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Attorneys for Plaintiff
MARTIN PROFESSIONAL, A/S

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MARTIN PROFESSIONAL, A/S, a Denmark
Company,

Plaintiff,

- against -

CLAY PAKY AMERICA, Inc., a Company
and CLAY PAKY, S.p.A., an Italian
Company,

Defendants.

Case No. 08-CV-1256 (FLW)

**SECOND AMENDED COMPLAINT OF
PLAINTIFF MARTIN PROFESSIONAL,
A/S**

DEMAND FOR JURY TRIAL

Plaintiff Martin Professional A/S ("Martin") by and through its attorneys, states as follows:

PARTIES

1. Martin is a corporation organized and existing under the laws of the Kingdom of Denmark, with its principal place of business at Olof Palmes Allé 18, DK-8200 Aarhus N, Denmark.

2. Upon information and belief, Defendant Clay Paky America, Inc. was, for at least part of the relevant time period, a corporation organized and existing under the laws of the State of New Jersey, with a principal place of business at 1435 Route 539, Suite A6, Little Egg

Harbor, New Jersey, 08087. Upon information and belief, Clay Paky S.p.A., is a company organized and existing under the laws of the Republic of Italy, with its principal place of business at Via Pastrengo, 3 B, 24068 Seriate, Bergamo, Italy (collectively, “Clay Paky” or “Defendants”).

3. Upon information and belief, the Clay Paky America entity is a subsidiary of Clay Paky S.p.A.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the Acts of Congress relating to patents, including Section 1 *et seq.* of Title 35 of the United States Code. This Court has subject matter jurisdiction over this action under Sections 1331 and 1338(a) of Title 28 of the United States Code.

5. This Court has personal jurisdiction over Defendants.

6. Venue is proper in this judicial district pursuant to Section 1391 of Title 28 of the United States Code.

COUNT I

Infringement of United States Patent No. 6,601,973

7. Martin incorporates herein the allegations in paragraphs 1 through 6 above.

8. On August 5, 2003, United States Letters Patent No. 6,601,973 (“the ‘973 Patent”), entitled “Light Effects System” was duly and legally issued to N. Rasmussen, *et al.* Martin is the owner by assignment of all right, title, and interest of the ‘973 Patent.

9. Defendants have been infringing and continue to infringe the ‘973 Patent, in violation of Section 271 of Title 35 of the United States Code, in connection with products and services, alone or in combination, including at least some of the Alpha Range family of luminaires.

10. Upon information and belief, Defendants' infringement of the '973 Patent has been and continues to be willful, entitling Martin to enhanced damages pursuant to Section 284 of Title 35 of the United States Code.

11. As a result of Defendants' infringing conduct, Martin has suffered, and will continue to suffer, irreparable harm and injury to its business and property in an amount to be determined as damages, and will continue to suffer damages in the future.

12. Unless this Court enjoins Defendants and their respective officers, agents, servants, employees, attorneys, and all those persons in active concert or participating with them, from infringing the '973 Patent, Martin will continue to be irreparably harmed.

13. Upon information and belief, with full knowledge of the '973 Patent, Defendants willfully infringed the '973 Patent in deliberate and intentional disregard of Martin's rights, making this an exceptional case pursuant to section 285 of Title 35 of the United States Code.

COUNT II

Infringement of United States Patent No. 7,222,997

14. Martin incorporates herein the allegations in paragraphs 1 through 13 above.

15. On May 29, 2007, United States Letters Patent No. 7,222,997 ("the '997 Patent"), entitled "Lighting Apparatus" was duly and legally issued to N. Rasmussen, *et al.* Martin is the owner by assignment of all right, title, and interest of the '997 Patent.

16. Defendants have been infringing and continue to infringe the '997 Patent, in violation of Section 271 of Title 35 of the United States Code, in connection with products and services, alone or in combination, including at least some of the Alpha Range family of luminaires.

17. Upon information and belief, Defendants' infringement of the '997 Patent has been and continues to be willful, entitling Martin to enhanced damages pursuant to Section 284 of Title 35 of the United States Code.

18. As a result of Defendants' infringing conduct, Martin has suffered, and will continue to suffer, irreparable harm and injury to its business and property in an amount to be determined as damages, and will continue to suffer damages in the future.

19. Unless this Court enjoins Defendants and their respective officers, agents, servants, employees, attorneys, and all those persons in active concert or participating with them, from infringing the '997 Patent, Martin will continue to be irreparably harmed.

20. Upon information and belief, with full knowledge of the '997 Patent, Defendants willfully infringed the '997 Patent in deliberate and intentional disregard of Martin's rights, making this an exceptional case pursuant to section 285 of Title 35 of the United States Code.

COUNT III

Infringement of United States Patent No. 6,971,770

21. Martin incorporates herein the allegations in paragraphs 1 through 20 above.

22. On December 6, 2005, United States Letters Patent No. 6,971,770 ("the '770 Patent"), entitled "Lighting Apparatus" duly and legally issued to N. Rasmussen, *et al.* Martin is the owner by assignment of all right, title and interest of the '770 Patent.

23. Defendants have been infringing and continue to infringe the '770 Patent, in violation of Section 271 of Title 35 of the United States Code, in connection with products and services, alone or in combination, including at least some of the Alpha Range family of luminaires.

24. Upon information and belief, Defendants' infringement of the '770 Patent has been and continues to be willful, entitling Martin to enhanced damages pursuant to Section 284 of Title 35 of the United States Code.

25. As a result of Defendants' infringing conduct, Martin has suffered, and will continue to suffer, irreparable harm and injury to its business and property in an amount to be determined as damages, and will continue to suffer damages in the future.

26. Unless this Court enjoins Defendants and their respective officers, agents, servants, employees, attorneys, and all those persons in active concert or participating with them, from infringing the '770 Patent, Martin will continue to be irreparably harmed.

27. Upon information and belief, with full knowledge of the '770 Patent, Defendants willfully infringed the '770 Patent in deliberate and intentional disregard of Martin's rights, making this an exceptional case pursuant to section 285 of Title 35 of the United States Code.

COUNT IV

Infringement of United States Patent No. 6,241,366

28. Martin incorporates herein the allegations in paragraphs 1 through 27 above.

29. On June 5, 2001, United States Letters Patent No. 6,241,366 ("the '366 Patent"), entitled "Lighting System with Diffusing Dimmer" duly and legally issued to Roman, *et al.* Martin is the owner by assignment of all right, title and interest of the '366 Patent.

30. Defendants have been infringing and continue to infringe the '366 Patent, in violation of Section 271 of Title 35 of the United States Code, in connection with products and services, alone or in combination, including at least some of the Alpha Range family of luminaires.

31. Upon information and belief, Defendants' infringement of the '366 Patent has been and continues to be willful, entitling Martin to enhanced damages pursuant to Section 284 of Title 35 of the United States Code.

32. As a result of Defendants' infringing conduct, Martin has suffered, and will continue to suffer, irreparable harm and injury to its business and property in an amount to be determined as damages, and will continue to suffer damages in the future.

33. Unless this Court enjoins Defendants and their respective officers, agents, servants, employees, attorneys, and all those persons in active concert or participating with them, from infringing the '366 Patent, Martin will continue to be irreparably harmed.

34. Upon information and belief, with full knowledge of the '366 Patent, Defendants willfully infringed the '366 Patent in deliberate and intentional disregard of Martin's rights, making this an exceptional case pursuant to section 285 of Title 35 of the United States Code.

PRAYER FOR RELIEF

WHEREFORE, Martin prays for the following relief:

1. A judgment that Defendants infringed, induced infringement, and/or contributed to the infringement of one or more of the claims of the '973 Patent, the '997 Patent, the '770 Patent and/or the '366 Patent;

2. An award of damages adequate to compensate Martin's injuries sustained as a result of Defendants' infringement of the '973 Patent, the '997 Patent, the '770 Patent and/or the '366 Patent;

3. A finding by the Court that Defendants have willfully infringed the '973 Patent, the '997 Patent, the '770 Patent and/or the '366 Patent, justifying enhanced damages pursuant to section 284 of Title 35 of the United States Code;

4. An injunction permanently restraining and enjoining Defendants, and their respective officers, directors, employees, agents, servants, successors, assigns, and any and all persons in privy or in concert with them, directly or indirectly, from infringing any of the claims of the '973 Patent, the '997 Patent, the '770 Patent and/or the '366 Patent in any manner;

5. A declaration that this case is exceptional under Section 285 of Title 35 of the United States Code and an award to Martin of its attorneys' fees, costs, and expenses in this action; and

6. For such other and further relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Martin respectfully requests a jury trial on all issues so triable.

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Attorneys for Plaintiff
MARTIN PROFESSIONAL, A/S

Dated: September 10, 2008

By: /s/Richard H. Brown
Richard H. Brown

CERTIFICATE OF SERVICE

I, Kristine Russo Begley, hereby certify that I have on this the 10th day of September, 2008 served a copy of the foregoing Second Amended Complaint of Plaintiff Martin Professional, A/S by e-mail and regular mail to:

Karen A. Confoy, Esq.
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Dated: September 10, 2008



KRISTINE RUSSO BEGLEY