

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

PRINCIPAL LIGHTING GROUP, LLC,

Plaintiff

v.

GRIMCO, INC.,

Defendant.

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Civil Case No.: 6:20-cv-998

JURY TRIAL DEMANDED

**PRINCIPAL LIGHTING GROUP, LLC’S COMPLAINT
FOR PATENT INFRINGEMENT AGAINST GRIMCO, INC.**

NATURE AND BASIS OF ACTION

1. This is a civil action for infringement of U.S. Patent No. 9,311,835 (“the ’835 Patent” or “the Patent-in-Suit”) (attached hereto as Exhibit A) arising under the patent laws of the United States at 35 U.S.C. § 1, *et seq.* and 28 U.S.C. § 271, *et seq.*, and with subject matter jurisdiction afforded this Court under 28 U.S.C. §§ 1331 and 1338(a).

PARTIES, JURISDICTION, AND VENUE

2. Plaintiff Principal Lighting Group, LLC (“PLG”) is a Delaware corporation and has a principal place of business at 3490 Venture Drive, San Angelo, Texas 76905.

3. Defendant Grimco, Inc. (“Grimco”) is incorporated in Missouri and has a principal place of business at 11745 Sappington Barracks Road, Saint Louis, Missouri 63127.

4. Grimco maintains an office in this District at 9101 Wall Street, Suite 325, Austin, Texas 78754. See <https://www.grimco.com/info/Locations/austin> (attached hereto as Exhibit B).

5. Grimco maintains another office in this District at 5710 Rittiman Plaza, San Antonio, Texas 78218. See <https://www.grimco.com/info/Locations/sanantonio> (attached hereto as Exhibit C).

6. Grimco has additional offices throughout Texas. *See* <https://www.grimco.com/info/Locations> (attached hereto as Exhibit D) (identifying offices in Houston, Dallas, and McAllen, TX).

7. Grimco has a registered agent in Texas by which Grimco can be served at CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201-3136.

8. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338 because it arises under the Patent Laws of the United States, United States Code, Title 35.

9. This Court has personal jurisdiction over Grimco because it, directly or through its subsidiaries, divisions, groups, employees, representatives, and/or agents has sufficient minimum contacts with this forum as a result of business conducted within the State of Texas. Further, this Court has personal jurisdiction over Grimco in this action because Grimco has corporate offices in this District. Further, Grimco has committed acts within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

10. Venue is proper under 28 U.S.C. § 1400 because of Grimco's business locations and activities in this District and also by virtue of Grimco having committed acts of direct and indirect infringement in this District. Specifically, the acts and transactions complained of herein were conceived, carried out, made effective, and had effect within the State of Texas and within this District, among other places.

11. Grimco is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum including but not limited to: (i) at least a portion of the infringements

alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in the State of Texas and in this District.

U.S. PATENT NO. 9,311,835

12. On April 12, 2016, the United States Patents and Trademark Office (“USPTO”) issued U.S. Patent No. 9,311,835, entitled “Lighting Mount for Interior-Lighted Signage and Method of Retrofitting a Lighted Sign.”

13. A true and correct copy of the ’835 Patent is attached hereto as Exhibit A.

14. The USPTO duly and legally issued the ’835 Patent.

15. PLG owns, by assignment, the ’835 Patent in its entirety and has title and interest in and to the ’835 Patent. Among other rights in and to the ’835 Patent, PLG owns the right to enforce the ’835 Patent and recover past, present, and future damages for infringement by others of the ’835 Patent.

16. The ’835 Patent is generally directed to an assembly and method for interior lighting of a sign with an elongate support member having electric lamp units (*e.g.*, LEDs or LED modules) and a frictionally engaged electrically insulative cap on each end, where such end cap is designed to engage with a lighting socket or mount in the sign.

17. The ’835 Patent has 20 claims, with claims 1, 13, and 19 being independent claims.

18. Exemplary independent claim 1 of the ’835 Patent recites:

1. A lamp support assembly for interior lighting of a sign, said lamp support assembly comprising:
an elongate support member for supporting a plurality of electric lamp units, said

elongate support member having opposite end portions;
one and only one end cap at each of said opposite end portions of said elongate support member, each of said end caps having an inwardly-facing side and an outwardly-facing side, said inwardly-facing sides configured to frictionally engage and be supported at a respective one of said opposite end portions of said elongate support member;
a mechanical coupling element at each of said outwardly-facing sides of said end caps, said mechanical coupling element configured to engage a single electro-mechanical mount for a gas-discharge lamp, wherein said mechanical coupling element comprises electrically insulative material and does not retain any electrical conductors along or through said mechanical coupling element for powering the plurality of electric lamp units; and
wherein said elongate support member and said end caps are releasably supportable by and between two and only two of the mounts when the two mounts are aligned directly opposite one another and supported in spaced arrangement on respective frame portions of the sign.

COUNT I
GRIMCO'S DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,311,835

19. PLG incorporates as if fully set forth herein its allegations in each of the preceding paragraphs.

20. Grimco, in violation of 35 U.S.C. § 271, has infringed, literally and/or through the doctrine of equivalents, and continues to infringe the '835 Patent by making, using, selling, and/or offering for sale in the United States, and specifically in this District, light support assemblies and components that fall within the claims of the '835 Patent.

21. Grimco has directly infringed at least claim 1 of the '835 Patent under 35 U.S.C. § 271(a) by making, using, selling, and/or offering for sale light support assemblies such as the HanleyLED Kestrel Stick, HanleyLED PhoenixNRG Bar, HanleyLED Wingspan, G2G AnPro Stick, G2G Trident Stick, and any and all prior or current versions thereof regardless of name (collectively, the “Accused Products”).

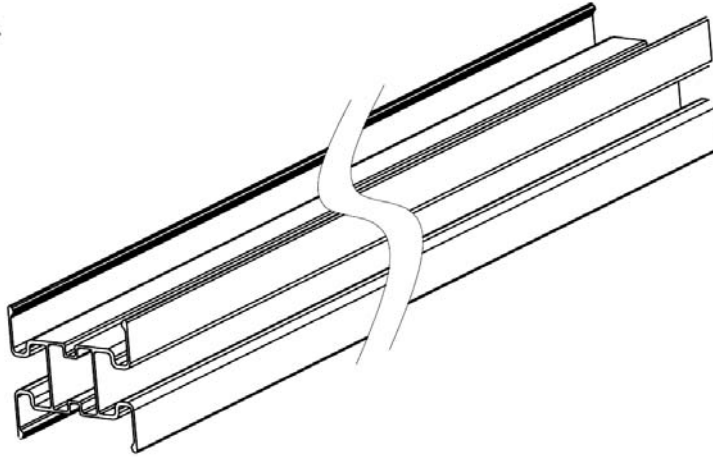
22. Exemplary depictions of the Accused Products are as follows:



HanleyLED Kestrel Stick

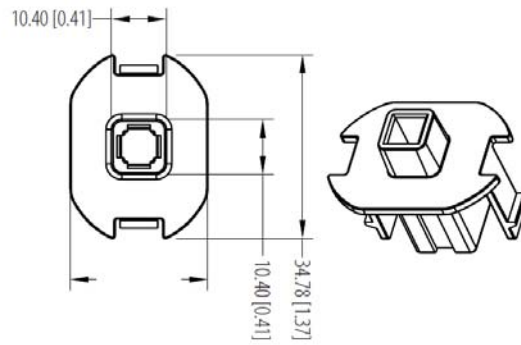


HanleyLED PhoenixNRG Bar

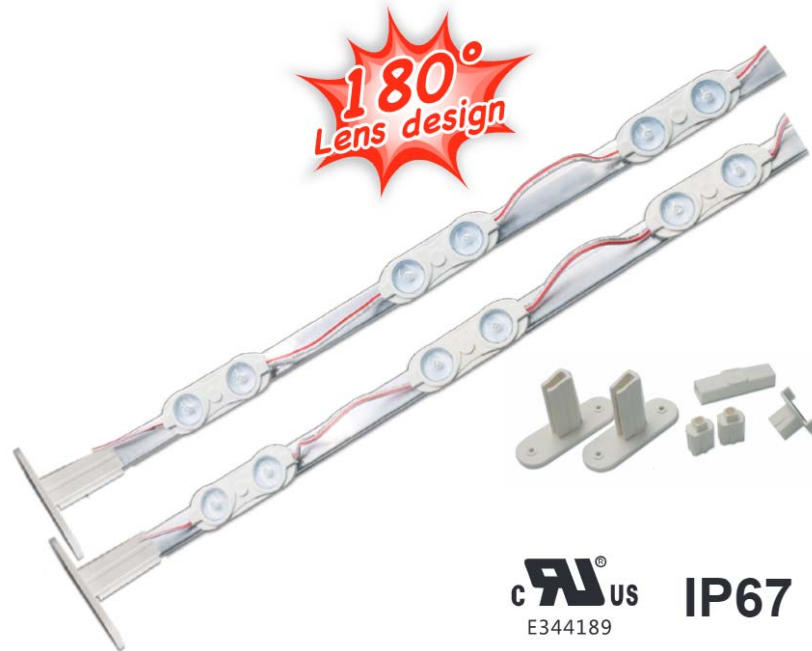


Retrofit Connector HLB-RFC

Optional end cap for mounting WS extrusion or Concorde into HO sockets for lamp replacement.



HanleyLED Wingspan



G2G AnPro Stick



G2G Trident Stick

23. Each of the Accused Products includes an elongate support member for supporting electric lamp units (*e.g.*, LEDs or LED modules) as required by, for example, claim 1 of the '835 Patent.

24. Each of the Accused Products includes or is designed to be usable with a frictionally engaged electrically insulative end cap at each end of the elongate support member as

required by, for example, claim 1 of the '835 Patent.

25. Each of the Accused Products includes or is designed to be usable with an electrically insulative end cap configured to engage a mount for a gas-discharge lamp as required by, for example, claim 1 of the '835 Patent.

26. Grimco has directly infringed at least claim 1 of the '835 Patent due at minimum to its use and sale of lamp support assemblies as recited in claim 1 of the '835 Patent.

27. Grimco has had actual notice of the '835 Patent and Grimco's alleged infringing acts no later than February 15, 2018, when counsel for Grimco acknowledged receipt of PLG's February 14, 2018 letter to Grimco regarding infringement of the '835 Patent.

28. At least based on Grimco's pre-suit knowledge of the '835 Patent and PLG's infringement allegations, Grimco's direct infringement of the '835 Patent is, has been, and continues to be willful and deliberate.

29. Grimco has continued and will continue to directly infringe one or more claims of the '835 Patent unless enjoined by this Court.

30. On information and belief, Grimco, through its employees, agents, and representatives, has sought to displace and undercut PLG products in the market with the Accused Products.

31. Unless Grimco's ongoing direct infringement is enjoined, PLG will suffer irreparable injury for which there is no adequate remedy at law.

32. As a direct and proximate result of Grimco's direct infringement of the '835 Patent, PLG has been and continues to be damaged in an amount yet to be determined.

33. There is an actual and justiciable controversy between the parties arising under the Patent Act, 35 U.S.C. § 1, *et seq.* concerning Grimco's direct infringement of one or more

claims of the '835 Patent.

34. This is an exceptional case such that PLG should be entitled to its reasonable attorneys' fees and expenses incurred in prosecuting this action and defending any counterclaims brought by Grimco.

COUNT II
GRIMCO'S INDIRECT INFRINGEMENT OF U.S. PATENT NO. 9,311,835

35. PLG incorporates as if fully set forth herein its allegations in each of the preceding paragraphs.

36. Grimco has indirectly infringed at least claim 1 of the '835 Patent under 35 U.S.C. § 271(b), literally and/or under the doctrine of equivalents, by actively, knowingly, and intentionally inducing infringement of the '835 Patent by others (*e.g.*, Grimco's customers).

37. Grimco actively advertises, instructs, and encourages users – *e.g.*, via videos on Grimco's website – to use and implement the Accused Products in a manner that infringes one or more claims of the '835 Patent.

38. Grimco has indirectly infringed at least claim 1 of the '835 Patent under 35 U.S.C. § 271(c), based on Grimco's marketing and sales of one or more components for use in or with the Accused Products in a manner to infringe at least claim 1 of the '835 Patent. As previously discussed, Grimco knowingly and intentionally advertises and sells its products to customers with the expectation that customers will form or use light support assemblies covered by one or more claims of the '835 Patent. As such, for example, Grimco is liable for contributory infringement of at least claim 1 of the '835 Patent under 35 U.S.C. § 271(a) because those component products are not capable of any substantial non-infringing uses.

39. Grimco has had actual notice of the '835 Patent and Grimco's alleged infringing acts no later than February 15, 2018, when counsel from Grimco acknowledged receipt of PLG's

February 14, 2018 letter to Grimco regarding infringement of the '835 Patent.

40. At least based on Grimco's pre-suit knowledge of the '835 Patent and PLG's infringement allegations, Grimco's indirect infringement of the '835 Patent is, has been, and continues to be willful and deliberate.

41. Grimco has continued and will continue to indirectly infringe one or more claims of the '835 Patent unless enjoined by this Court.

42. On information and belief, Grimco, through its employees, agents, and representatives, has sought to displace and undercut PLG products in the market with the Accused Products.

43. Unless Grimco's ongoing indirect infringement is enjoined, PLG will suffer irreparable injury for which there is no adequate remedy at law.

44. As a direct and proximate result of Grimco's indirect infringement of the '835 Patent, PLG has been and continues to be damaged in an amount yet to be determined.

45. There is an actual and justiciable controversy between the parties arising under the Patent Act, 35 U.S.C. § 1, *et seq.* concerning Grimco's indirect infringement of one or more claims of the '835 Patent.

46. This is an exceptional case such that PLG should be entitled to its reasonable attorneys' fees and expenses incurred in prosecuting this action and defending any counterclaims brought by Grimco.

PLG'S PRAYER FOR RELIEF

PLG respectfully requests that the Court:

- A. Enter judgment in PLG's favor that Grimco has directly infringed the '835 Patent and that such infringement was willful;
- B. Enter judgment in PLG's favor that Grimco has indirectly infringed the '835 Patent and that such infringement was willful;

- C. Enter an order stating that Grimco is liable to PLG for damages in an amount not less than recovery of lost profits, a reasonable royalty, treble damages, costs, expenses, and prejudgment and post-judgment interest for Grimco's infringement of the '835 Patent, as provided under 35 U.S.C. § 284;
- D. Enter an order permanently enjoining Grimco and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all other actors acting in active concert therewith from infringing the '835 Patent, as provided under 35 U.S.C. § 283;
- E. Enter an order stating that PLG is a prevailing party and that this is an exceptional case, and thereby award PLG its costs, disbursements, and reasonable attorneys' fees pursuant to 35 U.S.C. § 285 and any other applicable statutes, rules, or common law; and
- F. Grant such other and further relief that the Court deems just and appropriate in law or equity.

PLG'S JURY DEMAND

PLG requests a trial by jury on all issues so triable.

Date: October 27, 2020

Respectfully submitted,

By: /s/ Wasif H. Qureshi

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