

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

ULTRAVISION TECHNOLOGIES, LLC,	)	
	)	
Plaintiff,	)	Case No. 2:19-cv-00291-JRG
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
HOLOPHANE EUROPE LIMITED,	)	
ACUITY BRANDS LIGHTING DE	)	
MEXICO S DE RL DE CV, HOLOPHANE,	)	
S.A. DE C.V. and ARIZONA (TIANJIN)	)	
ELECTRONICS PRODUCTS TRADE CO.,	)	
LTD.,	)	
	)	
Defendants.	)	

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Ultravision Technologies, LLC (“Ultravision”), for its First Amended Complaint against defendants Holophane Europe Limited, Acuity Brands Lighting de Mexico S de RL de CV, Holophane, S.A. de C.V. and Arizona (Tianjin) Electronics Products Trade Company, Ltd. (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 Holophane Europe Limited (“Holophane Europe”) is a corporation organized and existing under the laws of the United Kingdom, with its principal place of business located at Bond Avenue, Bletchley, Milton Keynes, Buckinghamshire, MK1 1JF, United Kingdom.

3. Upon information and belief, defendant Acuity Brands Lighting de Mexico S de RL de CV (“Acuity Mexico”) is a corporation organized and existing under the laws of Mexico, with its principal place of business located at Av. De La Silla No. 7711, 67195, Guadalupe, Nuevo Leon, Mexico.

4. Upon information and belief, defendant Holophane, S.A. de C.V. (“Holophane Mexico”) is a corporation organized and existing under the laws of Mexico, with its principal place of business located at Jaime Balmes No. 8 PB, L1 y L2 Los Morales Polanco, Miguel Hidalgo, México, Ciudad De Mexico, 11510 Mexico.

5. Upon information and belief, defendant Arizona (Tianjin) Electronics Products Trade Company, Ltd. (“Arizona Tianjin”) is a corporation located at 12-1-501 Li Gang Park Shuangang Industrial Area, Tianjin 300050, China.

### **JURISDICTION**

6. 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).

7. 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 (including, for example, through authorized dealers and sales agents), 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, and have purposefully availed themselves of the privilege of doing business within

this Judicial District such that they should reasonably and fairly anticipate being brought into court here.

8. Upon information and belief, Defendants are subject to the Court's specific jurisdiction by, among other things, directly or indirectly, making, using, offering to sell, and/or selling in the State of Texas and this Judicial District and/or importing into the State of Texas and this Judicial District infringing products. The Court's exercise of specific personal jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice because Defendants have established minimum contacts with the forum.

9. 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, using, offer to sell, and/or selling infringing products in the State of Texas and this Judicial District and/or importing infringing products into the United States to the State of Texas and this Judicial District, including through distributors, retailers, and authorized dealers and sales agents.

10. 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, using, offering to sell, and/or selling infringing products in the State of Texas and in this Judicial District and/or importing infringing products into the United States to the State of Texas and this Judicial District.<sup>1</sup> Additionally, Defendants, directly or through intermediaries, provide service and support to their customers in the State of Texas and this Judicial District.

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<sup>1</sup> See, e.g., <https://www.youtube.com/watch?v=TnJpwqwVYjo>; [https://www.youtube.com/watch?v=Woesb\\_2uu\\_Y](https://www.youtube.com/watch?v=Woesb_2uu_Y).

11. Upon information and belief, Defendants, directly or through intermediaries, participate in the stream of commerce that results in infringing 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 retailers, distributors, and/or authorized dealers and sales agents in Texas and this Judicial District. Upon information and belief, Defendants, directly or through intermediaries, derive revenues from their infringing acts occurring within the State of Texas and in this Judicial District.

12. Upon information and belief, Defendants maintain authorized sales agents and authorized distributors in the State of Texas and this Judicial District where customers can purchase Defendants' infringing products.

13. Upon information and belief, Holophane Europe manufactures products, including infringing products, which are imported into the United States for sale in the State of Texas and in this Judicial District. For example, based on importation records, Holophane Europe, directly or through intermediaries, ships lighting products to the United States, including to Brownsville, Texas, for sale in the United States and the State of Texas.

14. Upon information and belief, Acuity Mexico, manufactures products, including infringing products, which are imported into the United States for sale in the State of Texas and in this Judicial District.

15. Upon information and belief, Holophane Mexico, manufactures products, including infringing products, which are imported into the United States for sale in the State of Texas and in this Judicial District.

16. Upon information and belief, Arizona Tianjin manufactures products, including infringing products, which are imported into the United States for sale in the State of Texas and in this Judicial District.

17. Upon information and belief, Defendants are subject to personal jurisdiction under Fed. R. Civ. P. 4(k)(2). Defendants are not subject to jurisdiction with respect to the claims of this First Amended Complaint in any other state's courts of general jurisdiction and exercising jurisdiction over Defendants is consistent with the United States Constitution and laws because Defendants have established minimum contacts with the United States as a whole.

18. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391 because, among other things, Defendants are foreign entities and not residents of the United States, and thus may be sued in any judicial district pursuant to 28 U.S.C. § 1391(c)(3).

19. Defendants are subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to 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 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>.

23. Ultravision is the sole and exclusive owner of all right, title and interest in and to the ’410, ’413 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.

24. Ultravision complies with the marking provisions of 35 U.S.C. § 287 with respect to the Patents-in-Suit. Ultravision lists the Patents-in-Suit on its website, <http://www.ultravisioninternational.com>, which is referenced on its products and their packaging.

### **DEFENDANTS’ PRODUCTS**

25. Upon information and belief, Defendants make, use, offer to sell, or sell within the United States and/or import into the United States LED lighting, such as Defendants’ Sign-Vue LED II, Mongoose LED, KAX (KAX1 and KAX2), and RSX (RSX2 and RSX3) products.

26. Images of Defendants' Sign-Vue LED II product are shown below:<sup>2</sup>



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<sup>2</sup> <https://holophane.acuitybrands.com/products/detail/400443/Holophane/Sign-Vue-LED-II/Outdoor-Advertising>.

27. Images of Defendants' Mongoose LED product are shown below:<sup>3</sup>



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<sup>3</sup> <https://holophane.acuitybrands.com/products/detail/219656/Holophane/Mongoose-LED/Mongoose-LED>.



28. Images of Defendants' KAX products are shown below:<sup>4</sup>



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<sup>4</sup> <https://www.acuitybrands.com/products/detail/556516/lithonia-lighting/kax1-area-light/area-luminaire-led-outdoor-size-1-tilt-option-modular-design> (KAX1);  
<https://www.acuitybrands.com/products/detail/556518/lithonia-lighting/kax2-area-light/area-luminaire-led-outdoor-size-2-tilt-option-modular-design> (KAX2).

29. Images of Defendants' RSX products are shown below:<sup>5</sup>



30. 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 products in an infringing manner.

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

31. Paragraphs 1 through 30 are incorporated by reference as if fully set forth herein.

32. 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.

33. 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

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<sup>5</sup> <https://www.acuitybrands.com/products/detail/885181/lithonia-lighting/rsx2-led-area-luminaire/led-area-luminaire-size-2---up-to-31000-lumens> (RSX2);  
<https://www.acuitybrands.com/products/detail/885183/lithonia-lighting/rsx3-led-area-luminaire/led-area-luminaire-size-3---up-to-41000-lumens> (RSX3).

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' Sign-Vue LED II product.

34. Upon information and belief, Defendants' Sign-Vue LED II product is an optics panel for use in a light emitting diode (LED) lighting assembly.

35. Upon information and belief, Defendants' Sign-Vue LED II product comprises a plurality of LEDs disposed on a substrate and directed outward therefrom.

36. Upon information and belief, Defendants' Sign-Vue LED II product 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 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.

37. 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' Sign-Vue LED II product.

38. 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' Sign-Vue LED II product, 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 initial Complaint filed 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. 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 or otherwise provide products, including but not limited to Defendants' Sign-Vue LED II product, 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 through 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 intermediaries, 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 initial Complaint filed 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.

39. 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, while remaining willfully blind to the infringement.

40. Defendants have had knowledge of the '410 Patent at least as of the date of the initial Complaint filed in this action.

41. 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.

42. 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.

43. 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)**

44. Paragraphs 1 through 30 are incorporated by reference as if fully set forth herein.

45. 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.

46. 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' Sign-Vue LED II product.

47. Upon information and belief, Defendants' Sign-Vue LED II product is an optics panel for use in a light emitting diode (LED) lighting assembly.

48. Upon information and belief, Defendants' Sign-Vue LED II product comprises a plurality of LEDs directed toward the display surface.

49. Upon information and belief, Defendants' Sign-Vue LED II product comprises a plurality of optical elements, each optical element disposed over only one associated LED and configured to direct light from that LED toward the 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 amount of illumination from that LED.

50. 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' Sign-Vue LED II product.

51. 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' Sign-Vue LED II product, 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 initial Complaint filed 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.

52. 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 or otherwise provide products, including but not limited to Defendants' Sign-Vue LED II product, 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 through 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 intermediaries, 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 initial Complaint filed 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.

53. 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.

54. Defendants have had knowledge of the '413 Patent at least as of the date of the initial Complaint filed in this action.

55. 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.

56. 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.

57. 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 '946 Patent)**

58. Paragraphs 1 through 30 are incorporated by reference as if fully set forth herein.

59. 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.

60. 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' Mongoose LED, KAX, and RSX products.

61. Upon information and belief, each of Defendants' Mongoose LED, KAX, and RSX products is a light assembly.

62. Upon information and belief, each of Defendants' Mongoose LED, KAX, and RSX 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.

63. Upon information and belief, each of Defendants' Mongoose LED, KAX, and RSX products comprises a heat sink.

64. Upon information and belief, each of Defendants' Mongoose LED, KAX, and RSX products comprises a substantially planar circuit board attached to the support structure.

65. Upon information and belief, each of Defendants' Mongoose LED, KAX, and RSX products comprises a plurality of LEDs attached to the circuit board, wherein the LEDs are arranged in an array configuration.

66. Upon information and belief, each of Defendants' Mongoose LED, KAX, and RSX 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.

67. Upon information and belief, the light assembly of each of Defendants' Mongoose LED, KAX, and RSX 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.

68. 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' Mongoose LED, KAX, and RSX.

69. 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' Mongoose LED, KAX, and RSX, 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 initial Complaint filed 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.

70. 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 or otherwise provide products, including but not limited to Defendants' Mongoose LED, KAX, and RSX, 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 through 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 intermediaries, 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 initial Complaint filed 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.

71. 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.

72. Defendants have had knowledge of the '946 Patent at least as of the date of the initial Complaint filed in this action.

73. 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.

74. 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.

75. 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: December 18, 2019

Respectfully submitted,

*/s/ Alfred R. Fabricant*

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***ATTORNEYS FOR PLAINTIFF  
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