or end-users to use the Accused Products in their
18 normal and customary way to infringe the '851 Patent. For example, it can be
19 reasonably inferred that end-users will use the infringing products, which will cause the
20 LEDs that are the subject of the claimed invention to be used. Defendant specifically
21 intended and was aware that these normal and customary activities would infringe the
22 '851 Patent. By way of example, the LEDs that are the subject of the claim invention
23 are energized and illuminated when an infringing light bulb is turned on and its LEDs
24 illuminated. In addition, Defendant provides marketing and/or instructional materials,
25 such as user guides, that specifically teach end-users to use the Accused Products in an
26 infringing manner. By providing such instructions, Defendant knows (and has known),
27 or were willfully blind to the probability that its actions have, and continue to, actively
28 induce infringement. By way of example only, Defendant has induced infringement

1 and continues to induce infringement of, in addition to other claims, at least claim 1 of
2 the '851 Patent by selling in the United States, without Lexington's authority, infringing
3 products and providing the instructional materials described above. These actions have
4 induced and continue to induce the direct infringement of the '851 Patent by end-users.
5 Defendant performed the acts that constitute induced infringement, and would induce
6 actual infringement, with the knowledge of the '851 Patent and with the knowledge, or
7 willful blindness to the probability, that the induced acts would constitute infringement.
8 Upon information and belief, Defendant specifically intended (and intend) that its
9 actions will results in infringement of at least claim 1 of the '851 Patent, or subjectively
10 believes that its actions will result in infringement of the '851 Patent but took deliberate
11 actions to avoid learning of those facts, as set forth above. Upon information and belief,
12 Defendant knew of the '851 Patent and knew of its infringement, including by way of
13 this lawsuit and earlier as described above.

14 **REQUEST FOR RELIEF**

15 **WHEREFORE**, Plaintiff Lexington Luminance LLC respectfully requests that
16 the Court enter judgment in its favor and against Defendant as follows:

17 A. A judgment declaring that the '851 Patent is valid and enforceable and
18 infringed by Defendant;

19 B. A judgment awarding Plaintiff damages resulting from Defendant's
20 infringement in accordance with 35 U.S.C. § 284;

21 C. A judgement awarding Plaintiff supplemental damages for any
22 continuing post-verdict infringement up until final judgment;

23 D. A judgement awarding Plaintiff a compulsory ongoing royalty;

24 E. A judgment requiring Defendant to make an accounting of damages
25 resulting from Defendant's infringement of the patents-in-suit;

26 F. A judgment awarding Plaintiff enhanced damages for willful
27 infringement as permitted under the law;

28

1 G. A judgment and order requiring Defendant to pay to Plaintiff pre-
2 judgment and post-judgment interest on the damages awarded, including an award of
3 pre-judgment interest, pursuant to 35 U.S.C. § 284, from the date of each act of
4 infringement of the '851 Patent by Defendant to the day a damages judgment is
5 entered, and a further award of post-judgment interest, pursuant to 28 U.S.C. § 1961,
6 continuing until such judgment is paid, at the maximum rate allowed by law;

7 H. A judgment requiring Defendant to pay Plaintiff's costs in this action and
8 its reasonable attorneys' fees pursuant to 35 U.S.C. §285; and

9 I. Such other and further relief as the Court deems just and equitable.

10
11 Respectfully submitted,

12 Dated: May 13, 2019

KATZ PLLC

13
14 By: /s/ Robert D. Katz

Robert D. Katz

15 Attorneys for Plaintiff

16 LEXINGTON LUMINANCE LLC

17
18 **JURY TRIAL DEMAND**

19 Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff Lexington
20 Luminance LLC respectfully demands a jury trial on all issues in this action so triable
21 by a jury.

22 Respectfully submitted,

23 Dated: May 13, 2019

KATZ PLLC

24
25 By: /s/ Robert D. Katz

Robert D. Katz

26 Attorneys for Plaintiff

27 LEXINGTON LUMINANCE LLC