

1 STEVEN A. NIELSEN (CSB 133864)
2 (STEVE@NIELSENPATENTS.COM)
3 100 LARKSPUR LANDING CIRCLE, SUITE 216
4 LARKSPUR, CA 94939-1743
5 TELEPHONE:(415) 272-8210

6 Attorneys for Plaintiff
7 BATTERY CONSERVATION INNOVATIONS, LLC, a Texas limited liability corporation

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **DIVISION**

11 **BATTERY CONSERVATION**
12 **INNOVATIONS, LLC**

13 Plaintiff,

14 v.

15 **LIGHT & MOTION INDUSTRIES,**

16 Defendant.

PATENT

Case No. _____

ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT
AGAINST LIGHT & MOTION
INDUSTRIES

DEMAND FOR JURY TRIAL

17 Plaintiff Battery Conservation Innovations, LLC (“Plaintiff” or “BCI”) files this
18 complaint against Defendant Light & Motion Industries (“Defendant” or “LMI”) for
19 infringement of U.S. Patent No. 9,239,158 (hereinafter the “158 Patent”) and alleges as follows:

20 **PARTIES**

21 1. Plaintiff is a Texas limited liability company with an office address of 1801 NE 123rd
22 Street, Suite 314, North Miami, Florida 33181.

23 2. Defendant is a California corporation with its principal office at 711 Neeson Rd., Marina,
24 CA 93933. On information and belief, Defendant may be served through its agent, Daniel T.
25 Emerson, at the same address.

26 **JURISDICTION AND VENUE**

27 3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq.
28 Plaintiff is seeking damages, as well as attorney fees and costs.

1 4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and
2 1338(a) (Patents).

3 5. On information and belief, this Court has personal jurisdiction over Defendant because
4 Defendant has committed, and continues to commit, acts of infringement in this District, has
5 conducted business in this District, and/or has engaged in continuous and systematic activities in
6 this District.
7

8 6. Upon information and belief, Defendant’s instrumentalities that are alleged herein to
9 infringe were and continue to be used, imported, offered for sale, and/or sold in the District.

10 7. Venue is proper in this District under 28 U.S.C. §1400(b) because Defendant is deemed
11 to be a resident in this District.

12 **BACKGROUND**

13 8. On January 19, 2016, the United States Patent and Trademark Office (“USPTO”) duly
14 and legally issued the `158 Patent, entitled “Battery-Conserving Flashlight And Method
15 Thereof.” The `158 Patent is attached as Exhibit A.
16

17 9. Plaintiff is currently the owner of the `158 Patent.

18 10. Plaintiff possesses all rights of recovery under the `158 Patent, including the exclusive
19 right to recover for past, present and future infringement.
20

21 **COUNT ONE**
(Infringement of United States Patent No. 9,239,158)

22 11. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 10, the same as if set
23 forth herein.

24 12. This cause of action arises under the patent laws of the United States and, in particular
25 under 35 U.S.C. §§ 271, *et seq.*
26

27 13. Defendant has knowledge of its infringement of the `158 Patent, at least as of the service
28 of the present complaint.

1 14. Upon information and belief, Defendant has infringed and continues to infringe one or
2 more claims, including at least Claim 15, of the '158 Patent by making, using, importing, selling,
3 and/or offering for sale battery conserving electronic devices covered by one or more claims of
4 the '158 Patent.

5 15. Accordingly, Defendant has infringed, and continues to infringe, the '158 Patent in
6 violation of 35 U.S.C. § 271.
7

8 16. Defendant sells, offers to sell, and/or uses battery conserving electronic devices,
9 including, without limitation, the Vya Pro bike light, and any similar products ("Product"),
10 which infringe at least Claim 15 of the '158 Patent.

11 17. The Product is a battery-conserving electronic device. For example, the Product is
12 powered by a replaceable battery and includes motion sensing capabilities, wherein the bike light
13 may automatically switch to sleep mode when no movement is detected. Certain aspects of this
14 element are illustrated in the screenshot(s) below and/or in those provided in connection with
15 other allegations herein.
16

17 Smart sensor technology senses motion and
18 automatically turns lights on when inserted into
19 mount; Auto-off when bike is parked removed from
20 mount



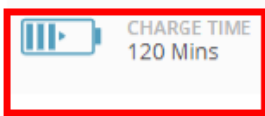
21 Source: <https://www.lightandmotion.com/shop/bike-lights/lights-for-urban-cycling/vya-pro-commuter-combo>

22 18. The Product includes a body with an opening for accessing an interior of the body. For
23 example, the Product includes a battery, which is a replaceable unit placed in interior of the body
24 of the device accessible to the user. Certain aspects of these elements are illustrated in the screen
25 shots below and/or in screenshots provided in connection with other allegations herein.
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Source: <https://www.lightandmotion.com/shop/bike-lights/lights-for-urban-cycling/vya-pro-commuter-combo>

19. The Product has at least one battery disposed in the body and configured for powering the device. Certain aspects of these elements are illustrated in the screen shots below and/or in screenshots provided in connection with other allegations herein.



- Easy direct USB charging without cables fully charges in 2 hours

Source: <https://www.lightandmotion.com/shop/bike-lights/lights-for-urban-cycling/vya-pro-commuter-combo>

20. The Product includes a controller (e.g., processor responsive to on/off sensors) disposed in the body configured to determine if the body is in motion (e.g., smart auto-on/off sensors automatically shut off light after a ride). If the device is not in motion for a first predetermined period of time, the controller decouples the at least one battery from the electronic device to conserve energy in the at least one battery. Certain aspects of these elements are illustrated in the screen shots below and/or in screenshots provided in connection with other allegations herein.

Bike safety reinvented, Vya Pro Smart Lights provide an uncompromising powerful SafePulse beam with convenience commuters love. Smart auto-on/off sensors are a true game changer – start riding and the light turns on automatically and will shut itself off after the ride, with a delay built in to remain on at stoplights. Whereas Vya



Source: <https://www.lightandmotion.com/shop/bike-lights/lights-for-urban-cycling/vya-pro-commuter-combo>

1 21. The Product has a visual indicator (e.g., the light of the device) disposed on an exterior
2 surface of the body, wherein the controller activates the visual indicator. Certain aspects of these
3 elements are illustrated in the screen shots below and/or in screenshots provided in connection
4 with other allegations herein.



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12 Source: <https://www.lightandmotion.com/shop/bike-lights/lights-for-urban-cycling/vya-pro-commuter-combo>

13 22. Defendant's actions complained of herein will continue unless Defendant is enjoined by
14 this Court.

15 23. Defendant's actions complained of herein is causing irreparable harm and monetary
16 damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and
17 restrained by this Court.

18 24. The `158 Patent is valid, enforceable, and was duly issued in full compliance with Title
19 35 of the United States Code.

20 25. By engaging in the conduct described herein, Defendant has injured Plaintiff and is thus
21 liable for infringement of the `158 Patent, pursuant to 35 U.S.C. § 271.

22 26. Defendant has committed these acts of literal infringement, or infringement under the
23 doctrine of equivalents of the `158 Patent, without license or authorization.

24 27. As a result of Defendant's infringement of the `158 Patent, Plaintiff has suffered
25 monetary damages and is entitled to a monetary judgment in an amount adequate to compensate
26 for Defendant's past infringement, together with interests and costs.
27
28

1 28. Plaintiff is in compliance with 35 U.S.C. § 287.

2 29. As such, Plaintiff is entitled to compensation for any continuing and/or future
3 infringement of the `158 Patent up until the date that Defendant ceases its infringing activities.

4 **DEMAND FOR JURY TRIAL**

5 30. Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of
6 any issues so triable by right.
7

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff asks the Court to:

10 (a) Enter judgment for Plaintiff on this Complaint on all cases of action asserted herein;

11 (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and
12 all persons in active concert or participation with Defendant who receives notice of the order
13 from further infringement of United States Patent No. 9,239,158 (or, in the alternative, awarding
14 Plaintiff running royalty from the time judgment going forward);

15 (c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35
16 U.S.C. § 284;

17 (d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under
18 law or equity.
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September 10, 2019

Jay Johnson
(Application for Admission *Pro Hac Vice* to
be filed)
Kizzia Johnson PLLC
1910 Pacific Ave.
Suite 13000
Dallas, TX 75201
(214) 451-0164
jay@kjpllc.com

By /s/Steven A. Nielsen
Steven A. Nielsen
100 Larkspur Landing Circle, Suite 216
Larkspur, CA 94939
PHONE 415 272 8210
E-MAIL: Steve@NielsenPatents.com

Attorneys for Plaintiff *Battery
Conservation Innovations LLC*