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17 **TECHNICAL LED INTELLECTUAL PROPERTY, LLC**

18 UNITED STATES DISTRICT COURT
19 SOUTHERN DISTRICT OF CALIFORNIA

20 TECHNICAL LED
21 INTELLECTUAL PROPERTY,
22 LLC, a Delaware limited liability
23 company,

24 Plaintiff,

25 v.

26 HYPERIKON, INC., a California
27 corporation

28 Defendants.

Case No. '19CV1159 GPC WVG

**COMPLAINT FOR PATENT
INFRINGEMENT (U.S. PATENT
NO. RE41,685)**

DEMAND FOR JURY TRIAL

29 This is an action for patent infringement in which Technical LED Intellectual
30 Property, LLC (“Technical LED” or “Plaintiff”) makes the following allegations
31 against Hyperikon, Inc. (“Hyperikon” or “Defendant”). Headings are interposed for
32 convenience; all allegations are deemed incorporated into each ground of this

1 complaint as though separately re-alleged and are based upon investigation made by
2 Plaintiff's attorney and on information and belief as follows:

3
4 **PARTIES**

5 1. Plaintiff Technical LED is a Delaware limited liability company, with
6 its principal place of business located at 251 Little Falls Dr., Wilmington, DE 19808.

7 2. On information and belief, Defendant Hyperikon has a registered place
8 of business at 8515 Miramar Pl., San Diego, CA 92121 and headquartered at 707
9 Broadway, Suite 800, San Diego, CA 92101.

10 **JURISDICTION AND VENUE**

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

14 4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b).
15 On information and belief, Defendant has transacted business in this district, and has
16 committed and/or induced acts of patent infringement in this district.

17 5. On information and belief, Defendant is subject to this Court's specific
18 and general personal jurisdiction pursuant to due process and/or California's Long
19 Arm Statue, due at least to its substantial business in this forum, including: (i) at least
20 a portion of the infringements alleged herein; (ii) regularly doing or soliciting
21 business, engaging in other persistent courses of conduct, and/or deriving substantial
22 revenue from goods and services provided to individuals in California and in this
23 Judicial District; and having a regular and established place of business in this
24 Judicial District.

COUNT I

Infringement of U.S. Patent No. RE41,685

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6. Plaintiff is the owner by assignment of United States Patent No. RE41,685 (“the ’685 Patent”) titled “Light Source with Non-White and Phosphor-Based White LED Devices and LCD Assembly.” The ’685 Patent reissued on September 14, 2010. A true and correct copy of the ’685 Patent is attached as **Exhibit A**.

7. Upon information and belief, Defendant directly or through intermediaries has been and is now infringing the ’685 Patent in the State of California, in this judicial district, and elsewhere in the United States, by, making, using, providing, supplying, distributing, selling, and/or offering for sale products (including at least through Amazon and its website at www.hyperikon.com) further including smart led lights, RGBW led lights and similar type assemblies, comprising a light source that infringes one or more claims of the ’685 Patent and particularly, e.g., claims 10 through 14 of the ’685 Patent. The ’685 Patent reads on Hperikon’s smart led light bulb as set forth in the exemplary claims chart, attached as **Exhibit B**.

8. Upon information and belief and in view of the foregoing, Defendant has been and is continuing to directly infringe, literally infringe, and/or infringe the ’685 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’685 Patent pursuant to 35 U.S.C. § 271.

9. As a result of Defendant’s infringement of the ’685 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant’s infringing activities are enjoined by this Court. Unless a permanent injunction is issued enjoining Defendant and its agents, servants,

1 employees, representatives, affiliates, and all others acting on in active concert
2 therewith from infringing the '685 Patent, Plaintiff will be greatly and irreparably
3 harmed.

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6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff respectfully requests that this Court enter:

8 1. A judgment in favor of Plaintiff that Defendant has infringed and is
9 infringing the '685 Patent, and has induced infringement and is inducing
10 infringement of the '685 Patent;

11 2. A permanent injunction enjoining Defendant and its officers, directors,
12 agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and
13 all others acting in active concert therewith from infringement, inducing the
14 infringement of, or contributing to the infringement of '685 Patent, or such other
15 equitable relief the Court determines is just and proper;

16 3. A judgment and order requiring Defendant pay to Plaintiff its damages,
17 attorneys fees, costs, expenses, and prejudgment and post-judgment interest for
18 Defendant's infringement and willful infringement of the '685 Patent as provided
19 under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement;
20 and

21 4. Any and all other relief, at law or equity, to which Plaintiff may show
22 itself to be entitled.

23 DATED: June 17, 2019

FERNALD LAW GROUP APC

24 By: /s/Brandon C. Fernald
25 Brandon C. Fernald

26 Attorneys for Plaintiff
27 TECHNICAL LED INTELLECTUAL
28 PROPERTY, LLC

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DEMAND FOR JURY TRIAL

Technical LED, pursuant to Rule 38 of the Federal Rules of Civil Procedure and Local Rule 38-1, hereby requests a trial by jury of any issues so triable by right.

DATED: June 17, 2019

FERNALD LAW GROUP APC

By: /s/ Brandon C. Fernald
Brandon C. Fernald

Attorneys for Plaintiff
TECHNICAL LED INTELLECTUAL
PROPERTY, LLC