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14 Facsimile: (202) 783-6031

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17 UNITED STATES DISTRICT COURT
18 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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20 NICHIA CORPORATION,
21 Plaintiff,
22 v.
23 FEIT ELECTRIC COMPANY, INC.
24 Defendant.

Case No. 2:20-cv-359

COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND
FOR JURY TRIAL

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1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Nichia Corporation (“Nichia”), by its undersigned counsel, with
3 knowledge as to its own acts and status, and upon information and belief as to the
4 acts and status of others, for its Complaint against defendant Feit Electric
5 Company, Inc. (“Feit”), alleges as follows:

6 **JURISDICTION AND VENUE**

7 1. This is a civil action for patent infringement arising under the patent
8 laws, 35 U.S.C. § 1, *et seq.* This Court has subject matter jurisdiction over this
9 action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10 2. Feit is subject to personal jurisdiction in this judicial district because
11 Feit is incorporated in California, has its principal place of business in California,
12 and regularly conducts business in the State of California and the Central District of
13 California.

14 3. Venue is proper in this judicial district under 28 U.S.C. § 1400(b) at
15 least because Feit (1) resides in this District, and (2) maintains a regular and
16 established place of business in this district and has committed infringing acts in
17 this district. Further, Feit has admitted that venue is proper in this district. *See*
18 *Nichia Corp. v. Feit Electric Co.*, No. 16-cv-1453 (E.D. Tex.) (Dkt. 42 at 7-8) and
19 *Nichia Corp. v. Feit Electric Co.*, No. 16-cv-1454 (E.D. Tex.) (Dkt. 13 at 2).

20 4. Among other things, Feit has purposefully availed itself of the
21 privileges of conducting business in the State of California and in this judicial
22 district; Feit has sought protection and benefit from the laws of the State of
23 California; Feit has solicited business in, transacted business within, and has
24 attempted to derive financial benefit from residents of the State of California and
25 this judicial district; and Nichia’s cause of action arises directly from Feit’s
26 business contacts and other activities in the State of California and in this judicial
27 district.

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1 5. The accused products in this action are “filament-style” LED
2 lightbulbs. A picture of one such exemplary, accused Feit filament-style LED
3 lightbulb, taken from Feit’s website ([www.feit.com/product-category/bulbs/glass-](http://www.feit.com/product-category/bulbs/glass-filament/)
4 [filament/](http://www.feit.com/product-category/bulbs/glass-filament/)), is shown below:



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16 6. A filament-style LED lightbulb is a lightbulb that is designed to
17 resemble a traditional incandescent lightbulb with filaments for aesthetic or light
18 distribution purposes, but it produces its light by LEDs. That is, the LEDs are
19 arranged inside the bulb in a way that resembles the filaments of an incandescent
20 lightbulb.

21 7. Feit’s website describes its filament-style LED bulbs as follows:
22 “Combining classic style with modern reliability and energy savings with Feit
23 Electric LED Filament Light Bulbs. Filament LED Light Bulbs are made with LED
24 exposed filament and wrapped in a clear or frosted glass housing to deliver an
25 elegant classic look and feel.”

26 8. The accused Feit filament-style LED lightbulbs have been made, used,
27 imported into, offered for sale, and/or sold by or on behalf of Feit in the Central
28 District of California. Feit, directly and/or through its agents and intermediaries,

1 has placed the products at issue in this lawsuit into the stream of commerce
2 throughout the United States through established distribution channels, with the
3 expectation and/or knowledge that they will be made, used, imported into, offered
4 for sale, and sold in the State of California and in this judicial district.

5 9. Without limiting the foregoing, Feit allows dealers to request quotes
6 for all of its lightbulbs, including the accused filament-style LED lightbulbs,
7 through its website, www.feit.com/request-quote. Also, Feit's automated
8 distribution centers ship lightbulbs, including the accused filament-style LED
9 lightbulbs, throughout the United States, including in the Central District of
10 California.

11 10. Feit's lightbulbs, including the accused filament-style LED lightbulbs,
12 are sold in nationwide hardware, home improvement, and home goods stores
13 located in the State of California and throughout this judicial district, including for
14 example, The Home Depot, Bed Bath & Beyond, and TrueValue retail stores.

15 **PRELIMINARY STATEMENT**

16 11. This is an action for patent infringement under the United States patent
17 laws, 35 U.S.C. § 1, *et seq.* The accused products are filament-style LED
18 lightbulbs that are imported into the United States, and/or made, used, sold, and/or
19 offered for sale, in the United States, in the State of California, and in this judicial
20 district, by or on behalf of defendant Feit. The accused filament-style LED
21 lightbulbs infringe at least claims 1, 3, 4, 6, 7, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21,
22 22, 23, 24, 25, 26 and 27 (the "Asserted Claims") of U.S. Patent No. 9,752,734 (the
23 "'734 Patent") (hereinafter, the "Patent-in-Suit"), which is owned for all purposes
24 by Plaintiff Nichia. A copy of the Patent-in-Suit is attached hereto as Exhibit A.

25 12. As set forth in detail below, the accused Feit filament-style LED
26 lightbulbs infringe the Patent-in-Suit. By this lawsuit, Nichia seeks relief for Feit's
27 past and ongoing infringement of Nichia's Patent-in-Suit by virtue of Feit's
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1 importation, use, manufacture, sale, and/or offer for sale of the accused Feit
2 filament-style LED lightbulbs.

3 **THE PARTIES**

4 13. Plaintiff Nichia Corporation is a corporation organized and existing
5 under the laws of Japan, with its principal place of business at 491 Oka, Kaminaka-
6 Cho, Anan-Shi, Tokushima, Japan 774-8601.

7 14. Defendant Feit Electric Company, Inc. (“Feit”) is a corporation
8 organized and existing under the laws of the State of California. Feit may be served
9 with process by serving its registered agent, Aaron Feit.

10 **THE PATENT-IN-SUIT**

11 15. The ’734 Patent, entitled “Light Emitting Device,” was duly and
12 lawfully issued by the U.S. Patent and Trademark Office on September 5, 2017.
13 The ’734 Patent lists Yuichiro Tanda and Toshio Matsushita as inventors.

14 16. Nichia is the owner of the ’734 Patent by valid assignment from the
15 inventors. Nichia owns all rights, title, and interest in the ’734 Patent, including the
16 right to sue for and recover all past, present, and future damages for infringement of
17 the ’734 Patent.

18 17. The Abstract of the Patent-in-Suit provides as follows:

19 A light emitting device includes a board, light emitting element chips,
20 a wavelength conversion member, a transparent bulb, support leads,
21 and a support base. The board has a first surface and a second surface.
22 The second surface is an opposite side to the first surface. The light
23 emitting element chips are mounted on the first surface side. The
24 wavelength conversion member is formed unitarily with a transparent
25 member. The transparent bulb encloses the board and the light
26 emitting element chips. The support leads secure the light emitting
27 element chips inside the transparent bulb. The support base can be
28 threadedly engaged with a conventional light bulb socket along a
socket axis. The wavelength conversion member is provided on a first
surface side and a second surface side, and is elongated in a
longitudinal direction. The light emitting element chips is aligned
along a line that extends in the longitudinal direction.

FEIT'S INFRINGING CONDUCT

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2 18. Feit imports into the United States, and manufactures, uses, sells,
3 and/or offers for sale in the United States, filament-style LED lightbulbs that meet
4 each of the limitations of at least the Asserted Claims of the Patent-in-Suit.

5 19. Three of the Asserted Claims are independent claims: claims 1, 26, and
6 27. Claim 1 reads as follows:

7 1. A light emitting device comprising:

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9 a board having end portions and a center portion therebetween in a
10 longitudinal direction, the board having a first surface on a first surface side
11 hereof and a second surface on a second surface side thereof, the second
12 surface being an opposite side to the first surface, the first surface including a
13 first region and a second region, the first region extending from the center
portion of the board to one of the end portions, the second region extending
from the center portion of the board to the other of the end portions;

14 a plurality of light emitting element chips mounted on the first surface side of
15 the board;

16 a wavelength conversion member formed unitarily with a transparent
17 member that seals the plurality of light emitting element chips;

18 a transparent bulb that encloses the board and the plurality of light emitting
19 element chips;

20 support leads that secure the plurality of light emitting element chips inside
21 the transparent bulb;

22 a support base that can be threadedly engaged with a conventional light bulb
23 socket along a socket axis; and

24 a pair of metal plates protruding at both ends of the wavelength conversion
25 member,

26 wherein the wavelength conversion member is provided on the first surface
27 side and the second surface side, the wavelength conversion member is
28 elongated in the longitudinal direction when viewed in plan view of the first
surface side of the board,

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wherein a first set of the light emitting element chips are mounted on the first region and arranged from the center portion of the board to the one of the end portions,

wherein a second set of the light emitting element chips are mounted on the second region and arranged from the center portion of the board to the other one of the end portions, and

wherein the pair of metal plates are electrically connected with the support base via the support leads.

20. Claim 26 reads as follows:

26. A light emitting device comprising:

a board having end portions and a center portion therebetween in a longitudinal direction, the board having a first surface on a first surface side hereof and a second surface on a second surface side thereof, the second surface being an opposite side to the first surface, the first surface including a first region and a second region, the first region extending from the center portion of the board to one of the end portions, the second region extending from the center portion of the board to the other of the end portions;

a plurality of light emitting element chips mounted on the first surface side of the board;

a wavelength conversion member formed unitarily with a transparent member that seals the plurality of light emitting element chips;

a transparent bulb that encloses the board and the plurality of light emitting element chips;

support leads that secure the plurality of light emitting element chips inside the transparent bulb;

a support base that can be threadedly engaged with a conventional light bulb socket along a socket axis; and

a pair of metal plates protruding at both ends of the wavelength conversion member,

1 wherein the wavelength conversion member is provided on the first surface
2 side and the second surface side, the wavelength conversion member is
3 elongated in the longitudinal direction when viewed in plan view of the first
4 surface side of the board,

5 wherein a first set of the light emitting element chips are mounted on the first
6 region and arranged from the center portion of the board to the one of the end
7 portions,

8 wherein a second set of the light emitting element chips are mounted on the
9 second region and arranged from the center portion of the board to the other
10 one of the end portions, and

11 wherein the support leads extend from the support base towards the pair of
12 metal plates.

13 21. Claim 27 reads as follows:

14 27. A light emitting device comprising:

15 a board having end portions and a center portion therebetween in a
16 longitudinal direction, the board having a first surface on a first surface side
17 thereof and a second surface on a second surface side thereof, the second
18 surface being an opposite side to the first surface, the first surface including a
19 first region and a second region, the first region extending from the center
20 portion of the board to one of the end portions, the second region extending
21 from the center portion of the board to the other of the end portions;

22 a plurality of light emitting element chips mounted on the first surface side of
23 the board;

24 a wavelength conversion member formed unitarily with a transparent
25 member that seals the plurality of light emitting element chips;

26 a transparent bulb that encloses the board and the plurality of light emitting
27 element chips;

28 support leads that secure the plurality of light emitting element chips inside
the transparent bulb;

- 1 a support base that can be threadedly engaged with a conventional light bulb
- 2 socket along a socket axis; and
- 3 a pair of metal plates protruding at both ends of the wavelength conversion
- 4 member,
- 5 wherein the wavelength conversion member is provided on the first surface
- 6 side and the second surface side, the wavelength conversion member is
- 7 elongated in the longitudinal direction when viewed in plan view of the first
- 8 surface side of the board,
- 9 wherein a first set of the light emitting element chips are mounted on the first
- 10 region and arranged from the center portion of the board to the one of the end
- 11 portions,
- 12 wherein a second set of the light emitting element chips are mounted on the
- 13 second region and arranged rom the center portion of the board to the other
- 14 one of the end portions, and
- 15 wherein one of the support leads is positioned between one of the metal
- 16 plates and the support base.

17 22. By way of example only, at least the following Feit filament-style
18 LED lightbulbs are representative of the Feit filament-style LED lightbulbs that
19 infringe one or more of the Asserted Claims of the Patent-in-Suit:
20 CEA1940/CL/LED/6; BPCEG25W/827/LED/4; BPCEG25W/927/4;
21 BPG1640/950CA/FIL/2(K); BPGM60W/950CA/FIL/2(K);
22 BPG1660W/950CA/FIL/2(K); BPG2560/F/850/LED(K);
23 BPA1560/950CA/FIL/2(K); PS50/S/820/LED; and T10L/S/820/LED (collectively,
24 the “Representative Accused Products”).

25 23. Images of the CEA1940/CL/LED/6 product are shown below:
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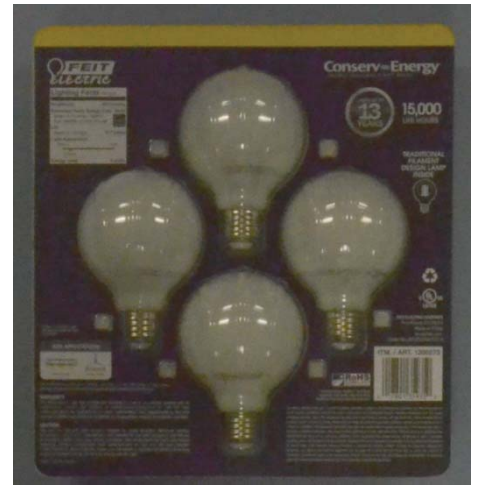


24. Images of the BPCEG25W/827/LED/4 product are shown below:

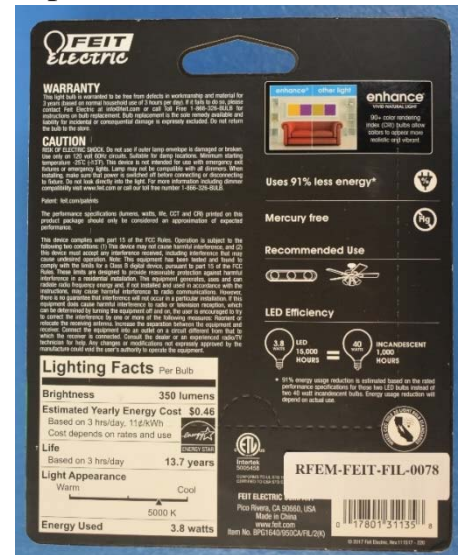


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25. Images of the BPCEG25W/927/4 product are shown below:



26. Images of the BPG1640/950CA/FIL/2(K) product are shown below:



27. Images of the BPGM60W/950CA/FIL/2(K) product are shown below:

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Pico Rivera, CA 90660, USA
Made in China
www.feit.com
Item No. BPGM60W/950CA/FIL/2(K)



28. Images of the BPG1660W/950CA/FIL/2(K) product are shown below:



Pico Rivera, CA 90660, USA
Made in China
www.feit.com
Item No. BPG1660W/950CA/FIL/2(K)



29. Images of the BPG2560/F/850/LED(K) product are shown below:

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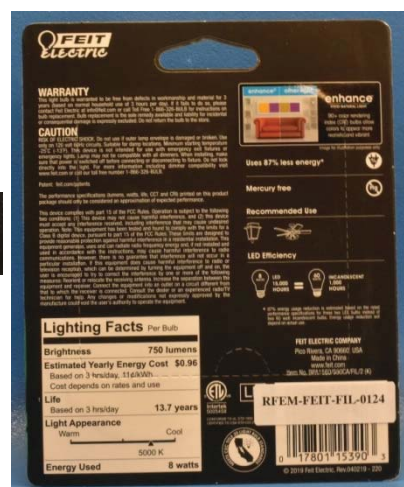
FEIT ELECTRIC COMPANY
Pico Rivera, CA 90660, USA
Made in China
www.feit.com
Item No. BPG2560/F/850/LED(K)



30. Images of the BPA1560/950CA/FIL/2(K) product are shown below:



www.feit.com
Item No. BPA1560/950CA/FIL/2 (K)



31. Images of the PS50/S/820/LED product are shown below:

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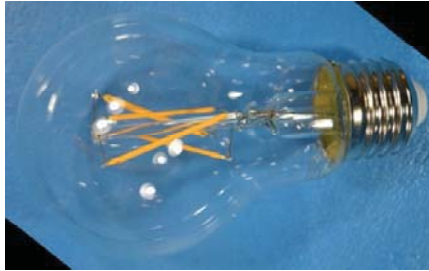


32. Images of the T10L/S/820/LED product are shown below:



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33. The Representative Accused Products are light emitting devices.



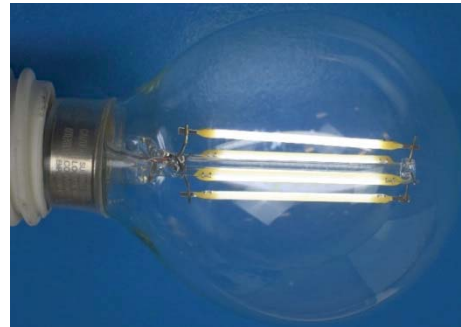
(CEA1940/CL/LED/6)



(BPCEG25W/827/LED/4)

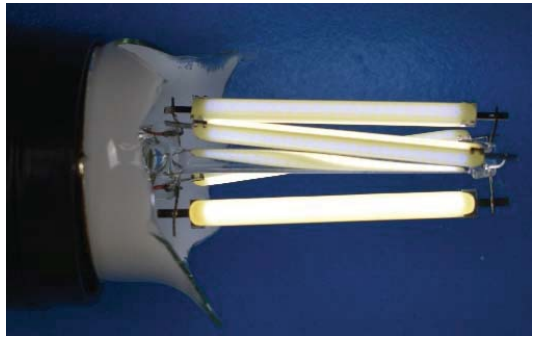


(BPCEG25W/927/4)

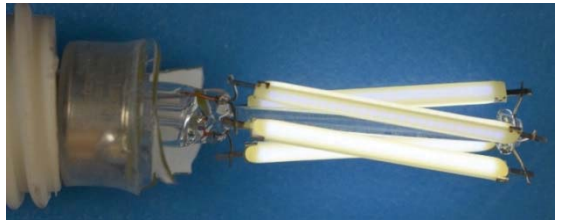


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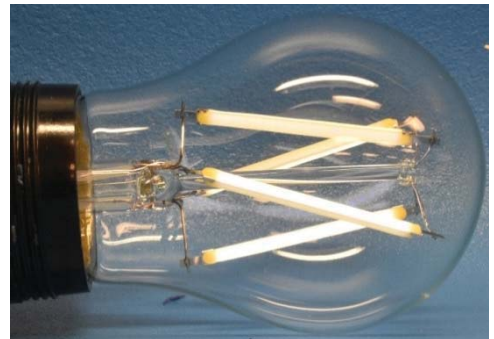
(BPGM60W/950CA/FIL/2(K))



(BPG1660W/950CA/FIL/2(K))

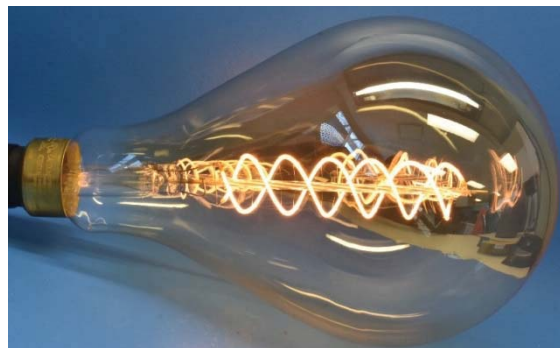


(BPG2560/F/850/LED(K))



(BPA1560/950CA/FIL/2(K))

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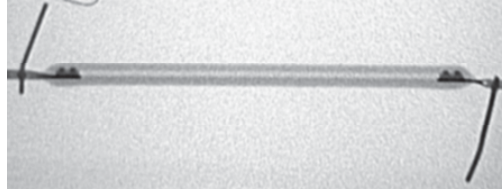
(PS50/S/820/LED)



(T10L/S/820/LED)

34. The Representative Accused Products include a board having end portions and a center portion therebetween in a longitudinal direction, the board having a first surface on a first surface side thereof and a second surface on a second surface side thereof, the second surface being an opposite side to the first surface, the first surface including a first region and a second region, the first region extending from the center portion of the board to one of the end portions, the second region extending from the center portion of the board to the other of the end portions.

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(CEA1940/CL/LED/6)



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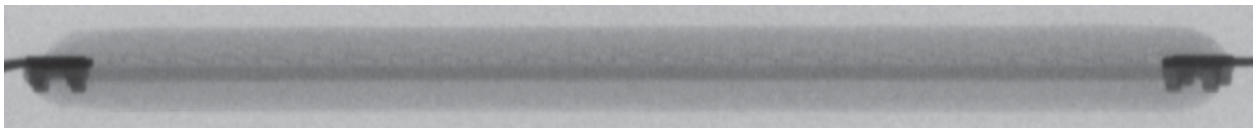


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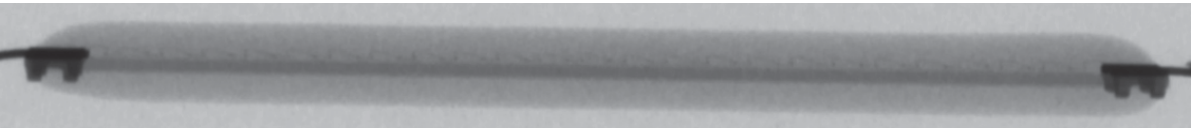


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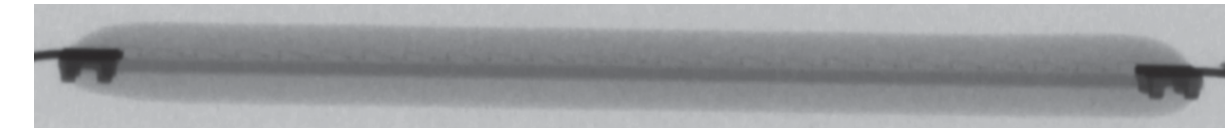
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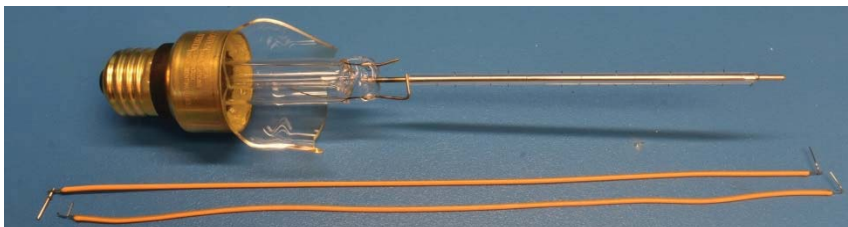
(BPG1660W/950CA/FIL/2(K))



(BPG2560/F/850/LED(K))

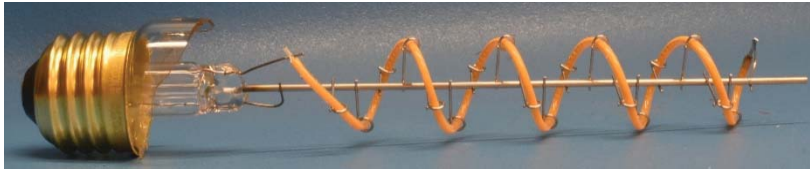


(BPA1560/950CA/FIL/2(K))



(PS50/S/820/LED)

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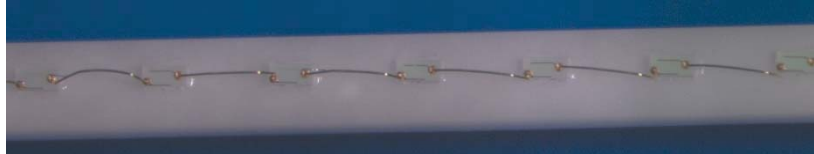


(T10L/S/820/LED)

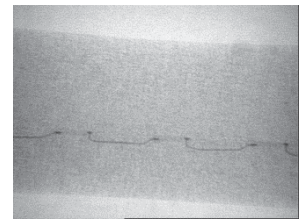
35. The Representative Accused Products include a plurality of light emitting element chips mounted on the first surface side of the board.



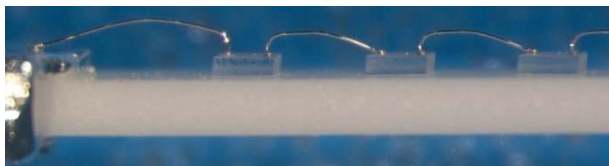
(CEA1940/CL/LED/6)



(BPCEG25W/827/LED/4)

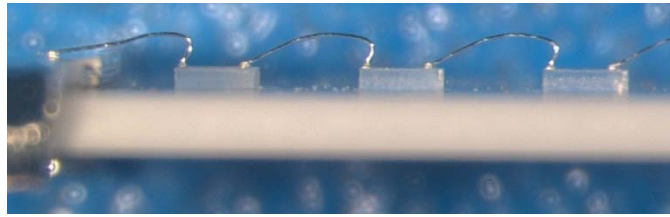


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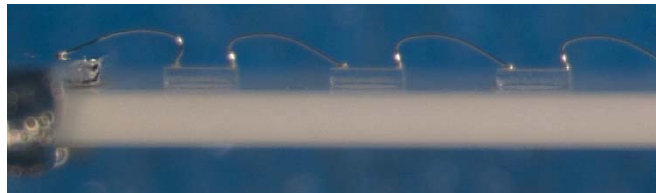


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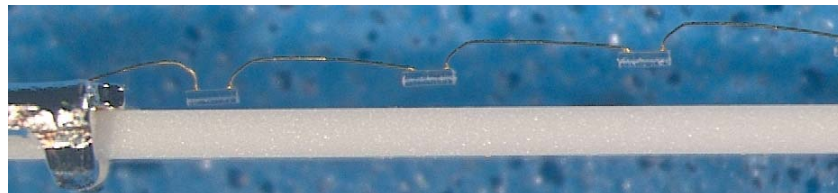
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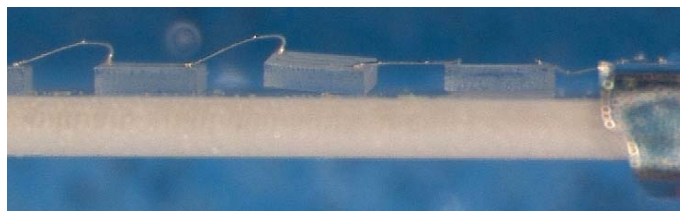
(BPGM60W/950CA/FIL/2(K))



(BPG1660W/950CA/FIL/2(K))



(BPG2560/F/850/LED(K))

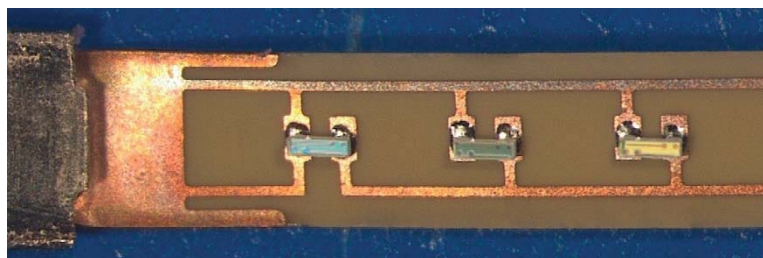


(BPA1560/950CA/FIL/2(K))

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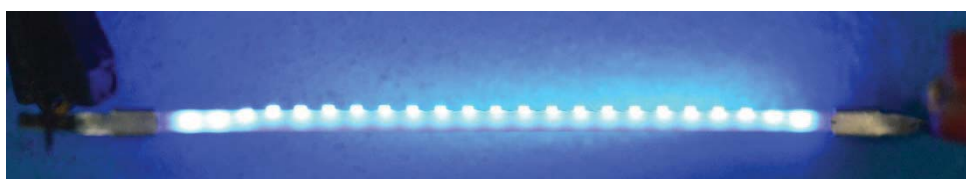


(PS50/S/820/LED)



(T10L/S/820/LED)

36. The Representative Accused Products, a wavelength conversion member is formed unitarily with a transparent member that seals the plurality of light emitting element chips.



(CEA1940/CL/LED/6)

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(BPCEG25W/827/LED/4)



(BPCEG25W/927/4)

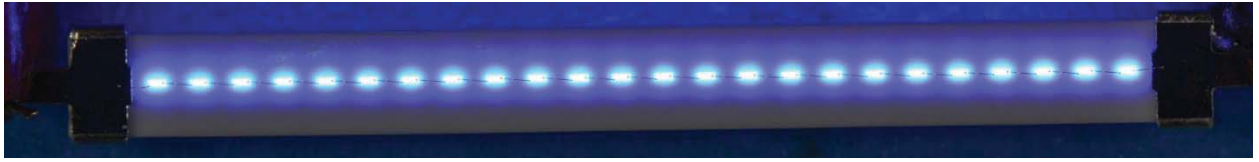
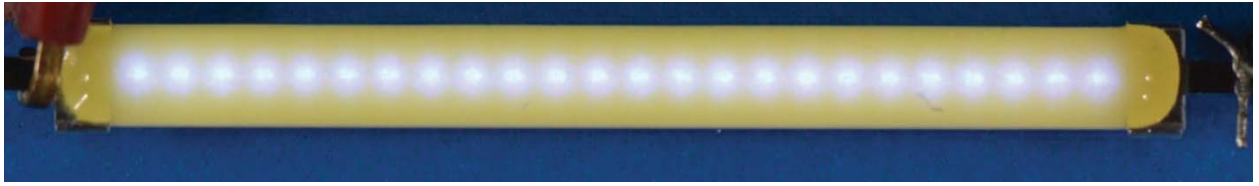


(BPG1640/950CA/FIL/2(K))

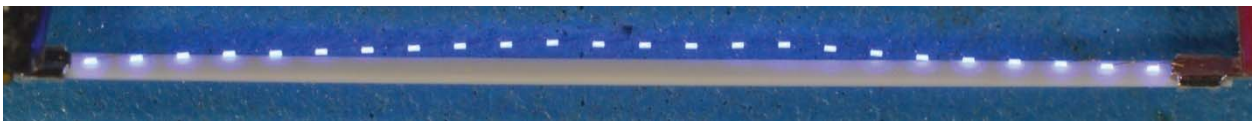


(BPGM60W/950CA/FIL/2(K))

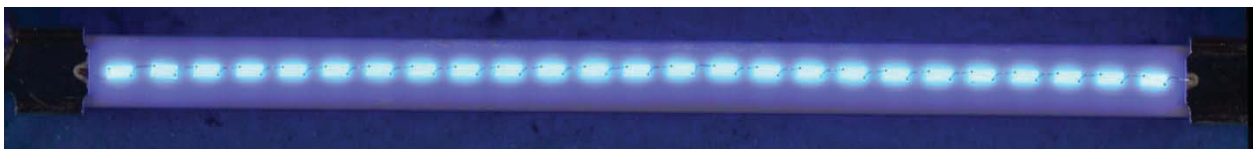
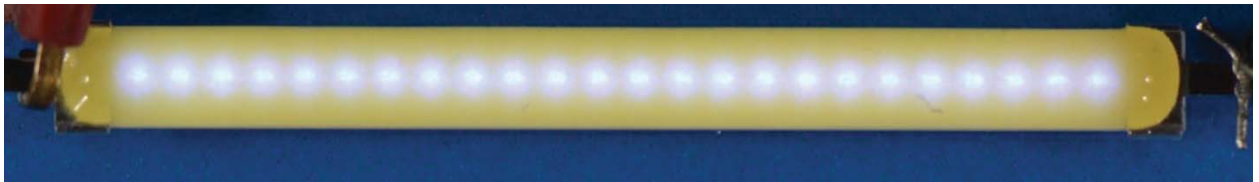
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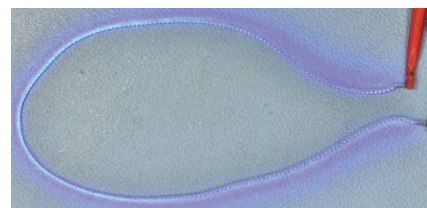
(BPG1660W/950CA/FIL/2(K))



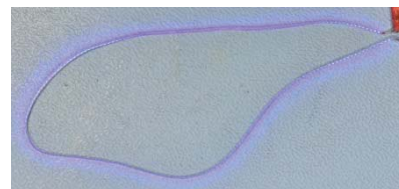
(BPG2560/F/850/LED(K))



(BPA1560/950CA/FIL/2(K))



(PS50/S/820/LED)



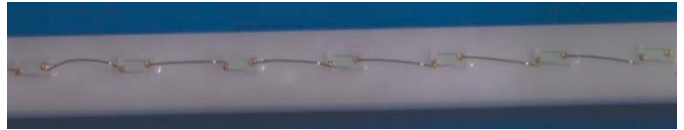
(T10L/S/820/LED)

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37. The Representative Accused Products include a transparent bulb that encloses the board with the plurality of light emitting element chips.



(CEA1940/CL/LED/6)

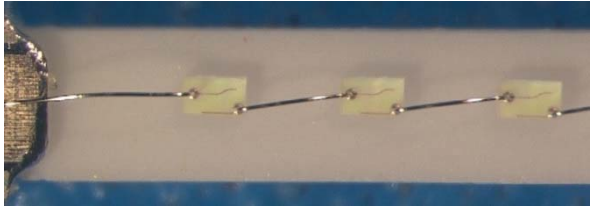


(BPCEG25W/827/LED/4)

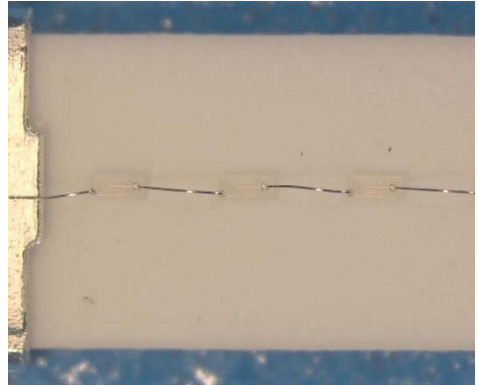


(BPCEG25W/927/4)

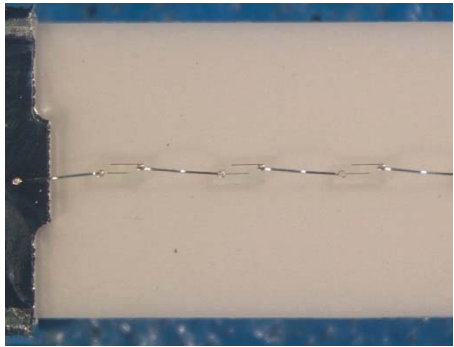
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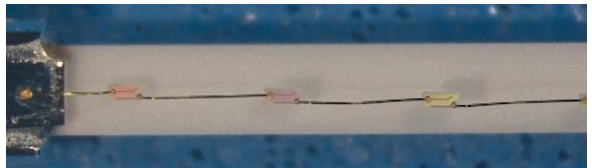
(BPG1640/950CA/FIL/2(K))



(BPGM60W/950CA/FIL/2(K))

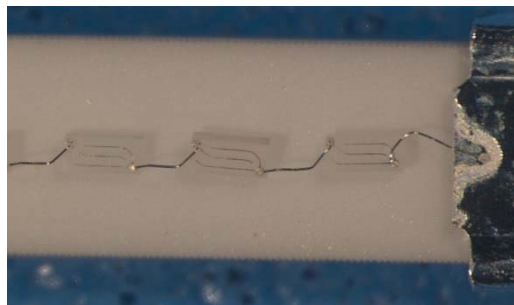
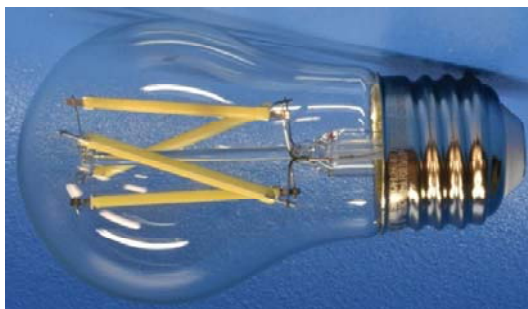


(BPG1660W/950CA/FIL/2(K))

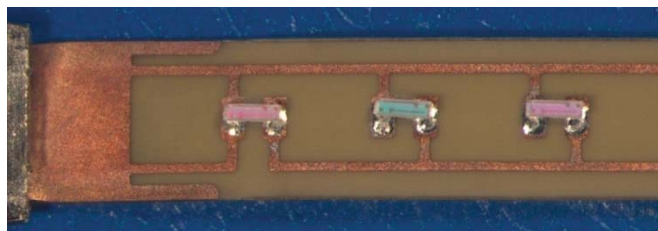


(BPG2560/F/850/LED(K))

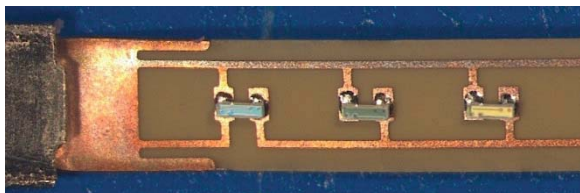
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(BPA1560/950CA/FIL/2(K))

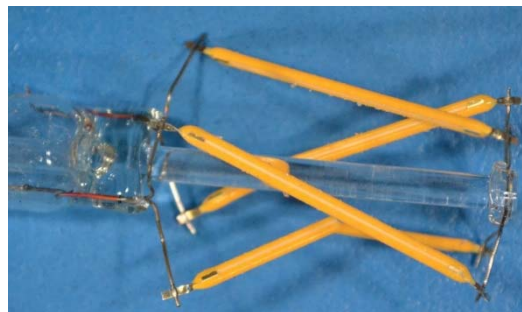
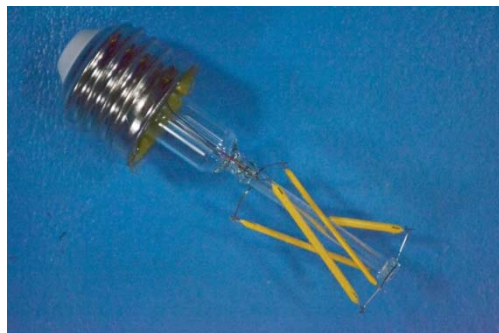


(PS50/S/820/LED)



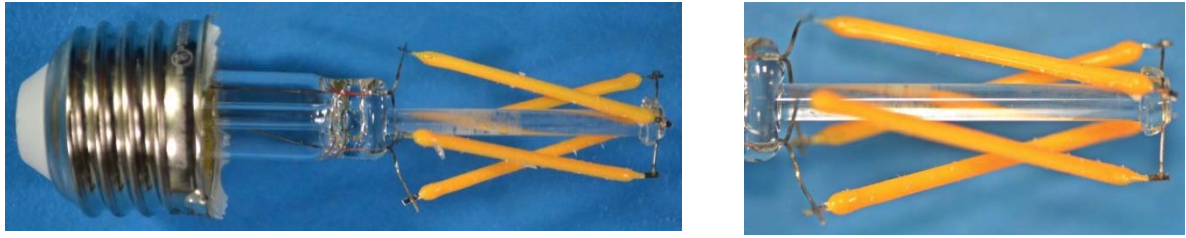
(T10L/S/820/LED)

38. The Representative Accused Products include support leads that secure the plurality of light emitting element chips inside the transparent bulb.



(CEA1940/CL/LED/6)

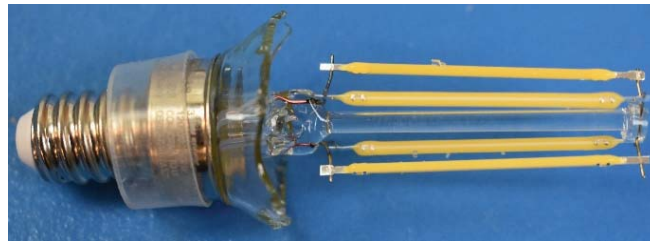
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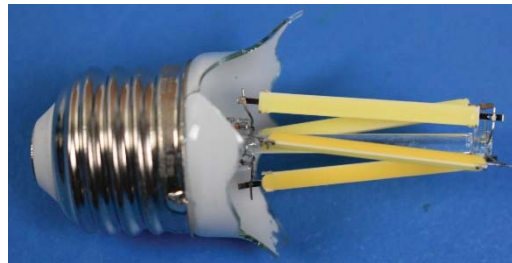
(BPCEG25W/827/LED/4)



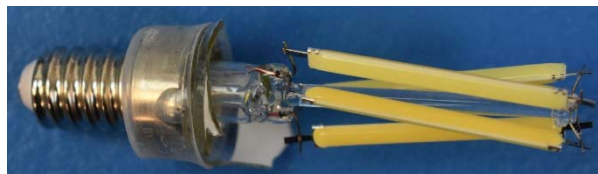
(BPCEG25W/927/4)



(BPG1640/950CA/FIL/2(K))

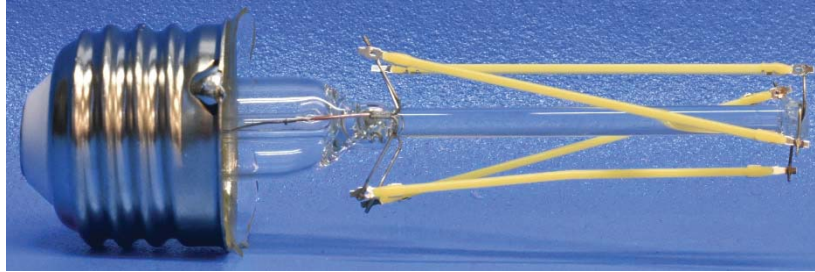


(BPGM60W/950CA/FIL/2(K))

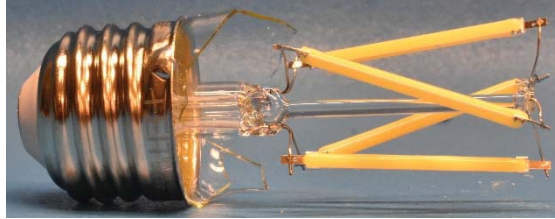


(BPG1660W/950CA/FIL/2(K))

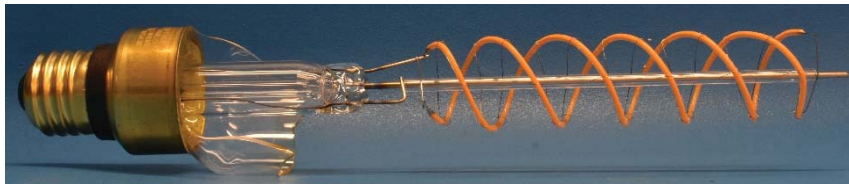
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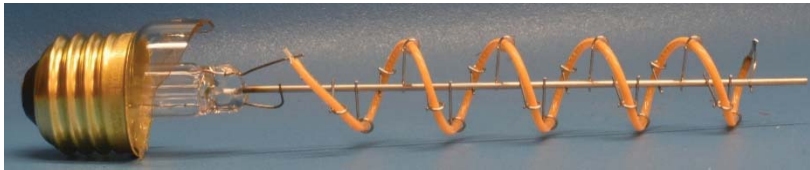
(BPG2560/F/850/LED(K))



(BPA1560/950CA/FIL/2(K))



(PS50/S/820/LED)



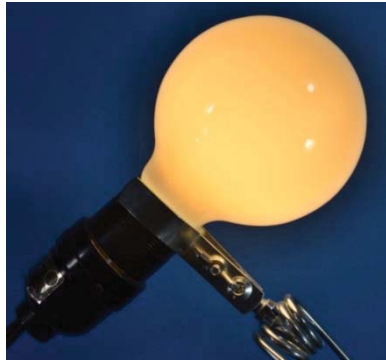
(T10L/S/820/LED)

39. The Representative Accused Products include a support base that can be threadedly engaged with a conventional light bulb socket along a socket axis.



(CEA1940/CL/LED/6)

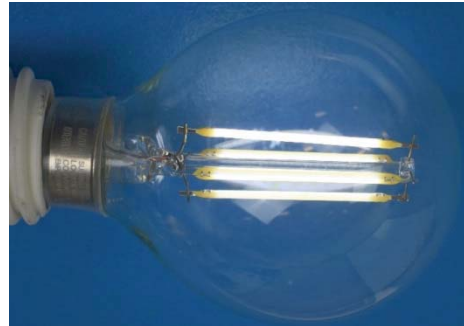
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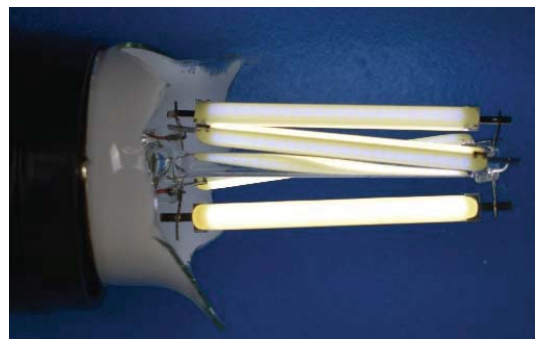
(BPCEG25W/827/LED/4)



(BPCEG25W/927/4)

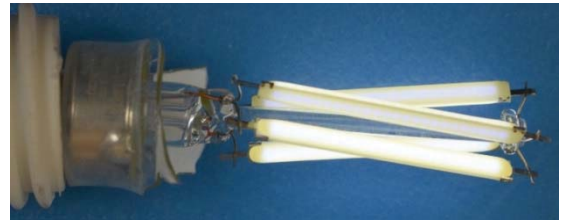


(BPG1640/950CA/FIL/2(K))



(BPGM60W/950CA/FIL/2(K))

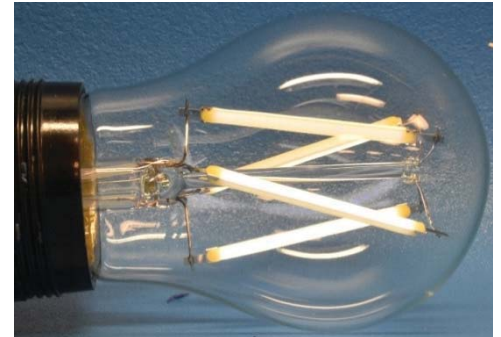
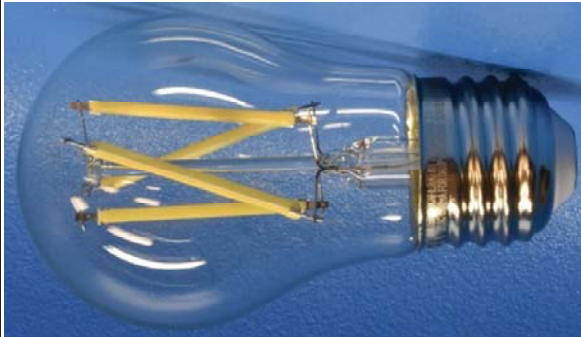
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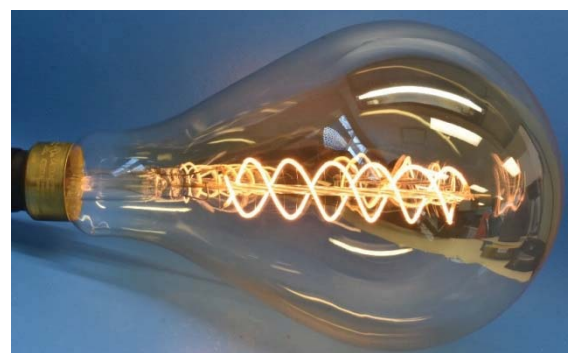
(BPG1660W/950CA/FIL/2(K))



(BPG2560/F/850/LED(K))

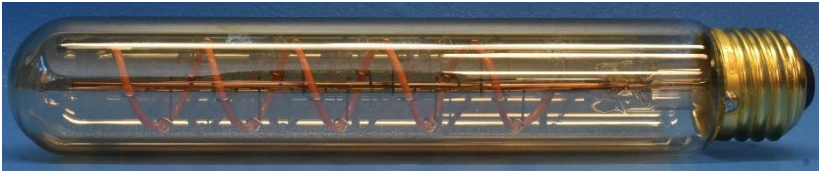


(BPA1560/950CA/FIL/2(K))



(PS50/S/820/LED)

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(T10L/S/820/LED)

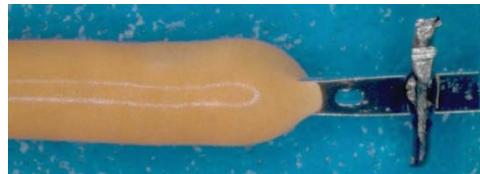
40. The Representative Accused Products include a pair of metal plates protruding at both ends of the wavelength conversion member.



(CEA1940/CL/LED/6)



(BPCEG25W/827/LED/4)



(BPCEG25W/927/4)



(BPG1640/950CA/FIL/2(K))

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(BPGM60W/950CA/FIL/2(K))



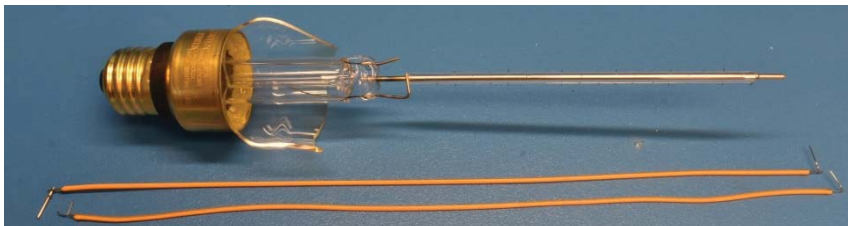
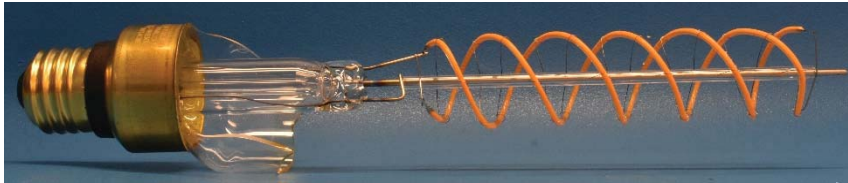
(BPG1660W/950CA/FIL/2(K))



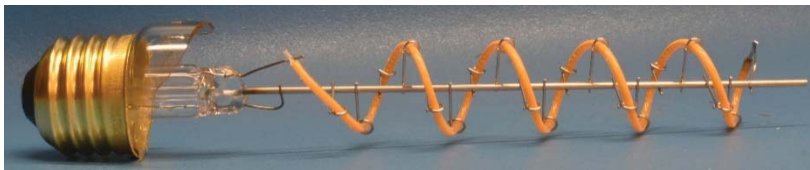
(BPG2560/F/850/LED(K))



(BPA1560/950CA/FIL/2(K))



(PS50/S/820/LED)



(T10L/S/820/LED)

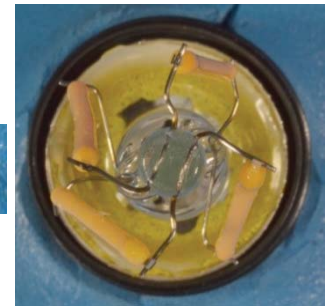
1 41. In the Representative Accused Products, the wavelength conversion
2 member is provided on the first surface side and the second surface side, the
3 wavelength conversion member is elongated in the longitudinal direction when
4 viewed in plan view of the first surface side of the board.



8
9 (CEA1940/CL/LED/6)



14
15 (BPCEG25W/827/LED/4)



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21 (BPCEG25W/927/4)



24 (BPG1640/950CA/FIL/2(K))



27 (BPGM60W/950CA/FIL/2(K))

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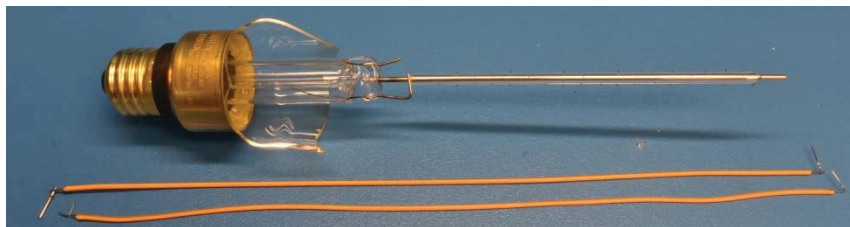
(BPG1660W/950CA/FIL/2(K))



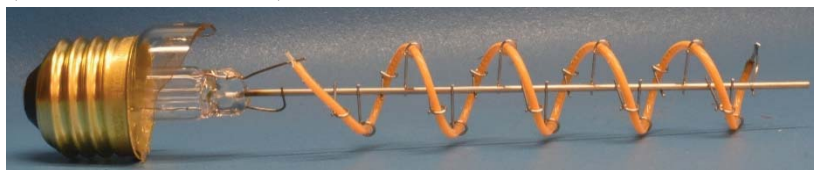
(BPG2560/F/850/LED(K))



(BPA1560/950CA/FIL/2(K))



(PS50/S/820/LED)



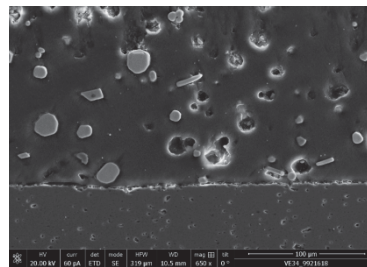
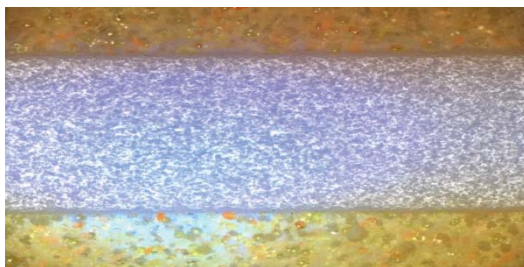
(T10L/S/820/LED)

42. In the Representative Accused Products, a first set of the light emitting element chips are mounted on the first region and arranged from the center portion of the board to the one of the end portions and a second set of the light emitting

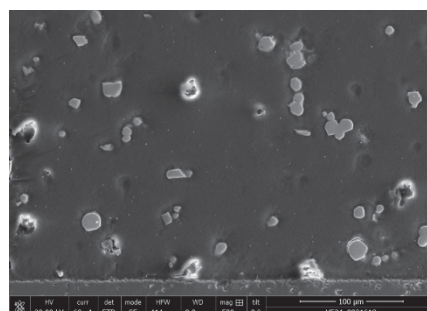
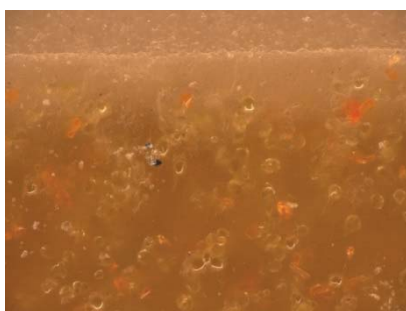
1 element chips are mounted on the second region and arranged from the center
2 portion of the board to the other one of the end portions.

3 43. In the Representative Accused Products, the pair of metal plates are
4 electrically connected with the support base via the support leads.

5 44. Images of phosphors in the Representative Accused Products are
6 provided below:



11 (CEA1940/CL/LED/6)



17 (BPCEG25W/827/LED/4)

18 45. In the Representative Accused Products, the transparent bulb is made
19 of glass; each of the metal plates crosses the support lead; the wavelength
20 conversion member comprises a phosphor therein; an average phosphor particle
21 size is 3 μm or more; the plurality of light emitting element chips is electrically
22 connected in series; the plurality of light emitting element chips is so configured
23 that a main peak light emission wavelength of the light emitting element is varied
24 within a range between 420 nm and 490 nm; each of the light emitting element
25 chips comprises nitride semiconductor made of $In_xAl_yGa_{1-x-y}N$ ($0 \leq x$, $0 \leq y$,
26 $x+y \leq 1$); the wavelength conversion member substantially surrounds the board; the
27 board is configured to be transparent so that a light emitted from the plurality of
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1 light emitting element chips on the first surface side of the board forwards outside
2 of the light emitting device through the second surface of the board; the wavelength
3 conversion member is capable of converting light emitted from the plurality of light
4 emitting element chips into light with a different wavelength such that the
5 converted light with the different wavelength is radiated along a first direction from
6 the first surface side of the board to an outer periphery of the wavelength
7 conversion member, and along a second direction from the second surface of the
8 board to the outer periphery of the wavelength conversion member; all light
9 emitting element chips mounted on the first surface side of the board are aligned
10 along a line; the wavelength conversion member seals all light emitting element
11 chips mounted on the first surface side of the board; the wavelength conversion
12 member seals all light emitting element chips mounted on the first surface side of
13 the board; the first set of light emitting element chips and the second set of light
14 emitting element chips are aligned along substantially a single line that extends in
15 the longitudinal direction of the wavelength conversion member; one of the support
16 leads is positioned between one of the metal plates and the support base; all of the
17 light emitting element chips mounted on the first surface side of the board are
18 aligned along a single line when viewed in plan view of the first surface side of the
19 board; and the phosphor comprises a YAG group phosphor.

20 46. Additional Feit filament-style LED lightbulbs also infringe one or
21 more of the Asserted Claims of the Patent-in-Suit. The Representative Accused
22 Products identified above that, based on the information, including the images
23 herein, and analysis set forth in paragraphs 33-45, infringe one or more of the
24 Asserted Claims of the Patent-in-Suit, are representative of these additional
25 infringing lightbulbs. These additional lightbulbs infringe one or more of the
26 Asserted Claims of the Patent-in-Suit based on the same information and analysis
27 as set forth in paragraphs 33-45 above. These infringing lightbulbs include but are
28 not limited to the following models: 72127; ST1975/CL/VG/LED;

1 ST1960/VG/LED; BPST19/40/LED/2; A1940/CL/850/LED/2;
2 BPA1940CL927CA/FIL/2; BPA1940CL950CA/FIL/2; A1940/CL/LED/2;
3 A1960/CL/850/LED/2; BPA1960/CL/LED/2/CAN; BPA1960CL930CA/FIL/2;
4 BPA1960CL950CA/FIL/2; AT19/S/CL/FILED; G25/S/CL/FILED;
5 G25/S/VG/LED; T14/S/CL/FILED; AT19/SMK/VG/LED; AT19/VG/LED;
6 BPA1960CL927CA/FIL/2; BPA1975CL927CA/FIL/2; BPA1525/827/LED/2;
7 BPA1540/827/LED/2; BPA1540/927CA/FIL/2; BPA1540827LED/2/CAN;
8 BPA1540C/827/LED/2; BPA1540C/850/LED/2; BPA1540N/827/LED/2;
9 BPA1560/827/LED/2; BPA1560/850/LED/2; BPA1560C/827/LED/2;
10 BPA1560C/850/LED/2; BPA1560N/827/LED/2; BPA1560C/950CA/2 (TrueValue
11 Item # 240357); BPCFC40/827/LED/4; BPCFC40927CAFIL/4/RP (TrueValue
12 Item # 247660); BPCFC60927CAFIL/2/RP (TrueValue Item # 247663);
13 BPA1575/850/FIL/2; BPA1575C/827/FIL/2; BPA1575C/850/FIL/2;
14 BPA1575N/827/FIL/2; BPA1575N/850/FIL/2; BPCFC40/827/LED/2;
15 BPCFC40/850/LED/2; BPCFC40/927CA/FIL/2; BPA19100/CL/FILED/2;
16 BPA19100CL850FILED/2; BPA1975/CL/FILED/2; BPA1975CL850/FILED/2;
17 BPA19100CL927CAFIL/2; A800CL950CA/DD/FILED; BPA1525/927CA/FIL/2;
18 BPA1575/827/FIL/2; BPA1975CL950CA/FIL/2; BPA1560/950CA/FIL/2;
19 BPA1960CL950CAFIL2RP (TrueValue Item # 247646); 74309; BPAT19/LED;
20 T14/VG/LED; BPG1640/827/LED/2; BPG1640827/LED/2/CAN;
21 BPCFC25/927CA/FIL/2; ST15C/VG/LED; BPA19100CL950CAFI2RP;
22 BPA19100CL950CAFIL/2; BPCFC40/927CA/FIL/4; BPCFC40/950CA/FIL/2;
23 BPCFC40/950CA/FIL/4; BPCFC60/827/LED/2; BPCFC60/850/LED/2;
24 BPCFC60/927CA/FIL/2; BPCFC60/950CA/FIL/2; BPCTC100/827/LED/2;
25 BPCFC60950CAFIL/2/RP (TrueValue Item # 235110); BPEFC40927CAFIL/2/RP
26 (TrueValue Item # 247664); BPEFC60927CAFIL/2/RP (TrueValue Item #
27 247665); BPEFC60950CAFIL/2/RP (TrueValue Item # 235111); BPCFT/LED;
28 BPCFT/LED/2/CAN; BPCFT/LED/CAN; CFT/SMK/VG/LED;

1 BPCTC100/850/LED/2; BPCTC25/827/LED/2; BPCTC40/827/LED/2;
2 BPCTC40/850LED/2; BPCTC40/927CA/FIL/2; BPCTC40/950CA/FIL/2;
3 BPCTC40827/LED/2/CAN; BPCTC60/827/LED/2; BPCTC60/827/LED/2-1;
4 BPCTC60/850/LED/2; BPCTC60/927CA/FIL/2; BPCTC60/950CA/FIL/2;
5 BPCTC75/827/LED/2; BPCTC75/850/LED/2; BPEFC25/827/LED/2;
6 BPEFC25/927CA/FIL/2; BPEFC40/827/LED/2; BPEFC40/850/LED/2;
7 BPEFC40/927CA/FIL/2; BPEFC40/950CA/FIL/2; BPEFC60/827/LED/2;
8 BPEFC60/927CA/FIL/2; BPEFC60/950CA/FIL/2; BPETC25/827/LED/2;
9 BPETC40/827/LED/2; BPETC40/850/LED/2; BPETC40/927CA/FIL/2;
10 BPETC40827/LED/2/CAN; BPETC40950CAFIL/2/RP; BPETC60/827/LED/2;
11 BPETC60/850/LED/2; BPETC60/927CA/FIL/2; BPETC60/950CA/FIL/2;
12 BPETC60827/LED/2/CAN; BPG1640/927CA/FIL/2; BPG1640/950CA/FIL/2;
13 BPG1640927CAFIL/2/RP (TrueValue Item # 258537); BPGM40927CA/FIL/2/RP
14 (TrueValue Item # 247650); Feit Electric 40-Watt LED Decorative Fan Bulbs (Set
15 of 2) (Bed Bath & Beyond SKU 61531857); BPCECFC/827/6;
16 BPG1660/827/LED/2; BPG25100/827/FIL/LED; G25/SMK/VG/LED;
17 G25/VG/LED; BPG1660/927CA/FIL/2; BPG1660/950CA/FIL/2;
18 BPGM40/927CA/FIL/2; BPGM40827/LED/2/CAN; BPG25100/850/FIL/LED;
19 BPG2525/927CA/FIL; BPG2540/927CA/FIL; BPG2540/950CA/FIL;
20 BPG2540/VG/LED; BPG2560/827/LED/CAN; BPG2560/927CA/FIL;
21 BPG2560/950CA/FIL; BPG2575/827/FIL/LED; BPG2575/850/FIL/LED;
22 BPGM40/827/LED/2; BPGM60/827/LED/2; BPGM60/927CA/FIL/2;
23 BPST1525C/VG/LED/2; CFC40/827/LED/6; CFC40/850/LED/6;
24 BPST19/40/LED/2/B22; BPST19/40/LED/2/UK; BPST19/CL/LED; BPST19/LED;
25 BPST19/LED/CAN; BPT1040/827/LED; BPT1440/VG/LED; A1960/CL/LED/2;
26 BPVT10/LED; BPA1940CL927CAFIL2RP (TrueValue Item # 247643);
27 BPA1940CL950CAFIL2RP (TrueValue Item # 247644);
28 BPA1960CL927CAFIL2RP (TrueValue Item # 247645); CFC40/927CA/FIL/6;

1 CFC40/950CA/FIL/6; CFC60/850/LED/6; CFC60/927CA/FIL/6;
2 CFC60/950CA/FIL/6; CTC40/827/LED/6; CTC40/850/LED/6;
3 CTC40/927CA/FIL/6; CTC40/950CA/FIL/6; CTC60/827/LED/6;
4 CTC60/850/LED/6; CTC60/927CA/FIL/6; CTC60/950CA/FIL/6;
5 T8C/CL/VG/CA/LED; T8C/VG/LED; BPA1560950CAFIL/2/RP (TrueValue Item
6 # 240356); G2540/BLK/827/FIL; G2540/CHR/827/FIL; G2540/GOLD/827/FIL;
7 G40100/927CA/FIL; G40/S/VG/LED; T6/S/CL/FILED; PS40/S/CL/820/FIL;
8 T10L/S/820/LED; PN6AG/BZ/ST19LED; PN6CG/NK/ST19LED;
9 ST19/CL/VG/LED; ST19/SMK/VG/LED; ST19/S/CL/FILED; ST52/S/820/LED;
10 PS50/S/820/LED; G63/S/820/LED; ST19/VG/LED; T10/VG/LED;
11 T14/CL/VG/LED; T10/CL/VG/LED; T10/SMK/VG/LED;
12 BPG2540/927CA/FIL/RP (TrueValue Item # 247661); BPG2560/927CA/FIL/RP
13 (TrueValue Item # 247662); BPG2560/950CA/FIL/RP (TrueValue Item # 235113);
14 TD/7/SMK/FIL; S14/822/FILED/4; 72122; CFT/VG/LED; VB/S/CL/820/FIL;
15 A19/7/SMK/FILED; ST19/7/SMK/FILED; LUNA/7/SMK/FIL;
16 BPA19100CL927CAFI2RP; BPA1540927CAFIL/2/RP (TrueValue Item #
17 240353); BPAT19/LED/CAN; and BPCFF40/927CA/FIL/2(K) (collectively, the
18 “Represented Accused Products). Exhibit B to this Complaint provides additional
19 information about these additional infringing lightbulbs.

20 47. The Accused Products include both the Represented Accused Products
21 and the Representative Accused Products. To the extent that other Feit LED
22 lightbulbs include the same filament configuration as any of the Accused Products,
23 those other LED lightbulbs are also Accused Products

24 48. To the extent that any of the Accused Products are sold under a
25 different model number, including but not limited to lightbulbs that are sold by
26 retailers under private labels, those products are also Accused Products.

27 49. To the extent that any of the model numbers of the Accused Products
28 include designations indicating the quantity of the lightbulb sold (such as “/2”, “/4”,

1 “/6” for a 2-pack, 4-pack, 6-pack, and so on), type of packaging the lightbulb is sold
2 in (such as “BP” for a blister pack), suitability for retail sale or known distributor,
3 or any other designations referring to the same type of lightbulb or a lightbulb
4 having the same filament arrangement, all model numbers referring to the same
5 type of lightbulb or a lightbulb having the same filament arrangement are also
6 Accused Products.

7 50. Nichia reserves the right to identify additional models of accused
8 lightbulbs as the case progresses, for example through discovery. Accordingly, the
9 scope of Accused Products is not limited to those identified above.

10 51. Feit has been aware of Nichia’s allegation that Feit infringes the
11 Patent-in-Suit since at least June 12, 2019, when Nichia sent Feit a cease-and-desist
12 letter. The cease-and-desist letter specifically identified the ’734 Patent and
13 notified Feit that its CEA1940/CL/LED/6 model and all other products that contain,
14 in relevant respects, substantially similar parts or components as the identified
15 model (i.e., all of the Accused Products), also infringe the ’734 Patent.

16 52. Notwithstanding Nichia’s June 12, 2019 letter, Feit has continued to
17 import into the United States, and manufacture, use, sell, and/or offer for sale in the
18 United States, filament-style LED lightbulbs that infringe the Patent-in-Suit ,
19 despite the existence of an objectively-high likelihood that its actions constituted
20 infringement of a valid patent.

21 53. This objectively-defined risk was known to Feit, or at least was so
22 obvious that it should have been known to Feit.

23 **MARKING**

24 54. Nichia has complied with the requirements of 35 U.S.C. § 287(a).
25 Nichia does not make, use, or sell products embodying any of the claims of the
26 ’734 Patent, or otherwise practice the ’734 Patent. Additionally, Nichia does not
27 license the ’734 Patent. Accordingly, there is nothing to be marked under the
28 statute.

COUNT I

(Infringement of U.S. Patent No. 9,752,734)

(35 U.S. C. § 271(a))

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4 55. Nichia repeats and re-alleges each and every allegation of paragraphs
5 1-54 as if fully set forth herein.

6 56. The '734 Patent is valid and enforceable.

7 57. By its importation into the United States, and its manufacture, use, sale
8 and/or offer for sale in the United States of Feit filament-style LED lightbulbs,
9 including but not limited to all of the Accused Products expressly identified herein,
10 Feit has been and is now infringing at least one or more of the Asserted Claims of
11 the '734 Patent, in the State of California, in this judicial district, and elsewhere, in
12 violation of 35 U.S.C. § 271(a).

13 58. Feit had knowledge of the '734 Patent prior to the filing of this
14 Complaint. Defendant Feit's infringement has been and is now willful and
15 deliberate. Defendant Feit has and continues to import into the United States, and
16 manufacture, use, sell, and/or offer for sale in the United States, Feit filament-style
17 LED lightbulbs, including but not limited to all of the Accused Products expressly
18 identified herein, despite an objectively high likelihood that its actions constituted
19 infringement of the '734 Patent. This objectively-defined risk of infringement was
20 known or so obvious that it should have been known to Feit.

21 59. Feit's actions are without the consent of Nichia.

22 60. Nichia has been and will continue to be damaged by Feit's
23 infringement of the '734 Patent.

24 61. Nichia and has been and will continue to be irreparably harmed unless
25 Feit's infringement of the '734 Patent is enjoined.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff Nichia Corporation prays that the Court enter judgment against Defendant Feit and in favor of Nichia, as follows:

A. Finding that the '734 Patent was duly and lawfully issued, and is valid and enforceable;

B. Finding that Feit has infringed one or more of the claims of the '734 Patent;

C. Awarding damages to Nichia in accordance with 35 U.S.C. § 284, including pre-judgment and post-judgment interest, to compensate Nichia for Feit's infringement of the '734 Patent;

D. Ordering preliminary and permanent injunctive relief restraining and enjoining Feit and its officers, agents, attorneys, employees, and those acting in privity or active concert with Feit, from infringement of the '734 Patent for the full term thereof;

E. Finding Feit's infringement willful and awarding treble damages under 35 U.S.C. § 284;

F. Finding that this case is exceptional pursuant to 35 U.S.C. § 285;

G. Awarding Nichia its costs and attorneys' fees; and

H. Awarding Nichia such other and further relief as this Court deems just and proper.

Dated: January 13, 2020

SNELL & WILMER L.L.P

William S. O'Hare

ROTHWELL, FIGG, ERNST & MANBECK P.C.

Robert P. Parker (*pro hac vice to be filed*)

Martin Zoltick (*pro hac vice to be filed*)

Jenny L. Colgate (*pro hac vice to be filed*)

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Michael Jones (*pro hac vice to be filed*)
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By: /s/ William S. O'Hare

William S. O'Hare

Attorneys for Plaintiff Nichia Corporation

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JURY DEMAND

Nichia hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: January 13, 2020

SNELL & WILMER L.L.P

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