

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ULTRAVISION TECHNOLOGIES, LLC,	)	
	)	
Plaintiff,	)	Case No. 2:19-cv-00290-JRG
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
EATON CORPORATION PLC and	)	
EATON CORPORATION,	)	
	)	
Defendants.	)	

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Ultravision Technologies, LLC (“Ultravision”), for its First Amended Complaint against defendants Eaton Corporation plc and Eaton Corporation (collectively, “Defendants”) alleges as follows:

**THE PARTIES**

1. Ultravision is a limited liability company organized and existing under the laws of the State of Delaware and is registered to do business in Texas. Ultravision has its principal place of business at 4542 McEwen Road, Dallas, Texas 75244.

2. Upon information and belief, defendant Eaton Corporation plc is a corporation organized and existing under the laws of Ireland, with a principal place of business located at Eaton House, 30 Pembroke Road, Dublin 4, Ireland. Defendant Eaton Corporation plc’s website states that “Eaton is a power management company” with “approximately 99,000 employees and sells products to customers in more than 175 countries.”<sup>1</sup>

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<sup>1</sup> <https://www.eaton.com/ie/en-gb.html>.

3. Upon information and belief, defendant Eaton Corporation is a corporation organized and existing under the laws of the State of Ohio, with a principal place of business at 1000 Eaton Boulevard, Cleveland, Ohio, 44122. Upon information and belief, defendant Eaton Corporation is a wholly-owned subsidiary of defendant Eaton Corporation plc. Defendant Eaton Corporation has a designated agent for service of process at CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

4. Upon information and belief, defendant Eaton Corporation is registered to do business in Texas with the Secretary of State. Upon information and belief, defendant Eaton Corporation has facilities, including regular and established places of business, across the United States, including in the State of Texas and in this Judicial District.

5. Upon information and belief, defendant Eaton Corporation's website is the U.S.-affiliated page of defendant Eaton Corporation plc's website. Defendant Eaton Corporation's website states that "Eaton is a power management company" with "approximately 99,000 employees and sells products to customers in more than 175 countries."<sup>2</sup> Defendant Eaton Corporation's website bears the same "Eaton" trademark as defendant Eaton Corporation plc's website.

6. Upon information and belief, Defendants exercise control over, participate in, and/or induce the operations and business activities of their subsidiaries. Upon information and belief, Eaton Corporation plc and Eaton Corporation, together and with their subsidiaries, operate as a unitary business operation. For example, Defendants' website, marketing materials and sales literature, including the instruction sheets included with their products, advertise Defendants' products using the "Eaton" brand and trademark.

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<sup>2</sup> <https://www.eaton.com/us/en-us.html>.

7. Upon information and belief, Defendants have numerous employees in the United States and the State of Texas, including in this Judicial District. Upon information and belief, Defendants actively solicit employees to work in the State of Texas and in this Judicial District for “Eaton,” using the “Eaton” brand and trademark which, on information and belief, is registered to and owned by defendant Eaton Corporation.

8. Upon information and belief, Defendants, via their website, specifically direct customers and potential customers to stores and/or authorized sales agents located in the State of Texas and in this Judicial District where customers can purchase Defendants’ products, including the LED lighting products accused herein, using the “Eaton” brand and trademark.

9. Defendants’ website promotes Defendants’ LED lighting products, including Defendants’ ARCH, XNV, and Galleon products, which are accused herein, as part of “Eaton’s Lighting Division.”

10. As a result of the above, Defendants 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**

11. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

12. This Court has personal jurisdiction over Defendants. Upon information and belief, Defendants, directly and/or through intermediaries, regularly conduct business and have committed acts of patent infringement and/or have induced acts of patent infringement by others in this Judicial District and/or have contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States. The Court’s exercise of

jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice because Defendants have established minimum contacts with the forum with respect to both general and specific personal jurisdiction.

13. Upon information and belief, Defendants are subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in the State of Texas, including in this District. Upon information and belief, Defendants are subject to the Court's specific jurisdiction by, among other things, making, using, selling, offering to sell, and/or importing infringing products within the State of Texas and this Judicial District.

14. Upon information and belief, Defendants, directly and/or through intermediaries, intend to transact and do transact substantial business in the State of Texas and this Judicial District by, among other things, making, importing, using selling, offering for sale and/or advertising products and services in the State of Texas and this Judicial District, including through "Eaton" locations in Houston, Grapevine, Austin, El Paso, Corpus Christi, Tyler, Lubbock, Beaumont, Sherman, Pharr, Fort Worth, and Nacogdoches, Texas, an Eaton Experience Center in Houston, Texas, and authorized dealers and sales agents. Specifically, Defendants' website directs customers and potential customers to stores located in this Judicial District from which the customers can purchase products, including the accused products.

15. Upon information and belief, Defendants, directly and/or through intermediaries, have committed acts of infringement in the State of Texas and this Judicial District by, among other things, making, importing, using selling, offering for sale and/or advertising products, including the accused LED lighting products that infringe the Patents-in-Suit, as well as

providing service and support to customers with respect to the accused products, in the State of Texas and in this Judicial District.

16. Upon information and belief, Defendants, directly or through intermediaries, participate in the stream of commerce that results in products, including the accused products, being made, used, offered for sale, and/or sold in the State of Texas and/or imported into the United States to the State of Texas, including through Defendants' regular and established places of business and/or authorized dealers and sales agents in Texas and this Judicial District. Upon information and belief, Defendants derive revenues from their infringing acts occurring within the State of Texas and in this Judicial District.

17. Venue is proper over defendant Eaton Corporation plc in this Judicial District pursuant to 28 U.S.C. § 1391 because, among other things, defendant Eaton Corporation plc is a foreign defendant and not a resident in the United States, and thus may be sued in any judicial district pursuant to 28 U.S.C. § 1391(c)(3).

18. Venue is proper over defendant Eaton Corporation in this Judicial District pursuant to 28 U.S.C. § 1400(b) because defendant Eaton Corporation has regular and established places of business in Texas and in this Judicial District, and has committed acts of infringement in this Judicial District, by, among other things, purposely transacted business involving the accused products in this District, including sales to one or more customers in Texas.

19. Defendants are subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due to at least their substantial business in the State of Texas and this Judicial District, including (a) at least part of their past infringing activities, (b) regularly doing or soliciting business in the State of Texas, and/or (c) engaging in persistent conduct

and/or deriving substantial revenue from goods and services provided to customers in the State of Texas.

**PATENTS-IN-SUIT**

20. On October 28, 2014, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 8,870,410 (the “410 Patent”) entitled “Optical Panel for LED Light Source.” A true and correct copy of the ’410 Patent is available at <http://pdfpiw.uspto.gov/.piw?docid=8870410>.

21. On October 28, 2014, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 8,870,413 (the “413 Patent”) entitled “Optical Panel for LED Light Source.” A true and correct copy of the ’413 Patent is available at <http://pdfpiw.uspto.gov/.piw?docid=8870413>.

22. On August 15, 2017, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 9,732,932 (the “932 Patent”) entitled “Lighting Assembly with Multiple Lighting Units.” A true and correct copy of the ’932 Patent is available at <http://pdfpiw.uspto.gov/.piw?docid=9732932>.

23. On August 15, 2017, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 9,734,738 (the “738 Patent”) entitled “Apparatus with Lighting Units.” A true and correct copy of the ’738 Patent is available at <http://pdfpiw.uspto.gov/.piw?docid=9734738>.

24. On April 17, 2018, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 9,947,248 (the “248 Patent”) entitled “Lighting Assembly with Multiple Lighting Units.” A true and correct copy of the ’248 Patent is available at <http://pdfpiw.uspto.gov/.piw?docid=9947248>.

25. On March 5, 2019, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 10,223,946 (the "'946 Patent") entitled "Lighting Device with Transparent Substrate, Heat Sink and LED Array for Uniform Illumination Regardless of Number of Functional LEDs." A true and correct copy of the '946 Patent is available at <http://pdfpiw.uspto.gov/.piw?docid=10223946>.

26. Ultravision is the sole and exclusive owner of all right, title and interest in and to the '410, '413, '932, '738, '248, and '946 Patents (collectively, the "Patents-in-Suit"), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement action. Ultravision also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

27. Ultravision complies with the marking provisions of 35 U.S.C. § 287 with respect to the Patents-in-Suit. Ultravision references its patents on its website, <http://www.ultravisioninternational.com>, and also references its patents and its website in the product packaging for its products.

### **DEFENDANTS' PRODUCTS**

28. Upon information and belief, Defendants, either directly or through intermediaries, make, use, offer to sell, or sell within the United States or import into the United States LED lighting, such as Defendants' ARCH, XNV, and Galleon products.

29. Images of Defendants' ARCH product are shown below:<sup>3</sup>



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<sup>3</sup> [http://www.cooperindustries.com/content/public/en/lighting/products/roadway\\_lighting/\\_901207.html](http://www.cooperindustries.com/content/public/en/lighting/products/roadway_lighting/_901207.html); [http://www.cooperindustries.com/content/public/en/lighting/products/roadway\\_lighting/\\_929834.html](http://www.cooperindustries.com/content/public/en/lighting/products/roadway_lighting/_929834.html); [http://www.cooperindustries.com/content/public/en/lighting/products/roadway\\_lighting/\\_952389.html](http://www.cooperindustries.com/content/public/en/lighting/products/roadway_lighting/_952389.html).

30. Images of Defendants' XNV product are shown below:<sup>4</sup>



31. An image of Defendants' Galleon product is shown below:<sup>5</sup>



32. Defendants' instruction manuals, websites, promotional materials, advertisements and other information demonstrate to others, including customers, prospective customers, installers, and end-users, how to use the accused devices in an infringing manner.<sup>6</sup> Defendants' instruction manuals and other information bear the same "Eaton" trademark.

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<sup>4</sup> [http://www.cooperindustries.com/content/public/en/lighting/products/roadway\\_lighting/\\_831386.html](http://www.cooperindustries.com/content/public/en/lighting/products/roadway_lighting/_831386.html).

<sup>5</sup> [http://www.cooperindustries.com/content/public/en/lighting/products/floodlighting/\\_866260.html](http://www.cooperindustries.com/content/public/en/lighting/products/floodlighting/_866260.html); [http://www.cooperindustries.com/content/public/en/lighting/products/floodlighting/\\_866262.html](http://www.cooperindustries.com/content/public/en/lighting/products/floodlighting/_866262.html).

<sup>6</sup> [http://www.cooperindustries.com/content/dam/public/lighting/products/documents/streetworks/instruction\\_sheets/sw-xnv-led-IMI-783-ins.pdf](http://www.cooperindustries.com/content/dam/public/lighting/products/documents/streetworks/instruction_sheets/sw-xnv-led-IMI-783-ins.pdf); <http://www.cooperindustries.com/content/dam/>

**COUNT I**  
**(Infringement of the '410 Patent)**

33. Paragraphs 1 through 32 are incorporated by reference as if fully set forth herein.

34. Ultravision has not licensed or otherwise authorized Defendants to make, use, offer to sell, or sell within the United States or import into the United States any products that embody the inventions of the '410 Patent.

35. Defendants have directly infringed and continue to directly infringe one or more claims of the '410 Patent, including at least claim 15, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, and/or selling within the United States and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '410 Patent. Such products include LED lighting, such as Defendants' ARCH, XNV, and Galleon products.

36. Upon information and belief, Defendants' ARCH, XNV, and Galleon products are each an optics panel for use in a light emitting diode (LED) lighting assembly.

37. Upon information and belief, each of Defendants' ARCH, XNV, and Galleon products comprises a plurality of LEDs disposed on a substrate and directed outward therefrom.

38. Upon information and belief, each of Defendants' ARCH, XNV, and Galleon products comprises an acrylic material substrate comprising a plurality of optical elements comprising the acrylic material, the plurality of optical elements protruding out of a major

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public/lighting/products/documents/mcgraw\_edison/instruction\_sheets/mcgraw-edison-galleon-LED-floodlight-ib506001en-ins.pdf; [http://www.cooperindustries.com/content/dam/public/lighting/products/documents/streetworks/instruction\\_sheets/streetworks-archeon-house-side-shield-ib521012en-ins.pdf](http://www.cooperindustries.com/content/dam/public/lighting/products/documents/streetworks/instruction_sheets/streetworks-archeon-house-side-shield-ib521012en-ins.pdf); [http://www.cooperindustries.com/content/dam/public/lighting/products/documents/streetworks/instruction\\_sheets/archeon-small-instructions-ib521005en-ins.pdf](http://www.cooperindustries.com/content/dam/public/lighting/products/documents/streetworks/instruction_sheets/archeon-small-instructions-ib521005en-ins.pdf); [http://www.cooperindustries.com/content/dam/public/lighting/products/documents/streetworks/instruction\\_sheets/archeon-medium-instructions-ib521009en-ins.pdf](http://www.cooperindustries.com/content/dam/public/lighting/products/documents/streetworks/instruction_sheets/archeon-medium-instructions-ib521009en-ins.pdf); [http://www.cooperindustries.com/content/dam/public/lighting/products/documents/streetworks/instruction\\_sheets/streetworks-archeon-large-instructions-ib521010en-ins.pdf](http://www.cooperindustries.com/content/dam/public/lighting/products/documents/streetworks/instruction_sheets/streetworks-archeon-large-instructions-ib521010en-ins.pdf).

surface of the acrylic material substrate, the plurality of optical elements disposed over the plurality of LEDs and configured to direct light from each of the plurality of LEDs of the lighting assembly onto a display surface external to the optics panel, wherein the light from each of the LEDs is directed by the acrylic material substrate across the entire area of the display surface so that each LED evenly illuminates substantially the entire display surface with a substantially equal level of illumination from each of the LEDs.

39. Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '410 Patent, including at least claim 15, by knowingly and intentionally inducing others, including customers, installers, and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, and/or selling within the United States and/or importing into the United States products that include infringing technology, including LED lighting, including Defendants' ARCH, XNV, and Galleon products.

40. Defendants knowingly and intentionally induce infringement of one or more claims of the '410 Patent in violation of 35 U.S.C. § 271(b), including at least claim 15, by taking active steps, directly and/or through intermediaries, to encourage others, including customers, installers, and end-users, to make, use, offer to sell, and/or sell within the United States and/or import into the United States products, including but not limited to Defendants' ARCH, XNV, and Galleon products, with the specific intent to cause them to use the accused products in an infringing manner. Such steps by Defendants include, among other things, advising or directing customers, installers, and end-users to use the accused products in an infringing manner; advertising and promoting the use of the accused products in an infringing manner; and/or providing manuals, guides, installation instructions and other documentation that guide end-users to use the accused products in an infringing manner. Defendants are performing

these steps with knowledge of the '410 Patent and with knowledge that the induced acts constitute infringement, at least as of the date of the complaint filed against them in this action. Upon information and belief, Defendants are aware that the normal and customary use of the accused products by Defendants' customers would infringe the '410 Patent. Defendants' inducement is ongoing.

41. Upon information and belief, with knowledge and intent, or with willful blindness, Defendants are encouraging and facilitating infringement of one or more claims of the '410 Patent by others, including at least claim 15. For example, upon information and belief, Defendants sell, supply, or otherwise provide products, including but not limited to Defendants' ARCH, XNV, and Galleon products, to distributors, installers, or U.S.-based sales entities, knowing that these entities intend to make, use, offer to sell, and/or sell the products within the United States and/or import the products into the United States in an infringing manner. Defendants took active steps, directly and/or intermediaries, with the specific intent to cause end-users to import, sell, or offer to sell the accused products in a manner that infringes one or more of the claims of the '410 Patent, including at least claim 15. Such steps by Defendants include, among other things, making or selling the accused products outside of the United States for importation into or sale in the United States, or knowing that such importation or sale would occur; and directing, facilitating, or influencing its affiliates, or third-party manufacturers, shippers, distributors, retailers, or other persons acting on its or their behalf, to import, sell, or offer to sell the accused products in an infringing manner. Defendants performed these steps with knowledge of the '410 Patent, and with knowledge that the induced acts constitute infringement, at least as of the date of the complaint filed against them in this action. Defendants performed

such steps in order to profit from the eventual sale of the accused products in the United States. Defendants' inducement is ongoing.

42. Defendants have induced and continue to induce infringement by others of one or more claims of the '410 Patent, including at least claim 15, including customers, installers, and end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '410 Patent, but while remaining willfully blind to the infringement.

43. Defendants have had knowledge of the '410 Patent at least as of the date of the complaint filed against them in this action.

44. Upon information and belief, Defendants have intentionally avoided learning of the patent rights of others. For example, upon information and belief, Defendants have a policy or practice of not reviewing the patents of others, have complied with that policy or practice, and thus have been willfully blind of Ultravision's patent rights.

45. Ultravision has suffered damages as a result of Defendants' direct and indirect infringement of the '410 Patent in an amount to be proved at trial.

46. Ultravision has suffered and will continue to suffer irreparable harm as a result of Defendants' infringement of the '410 Patent for which there is no adequate remedy at law unless Defendants' infringement is enjoined by this Court.

**COUNT II**  
**(Infringement of the '413 Patent)**

47. Paragraphs 1 through 32 are incorporated by reference as if fully set forth herein.

48. Ultravision has not licensed or otherwise authorized Defendants to make, use, offer to sell, or sell within the United States or import into the United States any products that embody the inventions of the '413 Patent.

49. Defendants have directly infringed and continue to directly infringe one or more claims of the '413 Patent, including at least claim 16, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, and/or selling within the United States and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '413 Patent. Such products include LED lighting, such as Defendants' ARCH, XNV, and Galleon products.

50. Upon information and belief, Defendants' ARCH, XNV, and Galleon products are each an optics panel for use in a light emitting diode (LED) lighting assembly.

51. Upon information and belief, each of Defendants' ARCH, XNV, and Galleon products comprises a plurality of LEDs directed toward the display surface.

52. Upon information and belief, each of Defendants' ARCH, XNV, and Galleon products comprises a plurality of optical elements, each optical element disposed over only one associated LED and configured to direct light from that LED toward a display surface external to the optics panel, such that the light from each LED is directed across the entire display surface so that, for each LED, a ratio of the average illumination from that LED across the entire display surface to the minimum illumination from that LED at any point on the display surface is 3:1, and wherein areas beyond edges of the display surface receive minimal amounts of illumination from that LED.

53. Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '413 Patent, including at least claim 16, by knowingly and intentionally inducing others, including customers, installers, and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, and/or selling

within the United States and/or importing into the United States products that include infringing technology, including LED lighting, including Defendants' ARCH, XNV, and Galleon products.

54. Defendants knowingly and intentionally induce infringement of one or more claims of the '413 Patent in violation of 35 U.S.C. § 271(b), including at least claim 16, by taking active steps, directly and/or through intermediaries, to encourage others, including customers, installers, and end-users, to make, use, offer to sell, and/or sell within the United States and/or import into the United States products, including but not limited to Defendants' ARCH, XNV, and Galleon products, with the specific intent to cause them to use the accused products in an infringing manner. Such steps by Defendants include, among other things, advising or directing customers, installers, and end-users to use the accused products in an infringing manner; advertising and promoting the use of the accused products in an infringing manner; and/or providing manuals, guides, installation instructions and other documentation that guide end-users to use the accused products in an infringing manner. Defendants are performing these steps with knowledge of the '413 Patent and with knowledge that the induced acts constitute infringement, at least as of the date of the complaint filed against them in this action. Upon information and belief, Defendants are aware that the normal and customary use of the accused products by Defendants' customers would infringe the '413 Patent. Defendants' inducement is ongoing.

55. Upon information and belief, with knowledge and intent, or with willful blindness, Defendants are encouraging and facilitating infringement of one or more claims of the '413 Patent by others, including at least claim 16. For example, upon information and belief, Defendants sell, supply, or otherwise provide products, including but not limited to Defendants' ARCH, XNV, and Galleon products, to distributors, installers, or U.S.-based sales entities,

knowing that these entities intend to make, use, offer to sell, and/or sell the products within the United States and/or import the products into the United States in an infringing manner.

Defendants took active steps, directly and/or intermediaries, with the specific intent to cause end-users to import, sell, or offer to sell the accused products in a manner that infringes one or more of the claims of the '413 Patent, including at least claim 16. Such steps by Defendants include, among other things, making or selling the accused products outside of the United States for importation into or sale in the United States, or knowing that such importation or sale would occur; and directing, facilitating, or influencing its affiliates, or third-party manufacturers, shippers, distributors, retailers, or other persons acting on its or their behalf, to import, sell, or offer to sell the accused products in an infringing manner. Defendants performed these steps with knowledge of the '413 Patent, and with knowledge that the induced acts constitute infringement, at least as of the date of the complaint filed against them in this action. Defendants performed such steps in order to profit from the eventual sale of the accused products in the United States. Defendants' inducement is ongoing.

56. Defendants have induced and continue to induce infringement by others of one or more claims of the '413 Patent, including at least claim 16, including customers, installers, and end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '413 Patent, but while remaining willfully blind to the infringement.

57. Defendants have had knowledge of the '413 Patent at least as of the date of the complaint filed against them in this action.

58. Upon information and belief, Defendants have intentionally avoided learning of the patent rights of others. For example, upon information and belief, Defendants have a policy

or practice of not reviewing the patents of others, have complied with that policy or practice, and thus have been willfully blind of Ultravision's patent rights.

59. Ultravision has suffered damages as a result of Defendants' direct and indirect infringement of the '413 Patent in an amount to be proved at trial.

60. Ultravision has suffered and will continue to suffer irreparable harm as a result of Defendants' infringement of the '413 Patent for which there is no adequate remedy at law unless Defendants' infringement is enjoined by this Court.

**COUNT III**  
**(Infringement of the '932 Patent)**

61. Paragraphs 1 through 32 are incorporated by reference as if fully set forth herein.

62. Ultravision has not licensed or otherwise authorized Defendants to make, use, offer to sell, or sell within the United States or import into the United States any products that embody the inventions of the '932 Patent.

63. Defendants have directly infringed and continue to directly infringe one or more claims of the '932 Patent, including at least claim 1, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, and/or selling within the United States and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '932 Patent. Such products include LED lighting, such as Defendants' ARCH-M, ARCH-L, and XNV2 products.

64. Upon information and belief, each of Defendants' ARCH-M, ARCH-L, and XNV2 products is a lighting assembly.

65. Upon information and belief, each of Defendants' ARCH-M, ARCH-L, and XNV2 products comprises an assembly body.

66. Upon information and belief, each of Defendants' ARCH-M, ARCH-L, and XNV2 products comprises a first lighting unit attached to the assembly body, the first lighting unit including a first plurality of light emitting diodes (LEDs) and a first plurality of optical elements arranged over the first plurality of LEDs such that each optical element overlies only one associated LED, wherein the first lighting unit is configured to illuminate a substantially rectangular region.

67. Upon information and belief, each of Defendants' ARCH-M, ARCH-L, and XNV2 products comprises a second lighting unit attached to the assembly body and spaced from the first lighting unit, the second lighting unit including a second plurality of LEDs and a second plurality of optical elements arranged over the plurality of LEDs such that each optical element overlies only one associated LED, wherein the second lighting unit is configured to illuminate the substantially rectangular region so that the lighting assembly can illuminate substantially all of the substantially rectangular region so that the region can be illuminated without additional lighting and so that areas beyond edges of the substantially rectangular region receive minimum illumination.

68. Upon information and belief, the optical elements of each of Defendants' ARCH-M, ARCH-L, and XNV2 products is configured so that light emitted from the first and second lighting units illuminates the substantially rectangular area in a manner that does not create hot spots or result in dead spots on the area regardless of whether all of the LEDs of the first and second pluralities of LEDs are functional or only some of the LEDs of the first and second pluralities of LEDs are functional.

69. Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '932 Patent, including at least claim 1, by knowingly and intentionally

inducing others, including customers, installers, and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, and/or selling within the United States and/or importing into the United States products that include infringing technology, including LED lighting, including Defendants' ARCH-M, ARCH-L, and XNV2 products.

70. Defendants knowingly and intentionally induce infringement of one or more claims of the '932 Patent in violation of 35 U.S.C. § 271(b), including at least claim 1, by taking active steps, directly and/or through intermediaries, to encourage others, including customers, installers, and end-users, to make, use, offer to sell, and/or sell within the United States and/or import into the United States products, including but not limited to Defendants' ARCH-M, ARCH-L, and XNV2 products, with the specific intent to cause them to use the accused products in an infringing manner. Such steps by Defendants include, among other things, advising or directing customers, installers, and end-users to use the accused products in an infringing manner; advertising and promoting the use of the accused products in an infringing manner; and/or providing manuals, guides, installation instructions and other documentation that guide end-users to use the accused products in an infringing manner. Defendants are performing these steps with knowledge of the '932 Patent and with knowledge that the induced acts constitute infringement, at least as of the date of the complaint filed against them in this action. Upon information and belief, Defendants are aware that the normal and customary use of the accused products by Defendants' customers would infringe the '932 Patent. Defendants' inducement is ongoing.

71. Upon information and belief, with knowledge and intent, or with willful blindness, Defendants are encouraging and facilitating infringement of one or more claims of the

'932 Patent by others, including at least claim 1. For example, upon information and belief, Defendants sell, supply, or otherwise provide products, including but not limited to Defendants' ARCH-M, ARCH-L, and XNV2 products, to distributors, installers, or U.S.-based sales entities, knowing that these entities intend to make, use, offer to sell, and/or sell the products within the United States and/or import the products into the United States in an infringing manner.

Defendants took active steps, directly and/or intermediaries, with the specific intent to cause end-users to import, sell, or offer to sell the accused products in a manner that infringes one or more of the claims of the 932 Patent, including at least claim 1. Such steps by Defendants include, among other things, making or selling the accused products outside of the United States for importation into or sale in the United States, or knowing that such importation or sale would occur; and directing, facilitating, or influencing its affiliates, or third-party manufacturers, shippers, distributors, retailers, or other persons acting on its or their behalf, to import, sell, or offer to sell the accused products in an infringing manner. Defendants performed these steps with knowledge of the 932 Patent, and with knowledge that the induced acts constitute infringement, at least as of the date of the complaint filed against them in this action. Defendants performed such steps in order to profit from the eventual sale of the accused products in the United States. Defendants' inducement is ongoing.

72. Defendants have induced and continue to induce infringement by others of one or more claims of the '932 Patent, including at least claim 1, including customers, installers, and end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '932 Patent, but while remaining willfully blind to the infringement.

73. Defendants have had knowledge of the '932 Patent at least as of the date of the complaint filed against them in this action.

74. Upon information and belief, Defendants have intentionally avoided learning of the patent rights of others. For example, upon information and belief, Defendants have a policy or practice of not reviewing the patents of others, have complied with that policy or practice, and thus have been willfully blind of Ultravision's patent rights.

75. Ultravision has suffered damages as a result of Defendants' direct and indirect infringement of the '932 Patent in an amount to be proved at trial.

76. Ultravision has suffered and will continue to suffer irreparable harm as a result of Defendants' infringement of the '932 Patent for which there is no adequate remedy at law unless Defendants' infringement is enjoined by this Court.

**COUNT IV**  
**(Infringement of the '738 Patent)**

77. Paragraphs 1 through 32 are incorporated by reference as if fully set forth herein.

78. Ultravision has not licensed or otherwise authorized Defendants to make, use, offer to sell, or sell within the United States or import into the United States any products that embody the inventions of the '738 Patent.

79. Defendants have directly infringed and continue to directly infringe one or more claims of the '738 Patent, including at least claim 19, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, and/or selling within the United States and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '738 Patent. Such products include LED lighting, such as Defendants' ARCH, XNV, and Galleon products.

80. Upon information and belief, each of Defendants' ARCH, XNV, and Galleon products comprises a lighting assembly configured to illuminate a substantially rectangular region, the lighting assembly comprising a first lighting unit and a second lighting unit.

81. Upon information and belief, the first lighting unit of each of Defendants' ARCH, XNV, and Galleon products includes a first circuit board, a first plurality of LEDs arranged on the first circuit board, and a first plurality of optical elements.

82. Upon information and belief, the second lighting unit of each of Defendants' ARCH, XNV, and Galleon products includes a second circuit board, a second plurality of LEDs arranged on the second circuit board, and a second plurality of optical elements.

83. Upon information and belief, each optical element of the first plurality of optical elements and the second plurality of optical elements of each of Defendants' ARCH, XNV, and Galleon products overlies a respective one of the LEDs, each optical element being configured to redirect light from the respective one of the LEDs.

84. Upon information and belief, the lighting assembly of each of Defendants' ARCH, XNV, and Galleon products is configured to simultaneously direct light with a substantially rectangular wavefront from the first lighting unit and the second lighting unit toward the substantially rectangular region.

85. Upon information and belief, the lighting assembly of each of Defendants' ARCH, XNV, and Galleon products is configured so that the light is directed so that areas beyond edges of the substantially rectangular region receive minimum illumination from the lighting assembly.

86. Upon information and belief, the lighting assembly of each of Defendants' ARCH, XNV, and Galleon products is configured to direct the light toward the substantially

rectangular region such that the light from the first lighting unit and the second lighting unit illuminates the substantially rectangular region with an illumination level and a uniformity

87. Upon information and belief, the optical elements of each of Defendants' ARCH, XNV, and Galleon products are configured so that failure of one or more LEDs of the lighting assembly will cause the illumination level of light impinging the substantially rectangular region to decrease while the uniformity of light impinging the substantially rectangular region remains substantially the same.

88. Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '738 Patent, including at least claim 19, by knowingly and intentionally inducing others, including customers, installers, and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, and/or selling within the United States and/or importing into the United States products that include infringing technology, including LED lighting, including Defendants' ARCH, XNV, and Galleon products.

89. Defendants knowingly and intentionally induce infringement of one or more claims of the '738 Patent in violation of 35 U.S.C. § 271(b), including at least claim 19, by taking active steps, directly and/or through intermediaries, to encourage others, including customers, installers, and end-users, to make, use, offer to sell, and/or sell within the United States and/or import into the United States products, including but not limited to Defendants' ARCH, XNV, and Galleon products, with the specific intent to cause them to use the accused products in an infringing manner. Such steps by Defendants include, among other things, advising or directing customers, installers, and end-users to use the accused products in an infringing manner; advertising and promoting the use of the accused products in an infringing manner; and/or providing manuals, guides, installation instructions and other documentation that

guide end-users to use the accused products in an infringing manner. Defendants are performing these steps with knowledge of the '738 Patent and with knowledge that the induced acts constitute infringement, at least as of the date of the complaint filed against them in this action. Upon information and belief, Defendants are aware that the normal and customary use of the accused products by Defendants' customers would infringe the '738 Patent. Defendants' inducement is ongoing.

90. Upon information and belief, with knowledge and intent, or with willful blindness, Defendants are encouraging and facilitating infringement of one or more claims of the '738 Patent by others, including at least claim 19. For example, upon information and belief, Defendants sell, supply, or otherwise provide products, including but not limited to Defendants' ARCH, XNV, and Galleon products, to distributors, installers, or U.S.-based sales entities, knowing that these entities intend to make, use, offer to sell, and/or sell the products within the United States and/or import the products into the United States in an infringing manner. Defendants took active steps, directly and/or intermediaries, with the specific intent to cause end-users to import, sell, or offer to sell the accused products in a manner that infringes one or more of the claims of the '738 Patent, including at least claim 15. Such steps by Defendants include, among other things, making or selling the accused products outside of the United States for importation into or sale in the United States, or knowing that such importation or sale would occur; and directing, facilitating, or influencing its affiliates, or third-party manufacturers, shippers, distributors, retailers, or other persons acting on its or their behalf, to import, sell, or offer to sell the accused products in an infringing manner. Defendants performed these steps with knowledge of the '738 Patent, and with knowledge that the induced acts constitute infringement, at least as of the date of the complaint filed against them in this action. Defendants performed

such steps in order to profit from the eventual sale of the accused products in the United States. Defendants' inducement is ongoing.

91. Defendants have induced and continue to induce infringement by others of one or more claims of the '738 Patent, including at least claim 19, including customers, installers, and end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '738 Patent, but while remaining willfully blind to the infringement.

92. Defendants have had knowledge of the '738 Patent at least as of the date of the complaint filed against them in this action.

93. Upon information and belief, Defendants have intentionally avoided learning of the patent rights of others. For example, upon information and belief, Defendants have a policy or practice of not reviewing the patents of others, have complied with that policy or practice, and thus have been willfully blind of Ultravision's patent rights.

94. Ultravision has suffered damages as a result of Defendants' direct and indirect infringement of the '738 Patent in an amount to be proved at trial.

95. Ultravision has suffered and will continue to suffer irreparable harm as a result of Defendants' infringement of the '738 Patent for which there is no adequate remedy at law unless Defendants' infringement is enjoined by this Court.

**COUNT V**  
**(Infringement of the '248 Patent)**

96. Paragraphs 1 through 32 are incorporated by reference as if fully set forth herein.

97. Ultravision has not licensed or otherwise authorized Defendants to make, use, offer to sell, or sell within the United States or import into the United States any products that embody the inventions of the '248 Patent.

98. Defendants have directly infringed and continue to directly infringe one or more claims of the '248 Patent, including at least claim 1, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, and/or selling within the United States and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '248 Patent. Such products include LED lighting, such as Defendants' ARCH-M, ARCH-L, and XNV2 products.

99. Upon information and belief, each of Defendants' ARCH-M, ARCH-L, and XNV2 products is a lighting assembly.

100. Upon information and belief, each of Defendants' ARCH-M, ARCH-L, and XNV2 products comprises an assembly body.

101. Upon information and belief, each of Defendants' ARCH-M, ARCH-L, and XNV2 products comprises a first lighting unit attached to the assembly body, the first lighting unit including a first plurality of light emitting diodes (LEDs) and a first plurality of optical elements arranged over the first plurality of LEDs such that each optical element overlies only one associated LED, wherein the first lighting unit is configured to illuminate a substantially rectangular area.

102. Upon information and belief, each of Defendants' ARCH-M, ARCH-L, and XNV2 products comprises a second lighting unit attached to the assembly body and spaced from the first lighting unit, the second lighting unit including a second plurality of LEDs and a second plurality of optical elements arranged over the plurality of LEDs such that each optical element overlies only one associated LED, wherein the second lighting unit is configured to illuminate the substantially rectangular area so that the lighting assembly can illuminate substantially all of the substantially rectangular area so that the area can be illuminated without additional lighting.

103. Upon information and belief, each of Defendants' ARCH-M, ARCH-L, and XNV2 products comprises wherein the optical elements are configured so that light emitted from the first and second lighting units illuminates only the substantially rectangular area with a uniformity that achieves at most a 3:1 ratio of the average illumination to the minimum illumination across the substantially rectangular area regardless of whether all or only some of the LEDs of the first and second pluralities of LEDs are functional.

104. Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '248 Patent, including at least claim 1, by knowingly and intentionally inducing others, including customers, installers, and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, and/or selling within the United States and/or importing into the United States products that include infringing technology, including LED lighting, including Defendants' ARCH-M, ARCH-L, and XNV2 products.

105. Defendants knowingly and intentionally induce infringement of one or more claims of the '248 Patent in violation of 35 U.S.C. § 271(b), including at least claim 1, by taking active steps, directly and/or through intermediaries, to encourage others, including customers, installers, and end-users, to make, use, offer to sell, and/or sell within the United States and/or import into the United States products, including but not limited to Defendants' ARCH-M, ARCH-L, and XNV2 products. Such steps by Defendants include, among other things, advising or directing customers, installers, and end-users to use the accused products in an infringing manner; advertising and promoting the use of the accused products in an infringing manner; and/or providing manuals, guides, installation instructions and other documentation that guide end-users to use the accused products in an infringing manner. Defendants are performing these

steps with knowledge of the '248 Patent and with knowledge that the induced acts constitute infringement, at least as of the date of the complaint filed against them in this action. Upon information and belief, Defendants are aware that the normal and customary use of the accused products by Defendants' customers would infringe the '248 Patent. Defendants' inducement is ongoing.

106. Upon information and belief, with knowledge and intent, or with willful blindness, Defendants are encouraging and facilitating infringement of one or more claims of the '248 Patent by others, including at least claim 1. For example, upon information and belief, Defendants sell, supply, or otherwise provide products, including but not limited to Defendants' ARCH-M, ARCH-L, and XNV2 products, to distributors, installers, or U.S.-based sales entities, knowing that these entities intend to make, use, offer to sell, and/or sell the products within the United States and/or import the products into the United States in an infringing manner. Defendants took active steps, directly and/or intermediaries, with the specific intent to cause end-users to import, sell, or offer to sell the accused products in a manner that infringes one or more of the claims of the '248 Patent, including at least claim 1. Such steps by Defendants include, among other things, making or selling the accused products outside of the United States for importation into or sale in the United States, or knowing that such importation or sale would occur; and directing, facilitating, or influencing its affiliates, or third-party manufacturers, shippers, distributors, retailers, or other persons acting on its or their behalf, to import, sell, or offer to sell the accused products in an infringing manner. Defendants performed these steps with knowledge of the '248 Patent, and with knowledge that the induced acts constitute infringement, at least as of the date of the complaint filed against them in this action. Defendants performed

such steps in order to profit from the eventual sale of the accused products in the United States. Defendants' inducement is ongoing.

107. Defendants have induced and continue to induce infringement by others of one or more claims of the '248 Patent, including at least claim 1, including customers, installers, and end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '248 Patent, but while remaining willfully blind to the infringement.

108. Defendants have had knowledge of the '248 Patent at least as of the date of the complaint filed against them in this action.

109. Upon information and belief, Defendants have intentionally avoided learning of the patent rights of others. For example, upon information and belief, Defendants have a policy or practice of not reviewing the patents of others, have complied with that policy or practice, and thus have been willfully blind of Ultravision's patent rights.

110. Ultravision has suffered damages as a result of Defendants' direct and indirect infringement of the '248 Patent in an amount to be proved at trial.

111. Ultravision has suffered and will continue to suffer irreparable harm as a result of Defendants' infringement of the '248 Patent for which there is no adequate remedy at law unless Defendants' infringement is enjoined by this Court.

**COUNT VI**  
**(Infringement of the '946 Patent)**

112. Paragraphs 1 through 32 are incorporated by reference as if fully set forth herein.

113. Ultravision has not licensed or otherwise authorized Defendants to make, use, offer to sell, or sell within the United States or import into the United States any products that embody the inventions of the '946 Patent.

114. Defendants have directly infringed and continue to directly infringe one or more claims of the '946 Patent, including at least claim 1, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, and/or selling within the United States and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '946 Patent. Such products include LED lighting, such as Defendants' ARCH, XNV, and Galleon products.

115. Upon information and belief, each of Defendants' ARCH, XNV, and Galleon products is a light assembly.

116. Upon information and belief, each of Defendants' ARCH, XNV, and Galleon products comprises a thermally conductive support structure configured for outdoor use, wherein the support structure protects electronic components attached to the support structure from direct contact with rainwater, wherein the support structure comprises an attachment point for securing the support structure to a weatherproof mount designed for outdoor use.

117. Upon information and belief, each of Defendants' ARCH, XNV, and Galleon products comprises a heat sink.

118. Upon information and belief, each of Defendants' ARCH, XNV, and Galleon products comprises a substantially planar circuit board attached to the support structure.

119. Upon information and belief, each of Defendants' ARCH, XNV, and Galleon products comprises a plurality of LEDs attached to the circuit board, wherein the LEDs are arranged in an array configuration.

120. Upon information and belief, each of Defendants' ARCH, XNV, and Galleon products comprises a single transparent substrate overlying all LEDs attached to the circuit

board, wherein the transparent substrate includes a plurality of convex optical elements, each convex optical element overlying an associated one or more of the LEDs.

121. Upon information and belief, the light assembly of each of Defendants' ARCH, XNV, and Galleon products is configured to direct light from the LEDs towards an area in a manner that does not create hot spots or result in dead spots on the area regardless of whether all of the LEDs of the plurality of LEDs or some of the LEDs of the plurality of LEDs are functional.

122. Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '946 Patent, including at least claim 1, by knowingly and intentionally inducing others, including customers, installers, and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, and/or selling within the United States and/or importing into the United States products that include infringing technology, including LED lighting, including Defendants' ARCH, XNV, and Galleon products.

123. Defendants knowingly and intentionally induce infringement of one or more claims of the '946 Patent in violation of 35 U.S.C. § 271(b), including at least claim 1, by taking active steps, directly and/or through intermediaries, to encourage others, including customers, installers, and end-users, to make, use, offer to sell, and/or sell within the United States and/or import into the United States products, including but not limited to Defendants' ARCH, XNV, and Galleon products, with the specific intent to cause them to use the accused products in an infringing manner. Such steps by Defendants include, among other things, advising or directing customers, installers, and end-users to use the accused products in an infringing manner; advertising and promoting the use of the accused products in an infringing manner; and/or providing manuals, guides, installation instructions and other documentation that guide end-users

to use the accused products in an infringing manner. Defendants are performing these steps with knowledge of the '946 Patent and with knowledge that the induced acts constitute infringement, at least as of the date of the complaint filed against them in this action. Upon information and belief, Defendants are aware that the normal and customary use of the accused products by Defendants' customers would infringe the '946 Patent. Defendants' inducement is ongoing.

124. Upon information and belief, with knowledge and intent, or with willful blindness, Defendants are encouraging and facilitating infringement of one or more claims of the '946 Patent by others, including at least claim 1. For example, upon information and belief, Defendants sell, supply, or otherwise provide products, including but not limited to Defendants' ARCH, XNV, and Galleon products, to distributors, installers, or U.S.-based sales entities, knowing that these entities intend to make, use, offer to sell, and/or sell the products within the United States and/or import the products into the United States in an infringing manner. Defendants took active steps, directly and/or intermediaries, with the specific intent to cause end-users to import, sell, or offer to sell the accused products in a manner that infringes one or more of the claims of the '946 Patent, including at least claim 1. Such steps by Defendants include, among other things, making or selling the accused products outside of the United States for importation into or sale in the United States, or knowing that such importation or sale would occur; and directing, facilitating, or influencing its affiliates, or third-party manufacturers, shippers, distributors, retailers, or other persons acting on its or their behalf, to import, sell, or offer to sell the accused products in an infringing manner. Defendants performed these steps with knowledge of the '946 Patent, and with knowledge that the induced acts constitute infringement, at least as of the date of the complaint filed against them in this action. Defendants performed

such steps in order to profit from the eventual sale of the accused products in the United States. Defendants' inducement is ongoing.

125. Defendants have induced and continue to induce infringement by others of one or more claims of the '946 Patent, including at least claim 1, including customers, installers, and end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '946 Patent, but while remaining willfully blind to the infringement.

126. Defendants have had knowledge of the '946 Patent at least as of the date of the complaint filed against them in this action.

127. Upon information and belief, Defendants have intentionally avoided learning of the patent rights of others. For example, upon information and belief, Defendants have a policy or practice of not reviewing the patents of others, have complied with that policy or practice, and thus have been willfully blind of Ultravision's patent rights.

128. Ultravision has suffered damages as a result of Defendants' direct and indirect infringement of the '946 Patent in an amount to be proved at trial.

129. Ultravision has suffered and will continue to suffer irreparable harm as a result of Defendants' infringement of the '946 Patent for which there is no adequate remedy at law unless Defendants' infringement is enjoined by this Court.

**DEMAND FOR JURY TRIAL**

Ultravision hereby demands a jury for all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Ultravision prays for relief against Defendants as follows:

a. entry of judgment declaring that Defendants have directly and/or indirectly infringed one or more claims of each of the Patents-in-Suit;

b. an order pursuant to 35 U.S.C. § 283 permanently enjoining Defendants, their officers, agents, servants, employees, attorneys, instrumentalities and those persons in privity, active concert or participation with them, from further acts of direct and/or indirect infringement of the Patents-in-Suit including the manufacture, sale, offer for sale, importation and use of the infringing products;

c. a full accounting for and an award of damages to Ultravision for Defendants' infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, including enhanced damages pursuant to 35 U.S.C. § 284, together with pre- and post-judgment interest;

d. entry of judgment declaring that this case is exceptional and awarding Ultravision its costs and reasonable attorney fees under 35 U.S.C. § 285; and

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

Dated: October 23, 2019

Respectfully submitted,

/s/ Alfred R. Fabricant

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***ATTORNEYS FOR PLAINTIFF  
ULTRAVISION TECHNOLOGIES, LLC***

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on October 23, 2019

*/s/ Alfred R. Fabricant*

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Alfred R. Fabricant