

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LIGHTING SCIENCE GROUP CORP.,)	
)	
Plaintiff,)	
)	CA No. 19-807-LPS
v.)	
)	
SIGNIFY N.V. (F/K/A PHILIPS LIGHTING)	JURY TRIAL DEMANDED
N.V.) & SIGNIFY NORTH AMERICA)	
CORPORATION (F/K/A PHILIPS)	
LIGHTING NORTH AMERICA)	
CORPORATION))	
)	
Defendants.)	
)	
)	

CORRECTED ORIGINAL COMPLAINT

Plaintiff Lighting Science Group Corp. files this Corrected Complaint against Defendants Signify N.V. (F/K/A Philips Lighting N.V.) and Signify North America Corporation (F/K/A Philips Lighting North America Corporation) for patent infringement under 35 U.S.C. § 271. The corrections include minor typographical edits and the removal of U.S. Patent No. 8,672,518 as an asserted patent. Plaintiff alleges, based on its own personal knowledge with respect to its own actions and based upon information and belief with respect to all others’ actions, as follows:

INTRODUCTION

1. For nearly two decades, Lighting Science Group Corporation (“LSG”) has been at the forefront of innovation in the light-emitting diode (“LED” or “LEDs”) lighting space. LSG was the first U.S.-based manufacturer to make an LED light commercially available. In the ensuing years, LSG proved instrumental to the proliferation of LED lighting across American residences.

In May 2010, through a relationship with The Home Depot, LSG released a 40-watt equivalent, 429 lumen LED bulb under The Home Depot's EcoSmart brand for \$20. In an article titled, "The Home Depot takes LED lighting mainstream with \$20 bulbs," Engadget celebrated the product for making high-quality LED lighting more economically accessible, noting that LSG's product was "cheaper and nearly as powerful as the 450 lumen, \$40-\$50 design industry heavyweight GE unveiled" the month before, and concluding, "[h]onestly, we're starting to wonder what the catch is."¹

2. By 2011, LSG's winning combination of innovation, quality, and accessible pricing had led the company to become the largest North American producer of LED lights, selling 4.5 million LED lights in 2011 alone, and increasing sales by 450-percent over the prior year.² That success, in turn, led LSG to become a significant American employer. For three consecutive years, from 2012 to 2014, LSG was named on Deloitte's Technology Fast 500TM as one of the top 500 fastest growing companies in North America.³

3. Meanwhile, as LSG continued to advance the field of LED lighting both commercially and technologically, it simultaneously protected and disclosed its innovative intellectual property through hundreds of issued U.S. patents. Those patents, in turn, further advanced the LED lighting space, garnering thousands of citations from later patents filed by

¹ Sean Hollister, "The Home Depot Takes LED Lighting Mainstream with \$20 Bulbs," Engadget (May 11, 2010), <https://www.engadget.com/2010/05/11/the-home-depot-takes-led-lighting-mainstream-with-20-bulbs/>.

² Jasmine Zhuang, "Lighting Science Group Becomes North American Largest LED Lights Producer," LEDinside (Jan. 31, 2012), https://www.ledinside.com/news/2012/1/lighting_science_group_north_american_largest_producer_2012_0131.

³ "Lighting Science Group Corporation Ranked in Top 500 Fastest Growing Companies for Third Consecutive Year in North America on Deloitte's 2014 Technology Fast 500TM," Pegasus Capital Advisors (Nov. 17, 2014), <http://www.pcalp.com/lighting-science-group-corporation-ranked-top-500-fastest-growing-companies-third-consecutive-year-north-america-deloittes-2014-technology-fast-500/>

LSG's competitors.

4. But in recent years, an explosion of products which infringe LSG's innovative patents has eroded LSG's market position. Thus, in order to protect its valuable intellectual property rights and substantial investments in innovating the LED lighting space, LSG files this complaint for patent infringement.

5. This matter is a companion case to an ITC proceeding, captioned *In the Matter of Certain Light-Emitting Diode Products, Systems, and Components Thereof*, filed concurrently herewith by the same Plaintiff, naming the same Defendants as respondents. Plaintiff hereby incorporates by reference the relevant portions of the Complaint filed in that ITC proceeding as if restated herein.

THE PARTIES

6. Lighting Science Group Corp. is a Delaware corporation with its principal place of business located at 801 N. Atlantic Avenue, Cocoa Beach, FL 32931.

7. Both directly and through its subsidiaries, LSG is in the business of manufacturing, researching, developing, and selling devices and systems that use LEDs as the light source.

8. Signify N.V. (f/k/a Philips Lighting N.V.) is a publicly traded company organized under the laws of the Netherlands. It has its principal place of business at High Tech Campus 48, 5656 AE Eindhoven, The Netherlands. Signify N.V. recently changed its name from Philips Lighting N.V. and will continue to sell products under the Philips brand name.

9. Signify N.V. designs and manufactures, among other things, LED lighting products. Upon information and belief, Signify N.V. manufactures certain Accused Products abroad, including in manufacturing facilities in China and Mexico.

10. On information and belief, Signify N.V., directly or through its affiliates, imports

into the United States, sells for importation into the United States, and/or sells after importation into the United States certain Accused Products and/or knowingly induces such activity.

11. Signify North America Corporation (f/k/a Philips Lighting North America Corporation), is a privately held corporation organized under the laws of the State of Delaware. It has its principal place of business at 200 Franklin Square Drive, Somerset, New Jersey 08873. Signify North America Corporation recently changed its name from Philips Lighting North America Corporation.

12. On information and belief, Signify North America Corporation is a wholly-owned subsidiary of Signify N.V. and it, directly or through its affiliates, imports into the United States, sells for importation into the United States, and/or sells after importation into the United States certain Accused Products, including products manufactured abroad by Signify N.V. On information and belief, Signify North America Corporation will continue to import and sell products under the Philips brand name and/or knowingly induces such activity.

13. Signify N.V. and Signify North America Corporation collectively are referred to as the “Signify Defendants.”

14. As a result of the above, Signify N.V. and Signify North America Corporation are liable jointly, severally, or in the alternative with respect to the same series of transactions or occurrences, and questions of fact common to both of them will arise in this action, consistent with 35 U.S.C. § 299.

JURISDICTION AND VENUE

15. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

16. This Court has personal jurisdiction over Signify in this action because Signify has committed acts within this district giving rise to this action, and has established minimum contacts with this forum such that the exercise of jurisdiction over Signify would not offend traditional notions of fair play and substantial justice. Signify, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this district by, among other things, importing, offering to sell, and selling products that infringe the asserted patents. Signify North America Corporation is a resident of this district. Signify N.V. controls the products sold by Signify North America Corporation, and controls or acts jointly with Signify North America Corporation in the marketing and sale of the accused products.

17. Venue is proper as to Defendant Signify in this district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b). Defendant Signify North America Corporation is organized under the laws of Delaware, and thus resides in this district, and commits acts of infringement in this district.

18. Venue is proper as to Defendant Signify N.V., which is organized under the laws of the Netherlands. 28 U.S.C. § 1391(c)(3) provides that “a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.”

COUNT ONE: INFRINGEMENT OF THE '483 PATENT

19. U.S. Patent No. 7,098,483 (“the ’483 Patent”), titled “Light Emitting Diodes Packaged for High Temperature Operation,” was issued on August 29, 2006, naming Joseph Mazzochette and Greg Blonder as the inventors. Ex. 1 (’483 Patent).

20. LSG owns by assignment all rights, title, and interest in the ’483 Patent, and holds all substantial rights pertinent to this suit, including the right to sue and recover for all past, current, and future infringement.

21. On information and belief, Signify imports, sells for importation, and/or sells after importation into the United States certain Accused Products (“Signify Accused Products”) that infringe the ’483 Patent, including products sold as the Philips LUMEC Roadfocus LED Luminaire (RF1739601/1).

22. The Signify Accused Products directly infringe, literally and/or under the doctrine of equivalents, at least claims 11 and 14-16 of the ’483 Patent, in violation of 35 U.S.C. § 271(a). Signify directly infringes at least these claims by importing, selling for importation, and/or selling after importation into the United States the Signify Accused Products. The Signify Accused Products satisfy all claim limitations of at least claims 11 and 14-16 of the ’483 Patent at the time of importation into the United States.

23. Moreover, on information and belief, one or more of the Defendants knowingly and intentionally induces infringement of the ’483 Patent in violation of 35 U.S.C. § 271(b) by actively encouraging others to offer to sell, sell, use, and/or import Signify Accused Products into the United States (that is, by actively encouraging others to directly infringe). On information and belief, with knowledge and intent, or with willful blindness, one or more of the Defendants is encouraging and facilitating infringement by others. For example, on information and belief, one or more of the Defendants sells the Signify Accused Products or otherwise provides the Signify Accused Products to another Defendant or to distributors knowing that these distributors intend to import and/or sell the Signify Accused Products in the United States. On information and belief, as of the filing of this Complaint or earlier, the Defendants have had knowledge of, or have been willfully blind toward, the Asserted Patents and the infringement of the Asserted Patents by making, using, selling, offering to sell, and/or importing the Signify Accused Products.

24. A claim chart comparing claims 11 and 14-16 of the ’483 Patent to a representative

Signify Accused Product, the Philips LUMEC Roadfocus LED Luminaire (RF1739601/1),⁴ was filed as Exhibit 2 to Plaintiff's Original Complaint (D.I. 2), and is incorporated herein by reference.

COUNT TWO: INFRINGEMENT OF THE '053 PATENT

25. U.S. Patent No. 7,095,053 (“the '053 Patent”), titled “Light Emitting Diodes Packaged for High Temperature Operation,” issued on August 22, 2006, naming Joseph Mazzoquette and Greg Blonder as the inventors. Ex. 3 ('053 Patent).

26. LSG owns by assignment all rights, title, and interest in the '053 Patent, and holds all substantial rights pertinent to this suit, including the right to sue and recover for all past, current, and future infringement.

27. On information and belief, Signify imports, sells for importation, and/or sells after importation into the United States certain Accused Products (“Signify Accused Products”) that infringe the '053 Patent, including products sold as the Philips LUMEC Roadfocus LED Luminaire (RF1739601/1).

28. The Signify Accused Products directly infringe, literally and/or under the doctrine of equivalents, at least claims 7, 11, 14, 22, 26, and 29 of the '053 Patent, in violation of 35 U.S.C. § 271(a). Signify directly infringes at least these claims by importing, selling for importation, and/or selling after importation into the United States the Signify Accused Products. The Signify Accused Products satisfy all claim limitations of at least at least claims 7, 11, 14, 22, 26, and 29 of the '053 Patent at the time of importation into the United States.

29. Moreover, on information and belief, one or more of the Defendants knowingly and intentionally induces infringement of the '053 Patent in violation of 35 U.S.C. § 271(b) by actively encouraging others to offer to sell, sell, use, and/or import Signify Accused Products into the

⁴ Upon information and belief, this product was manufactured by or for Signify.

United States (that is, by actively encouraging others to directly infringe). On information and belief, with knowledge and intent, or with willful blindness, one or more of the Defendants is encouraging and facilitating infringement by others. For example, on information and belief, one or more of the Defendants sells the Signify Accused Products or otherwise provides the Signify Accused Products to another Defendant or to distributors knowing that these distributors intend to import and/or sell the Signify Accused Products in the United States. On information and belief, as of the filing of this Complaint or earlier, the Defendants have had knowledge of, or have been willfully blind toward, the Asserted Patents and the infringement of the Asserted Patents by making, using, selling, offering to sell, and/or importing the Signify Accused Products.

30. A claim chart comparing 7, 11, 14, 22, 26, and 29 of the '053 Patent to a representative Signify Accused Product, the Philips LUMEC Roadfocus LED Luminaire (RF1739601/1),⁵ was filed as Exhibit 4 to Plaintiff's Original Complaint (D.I. 2), and is incorporated herein by reference.

COUNT THREE: INFRINGEMENT OF THE '421 PATENT

31. U.S. Patent No. 7,528,421 ("the '421 Patent"), titled "Surface Mountable Light Emitting Diode Assemblies Packaged for High Temperature Operation," issued on May 5, 2009, naming Joseph Mazzochette as the inventor. Ex. 5 ('421 Patent).

32. LSG owns by assignment all rights, title, and interest in the '421 Patent, and holds all substantial rights pertinent to this suit, including the right to sue and recover for all past, current, and future infringement.

33. On information and belief, Signify imports, sells for importation, and/or sells after

⁵ Upon information and belief, this product was manufactured by or for Signify.

importation into the United States certain Accused Products (“Signify Accused Products”) that infringe the ’421 Patent, including products sold as the Philips Hue White 9.5W (60W Equivalent) Dimmable A19 Smart LED Light Bulb (9290011369B).

34. The Signify Accused Products directly infringe, literally and/or under the doctrine of equivalents, at least claims 1-2 and 6-7, and 10 of the ’421 Patent, in violation of 35 U.S.C. § 271(a). Signify directly infringes at least these claims by importing, selling for importation, and/or selling after importation into the United States the Signify Accused Products. The Signify Accused Products satisfy all claim limitations of at least claims 1-2 and 6-7, and 10 of the ’421 Patent at the time of importation into the United States.

35. Moreover, on information and belief, one or more of the Defendants knowingly and intentionally induces infringement of the ’421 Patent in violation of 35 U.S.C. § 271(b) by actively encouraging others to offer to sell, sell, use, and/or import Signify Accused Products into the United States (that is, by actively encouraging others to directly infringe). On information and belief, with knowledge and intent, or with willful blindness, one or more of the Defendants is encouraging and facilitating infringement by others. For example, on information and belief, one or more of the Defendants sells the Signify Accused Products or otherwise provides the Signify Accused Products to another Defendant or to distributors knowing that these distributors intend to import and/or sell the Signify Accused Products in the United States. On information and belief, as of the filing of this Complaint or earlier, the Defendants have had knowledge of, or have been willfully blind toward, the Asserted Patents and the infringement of the Asserted Patents by making, using, selling, offering to sell, and/or importing the Signify Accused Products.

36. A claim chart comparing claims 1-2 and 6-7, and 10 of the ’421 Patent to a representative Signify Accused Product, the Philips Hue White 9.5W (60W Equivalent) Dimmable

A19 Smart LED Light Bulb (9290011369B),⁶ was filed as Exhibit 6 to Plaintiff's Original Complaint (D.I. 2), and is incorporated herein by reference.

37. Additionally, on information and belief, including based on teardown analyses and imaging, at least the following additional products constitute Signify Accused Products that infringe the '421 Patent for the reasons set forth above:

- Philips Hue White and Color 10W (60W Equivalent) A19 Smart LED Light Bulb (9290012575A)
- Philips 8.5W (60W Replacement) Non-Dimmable A19 LED Light Bulb (Soft White) (9290011350A)
- Philips 4.5W (40W Replacement) Dimmable B11 and E12 LED Light Bulb (Soft White) (9290012137C)
- Philips 14W (100W Replacement) Non-Dimmable A19 LED Light Bulb (Daylight) (9290011351A)
- Philips 6W (50W Replacement) MR16 and GU10 LED Light Bulb (9290012664)
- Philips 8.5W (60W Replacement) Non-Dimmable A19 LED Light Bulb (Soft White) (9290011350A)
- Philips 8W (60W Replacement) Non-Dimmable A19 LED Light Bulb (Daylight) (9290011352A)
- Philips 11W (65W Replacement) Dimmable BR30 LED Light Bulb (Soft White) (9290013916)
- Philips Dusk to Dawn 8W (60W Replacement) Non-Dimmable A19 LED Light Bulb (Soft White) (9290012615)
- Philips 9W (60W Replacement) Dimmable A19 LED Light Bulb (Daylight) (9290018365A)
- Philips 9.5W (75W Replacement) Non-Dimmable A19 LED Light Bulb (Daylight) (9290012194)
- Philips 8W (60W Replacement) Non-Dimmable A19 LED Light Bulb (Daylight) (9290011352A)
- Philips 4.5W (40W Replacement) Dimmable B11 LED Light Bulb (Soft White) (9290012137)
- Philips 14.5W (100W Replacement) Non-Dimmable A19 LED Light Bulb (Soft White) (9290011349A)
- Philips 5W (40W Replacement) Non-Dimmable A19 LED Light Bulb (9290012037)
- Philips 10W (60W Replacement) Dimmable G25 LED Light Bulb (Soft White) (9290011898)
- Philips 3-Way 5/8/18W (40/60/100W Replacement) A21 LED Light Bulb (9290011742)
- Philips 7W (40W Replacement) Dimmable G25 LED Light Bulb (Soft White) (9290011817)

⁶ Upon information and belief, this product was manufactured by or for Signify.

- Philips 9W (65W Replacement) Dimmable BR30 LED Light Bulb (Soft White) (9290011555)
- Philips Hue 9.4W (72W Equivalent) 4” Retrofit Recessed LED Downlight (Cool White) (59950/11/U5)
- Philips 13W (75W Equivalent) LED Downlight 4”, 5”, or 6” Surface Mounted Fixture (Soft White) (51111/31/49 (PC: 800144))
- Philips 11W (65W Equivalent) LED 5” or 6” Recessed Retrofit Trim (Soft White) (59234/31/U0)

COUNT FOUR: INFRINGEMENT OF THE '118 PATENT

38. U.S. Patent No. 8,506,118 (“the ’118 Patent”), titled “Light Fixture and Associated LED Board and Monolithic Optic,” issued on August 13, 2013, naming Fredric S. Maxik, Zach Gibler, Eric Bretschneider, David Henderson, and Addy Widjaja as the inventors. Ex. 7 (’118 Patent).

39. LSG owns by assignment all rights, title, and interest in the ’118 Patent, and holds all substantial rights pertinent to this suit, including the right to sue and recover for all past, current, and future infringement.

40. On information and belief, Signify imports, sells for importation, and/or sells after importation into the United States certain Accused Products (“Signify Accused Products”) that infringe the ’118 Patent, including products sold as the Signify Streetworks CRTK-R Caretaker LED Roadway Luminaire (CRTK-R-A12-E-120-2-A).

41. The Signify Accused Products directly infringe, literally and/or under the doctrine of equivalents, at least claims 1, 15, and 17 of the ’118 Patent, in violation of 35 U.S.C. § 271(a). Signify directly infringes at least these claims by importing, selling for importation, and/or selling after importation into the United States the Signify Accused Products. The Signify Accused Products satisfy all claim limitations of at least claims 1, 15, and 17 of the ’118 Patent at the time of importation into the United States.

42. Moreover, on information and belief, one or more of the Defendants knowingly and

intentionally induces infringement of the '118 Patent in violation of 35 U.S.C. § 271(b) by actively encouraging others to offer to sell, sell, use, and/or import Signify Accused Products into the United States (that is, by actively encouraging others to directly infringe). On information and belief, with knowledge and intent, or with willful blindness, one or more of the Defendants is encouraging and facilitating infringement by others. For example, on information and belief, one or more of the Defendants sells the Signify Accused Products or otherwise provides the Signify Accused Products to another Defendant or to distributors knowing that these distributors intend to import and/or sell the Signify Accused Products in the United States. On information and belief, as of the filing of this Complaint or earlier, the Defendants have had knowledge of, or have been willfully blind toward, the Asserted Patents and the infringement of the Asserted Patents by making, using, selling, offering to sell, and/or importing the Signify Accused Products.

43. A claim chart comparing claims 1, 15, and 17 of the '118 Patent to a representative Signify Accused Product, the Philips 14W (100W Replacement) Non-Dimmable A19 LED Light Bulb (Daylight) (9290011351A),⁷ was filed as Exhibit 8 to Plaintiff's Original Complaint (D.I. 2), and is incorporated herein by reference.

44. Additionally, on information and belief, including based on teardown analyses and imaging, at least the following additional products constitute Signify Accused Products that infringe the '421 Patent for the reasons set forth above: the Philips LUMEC Roadfocus LED Luminaire (RF1739601/1).

COUNT FIVE: INFRINGEMENT OF THE '608 PATENT

45. U.S. Patent No. 8,674,608 ("the '608 Patent"), titled "Configurable Environmental

⁷ Upon information and belief, this product was manufactured by or for Signify.

Condition Sensing Luminaire, System and Associated Methods,” issued on March 18, 2014, naming Eric Holland, Mark P. Boomgaarden, and Eric Thosteson as the inventors. Ex. 9 (’608 Patent).

46. LSG owns by assignment all rights, title, and interest in the ’608 Patent, and holds all substantial rights pertinent to this suit, including the right to sue and recover for all past, current, and future infringement.

47. On information and belief, Signify imports, sells for importation, and/or sells after importation into the United States certain Accused Products (“Signify Accused Products”) that infringe the ’608 Patent, including products sold as the Philips Hue System.

48. The Signify Accused Products directly infringe, literally and/or under the doctrine of equivalents, at least claims 1, 2, 6, 12-13, 16, 19-22, 24, 28, and 37 of the ’608 Patent, in violation of 35 U.S.C. § 271(a). Signify directly infringes at least these claims by importing, selling for importation, and/or selling after importation into the United States the Signify Accused Products. The Signify Accused Products satisfy all claim limitations of at least claims 1, 2, 6, 12-13, 16, 19-22, 24, 28, and 37 of the ’608 Patent at the time of importation into the United States.

49. Moreover, on information and belief, one or more of the Defendants knowingly and intentionally induces infringement of the ’608 Patent in violation of 35 U.S.C. § 271(b) by actively encouraging others to offer to sell, sell, use, and/or import Signify Accused Products into the United States (that is, by actively encouraging others to directly infringe). On information and belief, with knowledge and intent, or with willful blindness, one or more of the Defendants is encouraging and facilitating infringement by others. For example, on information and belief, one or more of the Defendants sells the Signify Accused Products or otherwise provides the Signify Accused Products to another Defendant or to distributors knowing that these distributors intend to

import and/or sell the Signify Accused Products in the United States. On information and belief, as of the filing of this Complaint or earlier, the Defendants have had knowledge of, or have been willfully blind toward, the Asserted Patents and the infringement of the Asserted Patents by making, using, selling, offering to sell, and/or importing the Signify Accused Products.

50. A claim chart comparing claims 1, 2, 6, 12-13, 16, 19-22, 24, 28, and 37 of the '608 Patent to a representative Signify Accused Product, the Philips Hue System,⁸ was filed as Exhibit 10 to Plaintiff's Original Complaint (D.I. 2), and is incorporated herein by reference.

COUNT SIX: INFRINGEMENT OF THE '968 PATENT

51. U.S. Patent No. 8,201,968 ("the '968 Patent"), titled "Low Profile Light," issued on June 19, 2012, naming Fredric S. Maxik, Raymond A. Reynolds, Addy S. Widjaja, Mark Penley Boomgaarden, Robert Rafael Soler, and James L. Schellack as the inventors. Ex. 11 ('968 Patent).

52. LSG owns by assignment all rights, title, and interest in the '968 Patent, and holds all substantial rights pertinent to this suit, including the right to sue and recover for all past, current, and future infringement.

53. On information and belief, Signify imports, sells for importation, and/or sells after importation into the United States certain Accused Products ("Signify Accused Products") that infringe the '968 Patent, including products sold as the Philips 13W (75W Equivalent) LED Downlight 4", 5", or 6" Surface Mounted Fixture (Soft White) (51111/31/49).

54. The Signify Accused Products directly infringe, literally and/or under the doctrine of equivalents, at least claim 6 of the '968 Patent, in violation of 35 U.S.C. § 271(a). Signify directly infringes at least this claim by importing, selling for importation, and/or selling after importation into the United States the Signify Accused Products. The Signify Accused Products

⁸ Upon information and belief, this product was manufactured by or for Signify.

satisfy all claim limitations of at least claim 6 of the '968 Patent at the time of importation into the United States.

55. Moreover, on information and belief, one or more of the Defendants knowingly and intentionally induces infringement of the '968 Patent in violation of 35 U.S.C. § 271(b) by actively encouraging others to offer to sell, sell, use, and/or import Signify Accused Products into the United States (that is, by actively encouraging others to directly infringe). On information and belief, with knowledge and intent, or with willful blindness, one or more of the Defendants is encouraging and facilitating infringement by others. For example, on information and belief, one or more of the Defendants sells the Signify Accused Products or otherwise provides the Signify Accused Products to another Defendant or to distributors knowing that these distributors intend to import and/or sell the Signify Accused Products in the United States. On information and belief, as of the filing of this Complaint or earlier, the Defendants have had knowledge of, or have been willfully blind toward, the Asserted Patents and the infringement of the Asserted Patents by making, using, selling, offering to sell, and/or importing the Signify Accused Products.

56. A claim chart comparing claim 6 of the '968 Patent to a representative Signify Accused Product, the Philips 13W (75W Equivalent) LED Downlight 4", 5", or 6" Surface Mounted Fixture (Soft White) (51111/31/49),⁹ was filed as Exhibit 12 to Plaintiff's Original Complaint (D.I. 2), and is incorporated herein by reference.

COUNT SEVEN: INFRINGEMENT OF THE '844 PATENT

57. U.S. Patent No. 8,967,844 ("the '844 Patent"), titled "Low Profile Light and Accessory Kit for the Same," issued on March 3, 2015, naming Mark Penley Boomgaarden, Michael Balestracci, Rick LeClair, Wei Sun, David Henderson, and Shane Sullivan as the

⁹ Upon information and belief, this product was manufactured by or for Signify.

inventors. Ex. 13 ('844 Patent).

58. LSG owns by assignment all rights, title, and interest in the '844 Patent, and holds all substantial rights pertinent to this suit, including the right to sue and recover for all past, current, and future infringement.

59. On information and belief, Signify imports, sells for importation, and/or sells after importation into the United States certain Accused Products ("Signify Accused Products") that infringe the '844 Patent, including products sold as the Philips 13W (75W Equivalent) LED Downlight 4", 5", or 6" Surface Mounted Fixture (Soft White) (51111/31/49 (PC: 800144)).

60. The Signify Accused Products directly infringe, literally and/or under the doctrine of equivalents, at least claim 4 of the '844 Patent, in violation of 35 U.S.C. § 271(a). Signify directly infringes at least this claim by importing, selling for importation, and/or selling after importation into the United States the Signify Accused Products. The Signify Accused Products satisfy all claim limitations of at least claim 4 of the '844 Patent at the time of importation into the United States.

61. Moreover, on information and belief, one or more of the Defendants knowingly and intentionally induces infringement of the '844 Patent in violation of 35 U.S.C. § 271(b) by actively encouraging others to offer to sell, sell, use, and/or import Signify Accused Products into the United States (that is, by actively encouraging others to directly infringe). On information and belief, with knowledge and intent, or with willful blindness, one or more of the Defendants is encouraging and facilitating infringement by others. For example, on information and belief, one or more of the Defendants sells the Signify Accused Products or otherwise provides the Signify Accused Products to another Defendant or to distributors knowing that these distributors intend to import and/or sell the Signify Accused Products in the United States. On information and belief,

as of the filing of this Complaint or earlier, the Defendants have had knowledge of, or have been willfully blind toward, the Asserted Patents and the infringement of the Asserted Patents by making, using, selling, offering to sell, and/or importing the Signify Accused Products.

62. A claim chart comparing claim 4 of the '844 Patent to a representative Signify Accused Product, the Philips 13W (75W Equivalent) LED Downlight 4", 5", or 6" Surface Mounted Fixture (Soft White) (51111/31/49 (PC: 800144)),¹⁰ was filed as Exhibit 14 to Plaintiff's Original Complaint (D.I. 2), and is incorporated herein by reference.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE Plaintiff Lighting Science Group Corp. prays upon this Court for an order granting the following relief:

a. A judgment in favor of Plaintiff that Signify has infringed, either literally and/or under the doctrine of equivalents, '483 patent, the '053 patent, the '421 patent, the '118 patent, the '608 patent, the '968 patent, and the '844 patent;

b. A permanent injunction prohibiting Signify from further acts of infringement of the '483 patent, the '053 patent, the '421 patent, the '118 patent, the '608 patent, the '968 patent, and the '844 patent;

c. A judgment and order requiring Signify to pay Plaintiff its damages, costs, expenses, and any enhanced damages to which LSG may be entitled for Signify's infringement of the '483 patent, the '053 patent, the '421 patent, the '118 patent, the '608 patent, the '968 patent, and the '844 patent; and

¹⁰ Upon information and belief, this product was manufactured by or for Signify.

d. A judgment and order requiring Signify to provide an accounting and to pay supplemental damages to Plaintiff, including without limitation, pre-judgment and post-judgment interest;

e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against Signify; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

ASHBY & GEDDES

/s/ Andrew C. Mayo

Of Counsel:

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