

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BITRO GROUP INC.,)	
Plaintiff,)	Civil Action No. 21-CV-1442
v.)	COMPLAINT
AMERICAN LIGHTING, INC.,)	Jury Trial Demanded
Defendant.)	

Plaintiff BITRO GROUP INC. ("Bitro"), by way of complaint against defendant AMERICAN LIGHTING, INC. ("ALI"), alleges that:

NATURE OF ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1331 and 1338(a).

3. Venue is proper within this judicial district under 28 U.S.C. §1400(b) and/or 28 U.S.C. §1391(b) and (d).

4. Bitro is a New Jersey corporation having a principal place of business located at 300 Lodi Street, Hackensack, New Jersey 07601.

5. Upon information and belief, ALI is a Delaware corporation having a principal place of business located at 11775 East 45th Avenue, Denver, Colorado 80239.

6. Upon information and belief, ALI offers products for sale to customers in the State of New York, transacts substantial business in the State of New York, including

in this judicial district, and has contracted to supply goods in the State of New York, and/or is otherwise subject to the personal jurisdiction of this Court.

BACKGROUND

7. Bitro is a leading provider of professional grade LED lighting products.

8. On August 18, 2015, the United States Patent and Trademark Office (“PTO”) duly and legally issued United States Patent No. 9,113,558 B2 (“the ‘558 patent”), entitled “LED Mount Bar Capable of Freely Forming Curved Surfaces Thereon,” to Seong Gon Baik (“Baik”). Baik, in turn, assigned all rights, title, and license in the ‘558 patent to LEDZONE CO., a foreign corporation in Korea with a business address at 112-20, Tongil-ro 1018, Deokyang-gu, Goyang-si, Kyeonggi-do, Korea (“LEDZONE”). Bitro is the exclusive licensee of all right, title and interest in the ‘558 patent, including the sole right to sue for infringement, by virtue of a license agreement executed in October of 2015. A true and correct copy of the ‘558 patent is attached as Exhibit A hereto.

9. Traditional LED tape light strips provide lighting at regular intervals along a linear strip, but are not flexible in the direction of their width. Such LED tape light strips therefore cannot easily be used to provide lighting for custom shapes and letters.

10. The ‘558 patent describes and claims an LED tape light strip with a unique structure that allows it to be bent in the direction of its width, and is therefore ideal for lighting that must conform to unique shapes.

11. Bitro has been regularly and continually making, marketing, using and selling LED tape light strips made in accordance with the ‘558 patent in the U.S. since December of 2012. These activities include, but are not limited to, displaying such

patented lighting systems at tradeshows throughout the U.S. and designing and installing such systems for customers.

12. Bitro has found that its uniquely flexible LED tape light strips, as well as installations incorporating the LED tape light strips, actively and successfully attract new customers and retain existing customers, who ultimately engage Bitro for installations incorporating all of Bitro's lighting products and services. As such the Bitro LED tape light strips utilizing the patented technology have become an important and valuable continuing source of business attraction and growth for Bitro.

ALI'S PATENT INFRINGEMENT

13. Bitro hereby repeats and re-alleges paragraphs 1 through 12 above as if fully set forth herein.

14. ALI sells, has sold, offers for sale, imports and/or distributes, in the United States, the Trulux Bendable LED tape light series product (hereinafter "the Trulux Bendable" series). In its promotional material, ALI states that the Trulux Bendable series "can bend left and right via the preformed notches," as depicted in Exhibit B hereto.

15. ALI has infringed and, unless enjoined, will continue to infringe the '558 patent, either literally or under the doctrine of equivalents, by making, using, offering for sale, selling, and/or importing into the United States, LED mounting bars covered by at least claim 1 of the '558 patent, including, but not necessarily limited to, the Trulux Bendable, in violation of 35 U.S.C. §271(a).

16. ALI was put on notice of its infringement of the '558 patent by a letter dated July 29, 2020.

17. ALI's acts of infringement were undertaken willfully, without authority, permission or license from Bitro.

18. By reason of ALI's infringement of the '558 patent, Bitro has suffered irreparable injury and has been damaged in an amount to be determined at trial. Bitro's damages include lost profits and/or reasonable royalties adequate to compensate for the infringement by ALI.

19. The infringement by ALI is in direct violation of Bitro's rights under Title 35, United States Code, to exclude others from making, using, importing, selling and/or offering for sale inventions claimed in the '558 patent. Bitro has no adequate remedy at law. Bitro will continue to suffer irreparable harm unless an injunction is issued enjoining and restraining ALI from infringing the '558 patent.

WHEREFORE, Bitro respectfully prays for judgment in its favor and against ALI, as follows:

- (a) that ALI has infringed the '558 patent;
- (b) that an injunction be entered permanently enjoining ALI and its agents, servants, and employees, and all those in active concert and participation with it, or any of them, from infringing the '558 patent, pursuant to 35 U.S.C. §283;
- (c) that an accounting be had, and judgment rendered in Bitro's favor, and against ALI, for damages adequate to compensate for the infringement of the '558 patent, in an amount to be determined at trial, but in no event less than a reasonable royalty, pursuant to 35 U.S. C. §284, together with costs and interest;

(d) that the infringement by ALI be found to be willful and that Bitro be awarded treble damages pursuant to 35 U.S.C. §284;

(i) that attorneys' fees, pursuant to 35 U.S.C. §285, costs and disbursements incurred in connection with the prosecution of this action be awarded to Bitro;

(j) for such other and further relief as to the Court may seem just, proper and equitable under the circumstances.

February 18, 2020

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