

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

EPISTAR CORPORATION,

Plaintiff,

V.

LOWE'S COMPANIES, INC.,  
LOWE'S HOME CENTERS, LLC,

Defendants.

CASE NO.: 6:20-cv-420

## JURY TRIAL DEMANDED

## COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL

Pursuant to Section 1338 of Title 28 of the United States Code, Plaintiff Epistar Corporation (“Plaintiff” or “Epistar”) alleges for its Complaint against Lowe’s Companies, Inc. and Lowe’s Home Centers, LLC (collectively “Lowe’s” or “Defendants”), on personal knowledge as to Epistar’s own actions and on information and belief as to the actions of others, as follows:

1. This Complaint arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction over this action under 35 U.S.C. § 271 *et seq.*, 28 U.S.C. §§ 1331 and 1338(a).

## THE PARTIES

2. Plaintiff Epistar is a Taiwanese corporation with its principal place of business at 21 Li-Hsin Road, Science Park, Hsinchu 300, Taiwan.

3. Upon information and belief, Defendant Lowe's Companies, Inc. ("LCI") is a North Carolina corporation having a principal place of business at 1000 Lowe's Boulevard, Mooresville, North Carolina 28117.

4. Upon information and belief, Defendant Lowe's Home Centers, LLC ("LHC") is a North Carolina company having a principal place of business at 1605 Curtis Bridge Road, North Wilkesboro, North Carolina 28697.

5. LHC owns and operates home improvement warehouses known as "Lowe's Home Improvement" warehouses in this State and District that sell the products that infringe Epistar's patents-in-suit.

#### **JURISDICTION AND VENUE**

6. The Court may exercise personal jurisdiction over Defendants because Defendants have continuous and systematic contacts with the State of Texas and, on information and belief, do business in this District.

7. Defendants conduct business in this District by importing, marketing, offering for sale, and selling its infringing products in this District.


8. Defendants maintain a store in this District at 201 North New Rd., Waco, TX 76710. *See* Figures 1-2.







**Figure 2.**

9. Defendants sell infringing products in the store located within this District at 201 North New Rd., Waco, TX 76710. *See* Figures 3-9.



[Visit Lowe's >](#)  
 Open till 7PM

What are you looking for today?

[Shop](#)
[Ideas](#)
[Savings](#)
[Services](#)
[Order Status](#)
[Lowe's Credit Cards](#)
[Weekly Ad](#)


## GE Lighting



**Our Best Light,  
Your Finishing Touch**

GE Reveal's pure, clean light filters out dull yellows for enhanced color contrast, whiter whites and exceptional clarity.

[SHOP NOW](#)

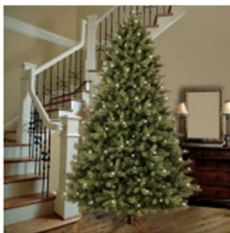


### WHY GE LIGHTING?

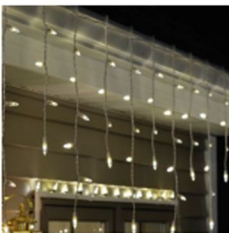
GE Lighting and Lowe's have teamed up to create an easier way to shop for exceptional lighting: a light bulb aisle exclusively made up of GE products. Explore our wide range of products for every fixture, room and mood including GE high definition LED light bulbs, GE smart light bulbs, LED lights, fluorescents, night lights and more.

GE's best light, Reveal HD+ LED, is available at Lowe's with an exclusive Love Your Light Guarantee. If you're unsatisfied with Reveal HD+ LED after 30 days, you can return it for a full refund. Just another bright idea from GE, the leader in lighting.


### SHOP GE HOLIDAY



**Pre-Lit Artificial Christmas Trees**  
GE's Just Cut® pre-lit artificial Christmas trees are designed with molded branch tips to simulate nature, providing a realistic look and feel.




**Incandescent Christmas Lights**  
For over 100 years, GE Christmas lights have been the symbol of tradition and innovation in holiday lighting with the industry's highest standards.

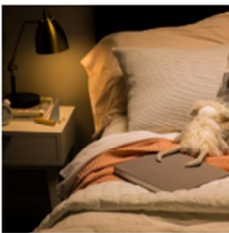


**LED Christmas Lights**  
GE provides endless color possibilities with the most advanced LED Christmas light technologies that you need to match your style this holiday season.


### HIGH-DEFINITION LED LIGHTS



**Reveal™ HD+ LED**  
The best from GE, Reveal HD+ LED filters out dull yellow light to give you contrast and boldness, plus we offer whiter whites for exceptional clarity.




**Relax™ HD LED**  
Our enhanced soft white bulbs provide the optimal light for comfortable moments and cozy spaces.




**Refresh™ HD LED**  
Our enhanced daylight bulbs provide cool, energizing light perfect for energizing moments and active spaces.


### AN LED FOR EVERY PURPOSE



**General Purpose**  
The durable, long-lasting, energy-efficient solution for nearly every fixture in your home.



**Indoor or Outdoor Spot & Flood**  
Proud your outdoor spaces with LEDs for durable, long-lasting, energy-efficient lighting.



**Decorative**  
Globe, candle and vintage LED bulbs add charm to any space.

Figure 3.







Figure 5.



Figure 6.



Figure 7.



Figure 8.



Figure 9.



10. Defendants partner to sell infringing products by accessing Lowe's website in this District. *See e.g.*, Figures 10-11, available at <https://www.lowes.com/pd/GE-Basic-60-Watt-EQ-G25-Soft-White-Globe-Bulb-Light-Bulb-4-Pack/1000449077> (May 14, 2020); Figures 12-13, available at <https://www.lowes.com/pd/GE-Relax-60-Watt-EQ-A19-Soft-White-Dimmable-LED-Light-Bulb-8-Pack/1000444903> (May 14, 2020); and Figures 14-15, available at <https://www.lowes.com/pd/GE-Refresh-60-Watt-EQ-A19-Daylight-Dimmable-LED-Light-Bulb-8-Pack/1000444975> (May 14, 2020).



**Figure 10.**

Lighting &amp; Ceiling Fans / Light Bulbs / Decorative Light Bulbs

**\$16.98** ★★★★★ 91 [View Q&A](#)

**GE Basic 60-Watt EQ G25 Soft White Globe Bulb Light Bulb (4-Pack)**  
Item #935474 Model #44039

- 60 Watt replacement using only 5 Watts (500 lumens)
- Rated to last 6 years based on 3 hours per day use
- Saves 45 dollars on energy costs per bulb vs. 60-Watt G25 incandescent over the bulb's life

— 1 +  
Qty

**Add to Cart**

**Free Store Pickup**  
18 Available at [Waco Lowe's](#) ✓

**Delivery**  
Available

Figure 11.

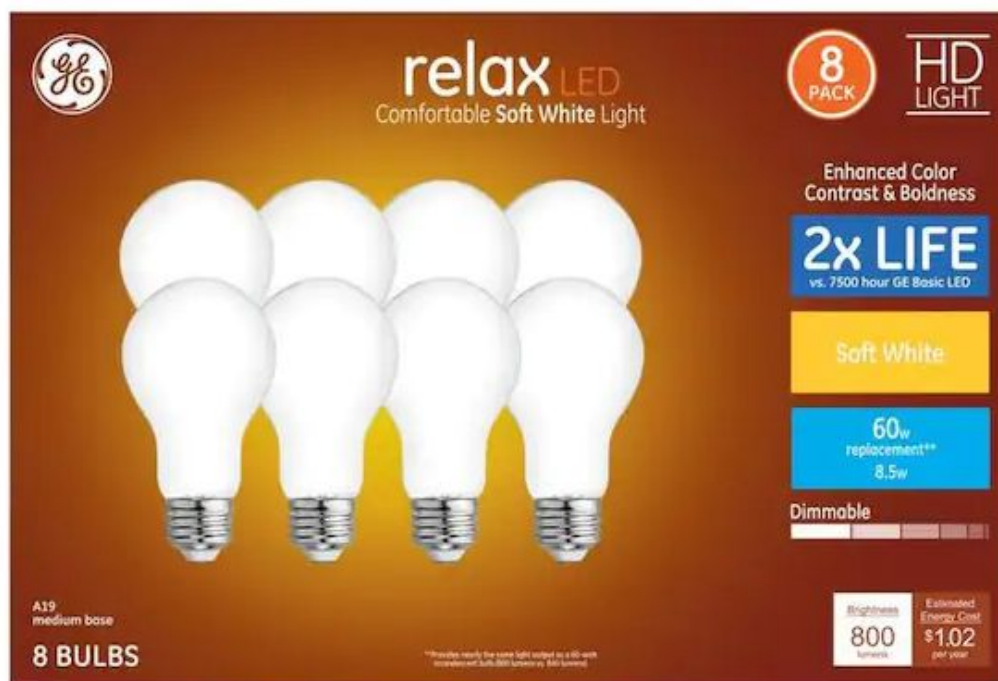


Figure 12.

Lighting &amp; Ceiling Fans / Light Bulbs / General Purpose LED Light Bulbs

**\$22.98** ★★★★★ 127 [View Q&A](#)

**GE Relax 60-Watt EQ A19 Soft White Dimmable LED Light Bulb (8-Pack)**  
Item #952356 Model #44930

- 60 Watt replacement using only 8.5 Watts (800 lumens)
- Rated to last 13 years based on 3 hours per day use
- Saves 84 dollars on energy costs per bulb vs. 60-Watt incandescent over the bulb's life

Package Quantity: 8

— 1 +  
Qty

**Add to Cart**

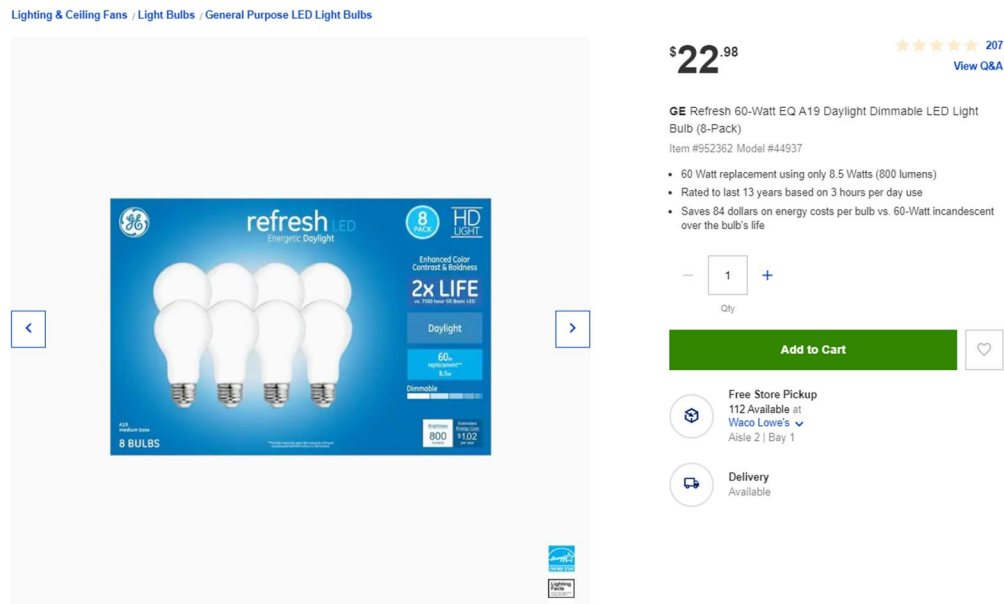
**Free Store Pickup**  
8 Available at [Waco Lowe's](#) ▼  
Aisle 2 | Bay 1

**Delivery**  
Available

Figure 13.



Figure 14.



**Figure 15.**

11. Because Defendants have availed themselves of the privileges of conducting activities in this District, Defendants are subject to personal jurisdiction in this District.

12. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c), (d), and/or 1400(b) because among other things, Defendants are subject to personal jurisdiction in this District, have committed acts of patent infringement in this District, and continue to commit acts of infringement in this District. Each Defendant has a “regular and established place of business” in this District because Defendants maintain (1) physical locations in the district; (2) the locations are regular and established places of business; and (3) the locations are places of the Defendants.

13. As discussed in the paragraphs above, LCI and its subsidiaries operate physical retail stores in this District, owned by LHC, that sell the products accused of infringement. *See Exhibit 11* at 5 (“Lowe’s Companies, Inc. and subsidiaries (the Company or Lowe’s) is a Fortune® 50 company and the world’s second largest home improvement retailer. As of January 31, 2020, Lowe’s operated 1,977 home improvement and hardware stores, representing



approximately 208 million square feet of retail selling space.”); *id.* at second cover page (“Lowe’s Companies, Inc. (NYSE: LOW) is a FORTUNE® 50 home improvement company . . . . Lowe’s and its related businesses operate or service more than 2,200 home improvement and hardware stores and employ approximately 300,000 associates.”).

14. LCI and its subsidiaries “own and operate distribution facilities that enable products to be received from vendors, stored and picked, or cross-docked, and then shipped to our retail locations or directly to customers.” *Id.* at 6. These include “15 highly-automated regional distribution centers (RDC) and 15 flatbed distribution centers (FDC) in the United States.” *Id.* at 6. LCI and its subsidiaries own and operate an RDC in Texas, Lowe’s Texas RDC - #955, at 955 Lowe’s Lane, Mount Vernon, TX 75457. Exhibit 12; see Figure 16, below.



**Figure 16.**

15. LCI and its subsidiaries also operate an FDC in Texas, Lowe’s Ennis, TX FDC #1425, at 4501 Knighthurst Road, Ennis, TX 75119 and a Specialty Distribution Center in Texas, Lowe’s Franklin County, TX SDC #983, at 983 Lowe’s Lane, Mt. Vernon, TX 75457. Exhibit 12. The FDCs “distribute merchandise that requires special handling due to the size or type of

packaging,” and the Specialty Distribution Center “provide[s] centralized distribution for merchandise which is non-cartoned or irregularly shaped, requiring special handling.” *See Exhibit 12; Exhibit 11* at 6.

16. Venue as to LCI is also proper due to the fact LHC does not dispute it has a regular and established place of business in this District and, to the extent not directly places of LCI, the places of LHC can properly be imputed to LCI for the venue analysis because there is not corporate separateness.

17. LHC is a wholly owned subsidiary of LCI. The two corporate entities share the same mailing address, registered agent, and principal place of business. *See Exhibits 13-16*. Further, almost all of the managers and/or officers of the two entities are the same. *Id.*

18. The two entities operate under the same “Lowe’s” branded logo. *See, e.g., Exhibit 11* at 6.

19. Lowe’s employees and its public facing websites also portray a single company to the public. For example, LCI’s official LinkedIn page lists more than 600 employees in the Austin, Texas area. *Exhibit 17*. Lowe’s customer facing website (www.lowes.com) includes a “company information” page describing LCI, and LCI’s Annual Report repeatedly makes reference to Lowes.com as its website. *See, e.g., Exhibit 11* at 10 (“Our Annual Report, quarterly reports on Form 10-Q, current reports on Form 8-K and amendments to those reports filed or furnished pursuant to Section 13(a) or 15(d) of the Securities Exchange Act of 1934, as amended, are made available free of charge through our internet website at www.Lowes.com/investor . . . ”); *see also* Figure 17, below (showing public back cover page of annual report).



**Figure 17.**

20. Upon information and belief, LCI is involved in the purchasing decisions for the accused products.

21. Because each Defendant directly and through a lack of corporate separateness maintains a “regular and established place of business” in this District, venue is proper.

### **FACTUAL BACKGROUND**

22. Epistar brings this action to seek injunctive relief and damages arising out of Defendants’ infringement of Epistar’s U.S. Patent Nos. 7,489,068; 8,240,881; 9,065,022; 9,664,340; and 10,224,455 (collectively “the Patents-in-Suit”).

### **EPISTAR**

23. Epistar is widely recognized as “one of the pioneers in the LED filament industry” and “has invested resources in LED filament technology for years to improve filament efficiency.” *See*

[http://www.ledinside.com/interview/2016/7/epistar\\_improves\\_product\\_structure\\_and\\_profitability\\_by\\_specializing\\_in\\_niche\\_led\\_lighting\\_applications](http://www.ledinside.com/interview/2016/7/epistar_improves_product_structure_and_profitability_by_specializing_in_niche_led_lighting_applications) (April 9, 2020). For example, U.S. Patent No. 7,560,738 (“the ’738 patent”), developed by Epistar and issued on July 14, 2009, discloses an LED array that overcomes drawbacks of previous designs.

24. As early as 2013, Epistar successfully developed its LED filament bulb which was awarded the Taiwan Outstanding Photonics Product Award 2013. *See* [https://www.sipa.gov.tw/english/home.jsp?serno=201003210073&mserno=201003210006&menu=EnglishMenu&contlink=ap/manufacturers\\_3\\_1.jsp&level2=Y&dataserno=201312090007](https://www.sipa.gov.tw/english/home.jsp?serno=201003210073&mserno=201003210006&menu=EnglishMenu&contlink=ap/manufacturers_3_1.jsp&level2=Y&dataserno=201312090007) (April 9, 2020).

25. Epistar has received numerous industry awards over the years for its innovations in LED technology, including an Outstanding Photonics Product Award at the 13th International Nano Exposition for the design of its Flexible LED Lighting System. *See* [https://www.sipa.gov.tw/english/home.jsp?serno=201003210073&mserno=201003210006&menu=EnglishMenu&contlink=ap/manufacturers\\_3\\_1.jsp&level2=Y&dataserno=201312090007](https://www.sipa.gov.tw/english/home.jsp?serno=201003210073&mserno=201003210006&menu=EnglishMenu&contlink=ap/manufacturers_3_1.jsp&level2=Y&dataserno=201312090007) (April 9, 2020). In 2019, Epistar received the Taiwan Excellence Award for its GaN High Electron Mobility Transistor for LED lighting application. *See* <https://www.taiwanexcellence.org/en/award/product/41845> (April 9, 2020).

26. Epistar LED products are used for a variety of applications including cell phone screens, laptops, televisions, the automotive industry, and home lighting. *See e.g.*, Figure 18.



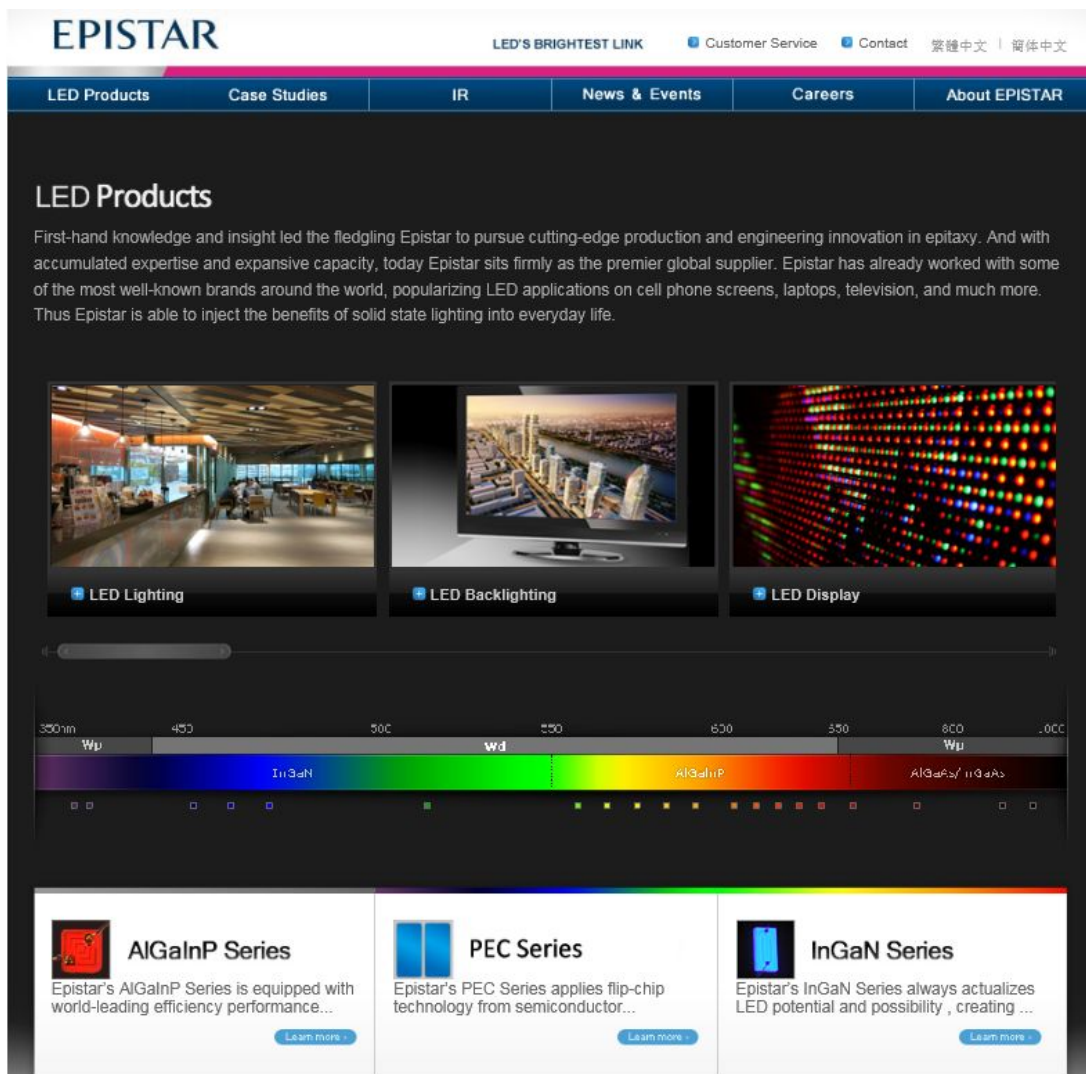


Figure 18.

27. Epistar is one of the largest manufacturers of light-emitting diodes (LEDs) in the world, with approximately 3,300 employees and millions of U.S. dollars invested annually in research and development work. To date, Epistar's investment has resulted in over 4,000 patents.

**LOWE'S COMPANIES, INC. AND LOWE'S HOME CENTERS, LLC**

28. Defendant LCI is headquartered in Mooresville, North Carolina.

29. Defendant LHC is headquartered in North Wilkesboro, North Carolina.

30. Defendants have, and continue to, offer for sale and sell infringing LED bulbs since at least as early as 2010, including, but not limited to, the GE Basic 60-Watt EQ G25 Soft White Globe Bulb Light Bulb (Item No. 935474, Model No. 44039); GE Relax 60-Watt EQ A19 Soft White Dimmable LED Light Bulb (Item No. 952356, Model No. 44930); GE Refresh 60-Watt EQ A19 Daylight Dimmable LED Light Bulb (Item No. 952362, Model No. 44937) and similar products (the “Accused Products”). *See e.g.*, <https://www.lowes.com/pd/GE-Basic-60-Watt-EQ-G25-Soft-White-Globe-Bulb-Light-Bulb-4-Pack/1000449077> (May 14, 2020); <https://www.lowes.com/pd/GE-Relax-60-Watt-EQ-A19-Soft-White-Dimmable-LED-Light-Bulb-8-Pack/1000444903> (May 14, 2020); <https://www.lowes.com/pd/GE-Refresh-60-Watt-EQ-A19-Daylight-Dimmable-LED-Light-Bulb-8-Pack/1000444975> (May 14, 2020); *see also* <https://www.lowes.com/b/gelighting.html> (May 14, 2020) (“GE Lighting and Lowe’s have teamed up to create an easier way to shop for exceptional lighting: a light bulb aisle exclusively made up of GE products. Explore our wide range of products for every fixture, room and mood including GE high definition LED light bulbs, GE smart light bulbs, LED lights, fluorescents, night lights and more.”).

31. The Accused Products contain a variety of electrical components used to control various aspects of the operation of the LED bulb. The Accused Products are assembled with pre-configured electrical components.

32. As its web page explains, the GE Basic 60-Watt EQ G25 Soft White Globe Bulb Light Bulb “provide[s] a long-lasting, energy-efficient alternative to incandescent and halogen light bulbs” and “illuminate[s] your home with warm soft white light.” *See* <https://www.lowes.com/pd/GE-Basic-60-Watt-EQ-G25-Soft-White-Globe-Bulb-Light-Bulb-4-Pack/1000449077> (May 14, 2020). The website further explains “[c]ompared to CFL light

bulbs, these GE LED bulbs feature instant full brightness, traditional incandescent shape and are free of mercury.” *Id.*

33. The GE Basic 60-Watt EQ G25 Soft White Globe Bulb Light Bulb retails for around \$4 per LED bulb.

34. As its web page explains, the GE Relax 60-Watt EQ A19 Soft White Dimmable LED Light Bulb provides a “high definition soft white light helps create a comfortable, cozy light that’s ideal for bedroom lighting, foyer lighting, family rooms and dining rooms.” See <https://www.lowes.com/pd/GE-Relax-60-Watt-EQ-A19-Soft-White-Dimmable-LED-Light-Bulb-8-Pack/1000444903> (May 14, 2020).

35. The GE Relax 60-Watt EQ A19 Soft White Dimmable LED Light Bulb retails for around \$3 per LED bulb.

36. As its web page explains, the GE Refresh 60-Watt EQ A19 Daylight Dimmable LED Light Bulb is “dimmable and illuminate[s] your home with a cool, bluish-white light” and is “great for frequently used fixtures.” See <https://www.lowes.com/pd/GE-Refresh-60-Watt-EQ-A19-Daylight-Dimmable-LED-Light-Bulb-8-Pack/1000444975> (May 14, 2020).

37. The GE Basic 60-Watt EQ G25 Soft White Globe Bulb Light Bulb retails for around \$3 per LED bulb.

### **THE COMMERCIAL LED MARKET**

38. With constant innovation in emission efficiency and product design by companies like Epistar, the commercial LED industry is still growing at a promising rate. Industry reports indicate that “LED Lighting market to Worth USD 33.1B as Market Penetration Rate Hit 52% by 2017.”

[http://www.ledinside.com/intelligence/2016/11/ledinside\\_led\\_lighting\\_market\\_to\\_worth\\_usd\\_33](http://www.ledinside.com/intelligence/2016/11/ledinside_led_lighting_market_to_worth_usd_33)

[1b as market penetration rate hit 52 by 2017](#) (May 14, 2020). “In addition, American major manufacturers are actively developing LED lighting business, with the rising LED lighting penetration rate.” *Id.*

### **THE PATENTS-IN-SUIT**

39. The Patents-in-Suit represent key achievements of Epistar’s continuous research and development efforts. These patents enhance the performance of LED filament bulbs and, as a result, help drive demand for Epistar’s products.

40. On February 10, 2009, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,489,068 (“the ’068 patent”), entitled “Light Emitting Device,” to inventors Min-Hsun Hsieh, Ta-Cheng Hsu, Wei-Chih Peng, and Ya-Ju Lee. Epistar is the owner of the ’068 patent. A true and correct copy of the ’068 patent is attached hereto as [Exhibit 1](#).

41. On August 14, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,240,881 (“the ’881 patent”), entitled “Light-Emitting Device Package,” to inventor Chia-Liang Hsu. Epistar is the owner of the ’881 patent. A true and correct copy of the ’881 patent is attached hereto as [Exhibit 2](#).

42. On June 23, 2015, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,065,022 (“the ’022 patent”), entitled “Light-Emitting Apparatus,” to inventors Chi-Chih Pu, Chen-Hong Lee, Shih-Yu Yeh, Wei-Kang Cheng, Shyi-Ming Pan, Siang-Fu Hong, Chih-Shu Huang, Tzu-Hsiang Wang, Shih-Chieh Tang, and Cheng-Kuang Yang. Epistar is the owner of the ’022 patent. A true and correct copy of the ’022 patent is attached hereto as [Exhibit 3](#).

43. On May 30, 2017, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,664,340 (“the ’340 patent”), entitled “Light Emitting Device,” to



inventors Chiu-Lin Yao, Min-Hsun Hsieh, Been-Yu Liaw, Wei-Chiang Hu, Po-Hung Lai, Chun-Hung Liu, Shih-An Liao, Yu-His Sung, and Ming-Chi Hsu. Epistar is the owner of the '340 patent. A true and correct copy of the '340 patent is attached hereto as Exhibit 4.

44. On March 5, 2019, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 10,224,455 ("the '455 patent"), entitled "Light Emitting Device And Method Of Forming The Same," to inventors Min-Hsun Hsieh, Chih-Chiang Lu, and Ching-Pu Tai. Epistar is the owner of the '455 patent. A true and correct copy of the '455 patent is attached hereto as Exhibit 5.

**DEFENDANTS' KNOWLEDGE OF THE PATENTS-IN-SUIT**

45. For the reasons discussed herein, Defendants either had actual knowledge of the Patents-in-Suit and/or their respective applications prior to this action, or willfully blinded themselves to the existence of the patents. In any event, Defendants had actual knowledge of the Patents-in-Suit and/or their respective applications at least as of the filing of this action.

46. Since early 2016 Epistar has directly communicated on multiple occasions to Defendants that the Accused Products infringe Epistar's patents. Defendants had actual knowledge of the asserted '881 and '022 patents, and/or their respective applications at least as of April 7, 2016. Despite this actual knowledge, and without communicating any theory of noninfringement or making any good-faith efforts to avoid infringing the Patents-in-Suit, Defendants continued to infringe, and profit from, the Accused products. Defendants actively, knowingly, and intentionally sell and offer to sell the Accused Products that infringe on the Patents-in-Suit.

47. Defendants learned about the '068, '881, and '022 patents in connection with a patent infringement lawsuit Epistar brought against Adamax, Inc. (d/b/a Newhouse Lighting) in

2016 in the Northern District of California involving those patents. *See Epistar Corp. v. Adamax, Inc. (d/b/a Newhouse Lighting*, Case No. 16-cv-4981 (N.D. Cal.).

48. Defendants learned about the '068, '022, and '340 patents in connection with a patent infringement lawsuit Epistar brought against All Star Lighting Supplies, Inc. (d/b/a Luxrite) in 2017 in the District of New Jersey involving those patents. *See Epistar Corp. v. All Star Lighting Supplies, Inc. (d/b/a Luxrite)*, Case No. 17-cv-8255 (D.N.J.).

49. Defendants learned about the '068, '881, '022, and '340 patents in connection with a patent infringement lawsuit Epistar brought against V-TAC USA Corp. in 2018 in the Central District of California involving those patents. *See Epistar Corp. v. V-TAC USA Corp.*, Case No. 18-cv-799 (C.D. Cal.).

50. Defendants learned about the '068, '881, '022, '340, and '455 patents in connection with a patent infringement lawsuit Epistar brought against GMY Lighting Technology Co., Ltd., LightinTheBox Holding Co., Ltd., LightinTheBox International Logistics Co., Limited, Light In The Box Limited, and LITB, Inc. in 2019 in the District of Delaware involving those patents. *See Epistar Corporation v. GMY Lighting Technology, Ltd. et al.*, Case No. 19-cv-01626 (Del.).

51. Defendants willfully blinded themselves to the existence of the Patents-in-Suit to the extent each lacked affirmative knowledge of the Patents-in-Suit prior to the filing of this action.

52. Defendants have known of the existence of the Patents-in-Suit, and their acts of infringement have been willful and in disregard for the Patents-in-Suit, without any reasonable basis for believing that they had a right to engage in the infringing conduct.

**FIRST CAUSE OF ACTION**

**(Infringement of U.S. Patent No. 7,489,068)**

53. Epistar repeats and re-alleges the allegations of the preceding paragraphs in their entirety.

54. Regarding infringement under 35 U.S.C. § 271(a), Defendants have infringed, either literally and/or under the doctrine of equivalents, one or more claims of the '068 patent and continue to infringe in this District, by making, using, selling, offering for sale, and/or importing into the United States products including, but not limited to, the Accused Products, without the permission of Epistar. Defendants are thus liable for direct infringement of the '068 patent pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Defendants' infringement of at least claim 1 of the '068 patent is attached as Exhibit 6.

55. Regarding infringement under 35 U.S.C. § 271(b), Defendants had knowledge of the '068 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified herein infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '068 patent. Defendants have induced and encouraged the direct infringement of the '068 patent by Defendants' customers, resellers, retailers, and end users by intentionally directing them and encouraging them to make, use, sell, and/or offer to sell within the United States and/or to import into the United States one or more devices that embody the patented invention and that incorporate the accused products and systems identified above. Defendants provide support to instruct its customers on how to use the infringing technology. Defendants are therefore liable for indirect infringement of the '068 patent pursuant to 35 U.S.C. § 271(b).

56. Regarding infringement under U.S.C. § 271(c), Defendants had knowledge of the '068 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '068 patent. Defendants have and continue to contributorily infringe, and will continue to contributorily infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '068 patent. Defendants have contributorily infringed the '068 patent by offering to sell, selling, and/or importing into the United States a component constituting a material part of the invention disclosed in the '068 patent, knowing the same to be made or adapted specially for use in the infringement of the '068 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Defendants are therefore liable for indirect infringement of the '068 patent pursuant to 35 U.S.C. § 271(c).

57. Unless enjoined by this Court, Defendants will continue to infringe the '068 patent, and Epistar will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

58. As a result of Defendants' infringement of the '068 patent, Epistar has been and continues to be irreparably injured in its business and property rights and is entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

## **SECOND CAUSE OF ACTION**

### **(Infringement of U.S. Patent No. 8,240,881)**

59. Epistar repeats and re-alleges the allegations of the preceding paragraphs in their entirety.

60. Regarding infringement under 35 U.S.C. § 271(a), Defendants have infringed, either literally and/or under the doctrine of equivalents, one or more claims of the '881 patent and continue to infringe in this District, by making, using, selling, offering for sale, and/or importing into the United States products including, but not limited to, the Accused Products, without the permission of Epistar. Defendants are thus liable for direct infringement of the '881 patent pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Defendants' infringement of at least claim 1 of the '881 patent is attached as Exhibit 7.

61. Regarding infringement under 35 U.S.C. § 271(b), Defendants had knowledge of the '881 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified herein infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '881 patent. Defendants have induced and encouraged the direct infringement of the '881 patent by Defendants' customers, resellers, retailers, and end users by intentionally directing them and encouraging them to make, use, sell, and/or offer to sell within the United States and/or to import into the United States one or more devices that embody the patented invention and that incorporate the accused products and systems identified above. Defendants provide support to instruct its customers on how to use the infringing technology. Defendants are therefore liable for indirect infringement of the '881 patent pursuant to 35 U.S.C. § 271(b).

62. Regarding infringement under U.S.C. § 271(c), Defendants had knowledge of the '881 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '881 patent. Defendants have and continue to contributorily infringe, and will continue to contributorily infringe, either literally and/or under the doctrine of equivalents, one



or more claims of the '881 patent. Defendants have contributorily infringed the '881 patent by offering to sell, selling, and/or importing into the United States a component constituting a material part of the invention disclosed in the '881 patent, knowing the same to be made or adapted specially for use in the infringement of the '881 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Defendants are therefore liable for indirect infringement of the '881 patent pursuant to 35 U.S.C. § 271(c).

63. Unless enjoined by this Court, Defendants will continue to infringe the '881 patent, and Epistar will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

64. As a result of Defendants' infringement of the '881 patent, Epistar has been and continues to be irreparably injured in its business and property rights and is entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

### **THIRD CAUSE OF ACTION**

#### **(Infringement of U.S. Patent No. 9,065,022)**

65. Epistar repeats and re-alleges the allegations of the preceding paragraphs in their entirety.

66. Regarding infringement under 35 U.S.C. § 271(a), Defendants have infringed, either literally and/or under the doctrine of equivalents, one or more claims of the '022 patent and continue to infringe in this District, by making, using, selling, offering for sale, and/or importing into the United States products including, but not limited to, the Accused Products, without the permission of Epistar. Defendants are thus liable for direct infringement of the '022

patent pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Defendants' infringement of at least claim 1 of the '022 patent is attached as Exhibit 8.

67. Regarding infringement under 35 U.S.C. § 271(b), Defendants had knowledge of the '022 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified herein infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '022 patent. Defendants have induced and encouraged the direct infringement of the '022 patent by Defendants' customers, resellers, retailers, and end users by intentionally directing them and encouraging them to make, use, sell, and/or offer to sell within the United States and/or to import into the United States one or more devices that embody the patented invention and that incorporate the accused products and systems identified above. Defendants provide support to instruct its customers on how to use the infringing technology. Defendants are therefore liable for indirect infringement of the '022 patent pursuant to 35 U.S.C. § 271(b).

68. Regarding infringement under U.S.C. § 271(c), Defendants had knowledge of the '022 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '022 patent. Defendants have and continue to contributorily infringe, and will continue to contributorily infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '022 patent. Defendants have contributorily infringed the '022 patent by offering to sell, selling, and/or importing into the United States a component constituting a material part of the invention disclosed in the '022 patent, knowing the same to be made or adapted specially for use in the infringement of the '022 patent, and not a staple article or

commodity of commerce suitable for substantial noninfringing use. Defendants are therefore liable for indirect infringement of the '022 patent pursuant to 35 U.S.C. § 271(c).

69. Unless enjoined by this Court, Defendants will continue to infringe the '022 patent, and Epistar will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

70. As a result of Defendants' infringement of the '022 patent, Epistar has been and continues to be irreparably injured in its business and property rights and is entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

#### **FOURTH CAUSE OF ACTION**

##### **(Infringement of U.S. Patent No. 9,664,340)**

71. Epistar repeats and re-alleges the allegations of the preceding paragraphs in their entirety.

72. Regarding infringement under 35 U.S.C. § 271(a), Defendants have infringed, either literally and/or under the doctrine of equivalents, one or more claims of the '340 patent and continue to infringe in this District, by making, using, selling, offering for sale, and/or importing into the United States products including, but not limited to, the Accused Products, without the permission of Epistar. Defendants are thus liable for direct infringement of the '340 patent pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Defendants' infringement of at least claim 1 of the '340 patent is attached as Exhibit 9.

73. Regarding infringement under 35 U.S.C. § 271(b), Defendants had knowledge of the '340 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified herein infringe, either literally and/or under the doctrine of equivalents, one or

more claims of the '340 patent. Defendants have induced and encouraged the direct infringement of the '340 patent by Defendants' customers, resellers, retailers, and end users by intentionally directing them and encouraging them to make, use, sell, and/or offer to sell within the United States and/or to import into the United States one or more devices that embody the patented invention and that incorporate the accused products and systems identified above. Defendants provide support to instruct its customers on how to use the infringing technology. Defendants are therefore liable for indirect infringement of the '340 patent pursuant to 35 U.S.C. § 271(b).

74. Regarding infringement under U.S.C. § 271(c), Defendants had knowledge of the '340 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '340 patent. Defendants have and continue to contributorily infringe, and will continue to contributorily infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '340 patent. Defendants have contributorily infringed the '340 patent by offering to sell, selling, and/or importing into the United States a component constituting a material part of the invention disclosed in the '340 patent, knowing the same to be made or adapted specially for use in the infringement of the '340 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Defendants are therefore liable for indirect infringement of the '340 patent pursuant to 35 U.S.C. § 271(c).

75. Unless enjoined by this Court, Defendants will continue to infringe the '340 patent, and Epistar will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

76. As a result of Defendants' infringement of the '340 patent, Epistar has been and continues to be irreparably injured in its business and property rights and is entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

### **FIFTH CAUSE OF ACTION**

#### **(Infringement of U.S. Patent No. 10,224,455)**

77. Epistar repeats and re-alleges the allegations of the preceding paragraphs in their entirety.

78. Regarding infringement under 35 U.S.C. § 271(a), Defendants have infringed, either literally and/or under the doctrine of equivalents, one or more claims of the '455 patent and continue to infringe in this District, by making, using, selling, offering for sale, and/or importing into the United States products including, but not limited to, the Accused Products, without the permission of Epistar. Defendants are thus liable for direct infringement of the '455 patent pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Defendants' infringement of at least claim 1 of the '455 patent is attached as Exhibit 10.

79. Regarding infringement under 35 U.S.C. § 271(b), Defendants had knowledge of the '455 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified herein infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '455 patent. Defendants have induced and encouraged the direct infringement of the '455 patent by Defendants' customers, resellers, retailers, and end users by intentionally directing them and encouraging them to make, use, sell, and/or offer to sell within the United States and/or to import into the United States one or more devices that embody the patented invention and that incorporate the accused products and systems identified above. Defendants provide support to instruct its customers on how to use the infringing technology.



Defendants are therefore liable for indirect infringement of the '455 patent pursuant to 35 U.S.C. § 271(b).

80. Regarding infringement under U.S.C. § 271(c), Defendants had knowledge of the '455 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '455 patent. Defendants have and continue to contributorily infringe, and will continue to contributorily infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '455 patent. Defendants have contributorily infringed the '455 patent by offering to sell, selling, and/or importing into the United States a component constituting a material part of the invention disclosed in the '455 patent, knowing the same to be made or adapted specially for use in the infringement of the '455 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Defendants are therefore liable for indirect infringement of the '455 patent pursuant to 35 U.S.C. § 271(c).

81. Unless enjoined by this Court, Defendants will continue to infringe the '455 patent, and Epistar will continue to suffer irreparable harm for which there is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

82. As a result of Defendants' infringement of the '455 patent, Epistar has been and continues to be irreparably injured in its business and property rights and is entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests entry of judgment in its favor and against Defendants as follows:

a. That Defendants are liable for infringement, contributing to the infringement, and/or inducing the infringement of one or more claims of the Patents-in-Suit, as alleged herein;

b. That such infringement is willful;

c. That Defendants and their parents, subsidiaries, affiliates, successors, predecessors, assigns, and the officers, directors, agents, servants, and employees of each of the foregoing, customers and/or licensees and those persons acting in concert or participation with any of them, are enjoined and restrained from continued infringement, including but not limited to using, making, importing, offering for sale and/or selling products that infringe, and from contributorily and/or inducing the infringement of the Patents-in-Suit prior to their expiration, including any extensions;

d. An Order directing Defendants to file with this Court and serve upon Plaintiff's counsel within 30 days after the entry of the Order of Injunction a report setting forth the manner and form in which Defendants have complied with the injunction;

e. An award of damages adequate to compensate Plaintiff for the infringement that has occurred, in accordance with 35 U.S.C. § 284, in lost profits, price erosion and/or reasonable royalty, including pre-judgment and post-judgment interest at the highest rates allowed by law;

f. An accounting and/or supplemental damages for all damages occurring after any discovery cutoff and through the Court's decision regarding the imposition of a permanent injunction;

g. An award of attorneys' fees based on this being an exceptional case pursuant to 35 U.S.C. § 285, including prejudgment interest on such fees;

h. Costs and expenses in this action;

i. Such other and further relief, in law and in equity, as this Court may deem just and appropriate.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Epistar demands a trial by jury of this action.

Dated: May 22, 2020

/s/ James C. Yoon

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