

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

WILLIAM G. GARDNER III, an individual,	)	
and WAY TOO COOL LLC,	)	
an Arizona limited liability company,	)	
	)	
Plaintiffs,	)	
	)	Case No. 21-cv-02548-HLT-ADM
v.	)	
	)	
ENGENIOUS DESIGNS LLC,	)	
a Kansas limited liability company,	)	
	)	
Defendant.	)	

**AMENDED COMPLAINT**

Plaintiffs William G. Gardner III (“Gardner”) and Way Too Cool LLC (“WTC”) (collectively “Plaintiffs”), for their Complaint against the Defendant allege as follows:

1. William Gardner is an individual residing at 4608 West Bluefield Avenue, Glendale, Arizona 85308.
2. Way Too Cool LLC is an Arizona limited liability company with its principal place of business at 4608 West Bluefield Avenue, Glendale, Arizona 85308.
3. Defendant Engenious Designs LLC (“Engenious”) is a Kansas limited liability company having its principal place of business located at 1103 North Third Street, Suite E, Louisburg, Kansas 66053.

**JURISDICTION AND VENUE**

4. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq., and the laws of the State of Kansas.

5. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1337(a) and 1338(a). This court has supplemental jurisdiction under 28 U.S.C. § 1367.

6. This court has personal jurisdiction over Defendant because it is a Kansas limited liability company doing business in this judicial district.

7. Venue is proper in this court under 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because the Defendant is subject to personal jurisdiction, is doing business, and committed the relevant acts complained of in the District of Kansas.

### **FACTUAL BACKGROUND**

8. United States Patent No. 7,781,751 (the '751 Patent), entitled "Portable Wavelength Transforming Converter for UV LEDs," was duly issued on August 24, 2010. A true and correct copy of the '751 Patent is attached as Exhibit A. A true and correct copy of the '751 Patent file history is attached as Exhibit B.

9. Plaintiff William Gardner is the sole named inventor of the '751 Patent, and owns all right, title and interest in the '751 Patent.

10. The '751 Patent claims, *inter alia*, a portable UV LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

11. The '751 Patent is valid and enforceable. *See* related prior art references attached as Exhibit C.

12. Plaintiff Gardner began manufacturing UV lamp fixtures in 1998, doing business as Way Too Cool. Exhibit D.

13. Plaintiff WTC was organized by Plaintiff Gardner in 2007. Exhibit E.

14. Plaintiff WTC is a manufacturer of custom, built-to-order, ultraviolet (UV) lamp fixtures.

15. Plaintiff WTC sells UV LED flashlights for fluorescent rock and mineral hunting and collecting.

16. Plaintiff WTC licenses the '751 Patent technology from Plaintiff Gardner and designs, manufactures, markets and sells certain ultraviolet flashlights and lamps, which are used in connection with rock and mineral examination and collection, among other things.

17. UV LEDs emit some visible light, which interferes with observing the fluorescent response of a material.

18. For rock and mineral hunting and examination, it is important to filter out as much of the visible light as reasonably achievable while allowing a high percentage of the UV to pass through the filter.

19. There are two general categories of filters that are used for this purpose - dichroic and colored glass.

20. Dichroic filters reflect the visible light while allowing a high percentage of the UV to pass through.

21. Colored glass filters absorb the visible light while allowing a high percentage of the UV to pass through.

22. Plaintiff Gardner was issued U.S. Patent No. 7,781,751 for *inter alia* the use of colored glass absorption filters and other kinds of wavelength changing absorption filters for use with UV LED battery operated devices.

23. The '751 Patent claims the benefit of provisional U.S. application Ser. No. 60/888,755 Titled PORTABLE WAVELENGTH TRANSFORMING CONVERTER FOR UV LEDS, filed Feb. 7, 2007. Attached as Exhibit F.

24. The '751 Patent, which issued February 3, 2009, is also a continuation of U.S. application Ser. No. 11/483,931 Titled VARIABLE WAVELENGTH RADIATION SOURCE, filed Jul. 10, 2006, now U.S. Patent No. 7,485,883. Attached as Exhibit G.

25. The file history of the '883 Patent is attached as Exhibit H.

26. Plaintiff WTC began offering UV products incorporating the patented designs at the end of 2006, after the filing date for the '883.

27. Plaintiff WTC sells UV products including the C8UVLED, HHUVLED, S2+UVLED, and 51LEDUVA flashlights.

28. The HHUVLED, S2+UVLED, and 51LEDUVA flashlights offered for sale by WTC include the same functional components arranged in the same way, that perform the same functions as the C8UVLED flashlight.

29. Each of the C8UVLED, HHUVLED, S2+UVLED, and 51LEDUVA flashlights are marked with U.S. Patent No. 7,781,751.

30. Defendant Engenious Designs was formed on March 22, 2016. Attached as Exhibit I is the Limited Liability Company Articles of Organization for Engenious Designs LLC filed with the Kansas Secretary of State on March 22, 2016.

31. Defendant Engenious Designs secured the url ENGENIOUSDESIGNS.COM on August 8, 2017. Exhibit J.

32. Sometime after August 8, 2017, Defendant Engenious Designs offered for sale the FYRFLY flashlight.

33. Rhett Peterson is one of two owners of Defendant Engenious Designs.

34. At least as early as March 8, 2018, Defendant was provided notice of the '751 Patent and offered a license.

35. Defendant was provided formal notice on February 27, 2019, of the '751 Patent and offered a license.

36. Defendant refused the offer from Plaintiffs to license the '751 Patent.

37. Defendant offers for sale UV LED flashlights and lamps through its Facebook page "Engenious Designs," <https://www.facebook.com/EngeniousDesigns>.

38. Defendant offers for sale UV LED flashlights and lamps through its website <https://www.engeniousdesigns.com>.

39. Defendant offers for sale UV LED flashlights and lamps through the Facebook page "Fluorescent Minerals," <https://www.facebook.com/groups/fluorescentminerals>.

40. Defendant offers for sale UV LED flashlights and lamps through the Facebook page "Fluorescent Mineral Mart," <https://www.facebook.com/groups/FLMmart>.

41. Defendant offers for sale UV LED flashlights and lamps at tradeshow around the country.

42. Defendant has and continues to infringe the '751 Patent by making, using, offering for sale and/or selling products that fall within the scope of the '751 Patent claims, including products referred to as FYRFLY, C255-4, C255-1, B310-4, B310-1, DBL BARREL, PRPL HAZE, PRPL HAZE XL, and LNK R.<sup>1</sup>

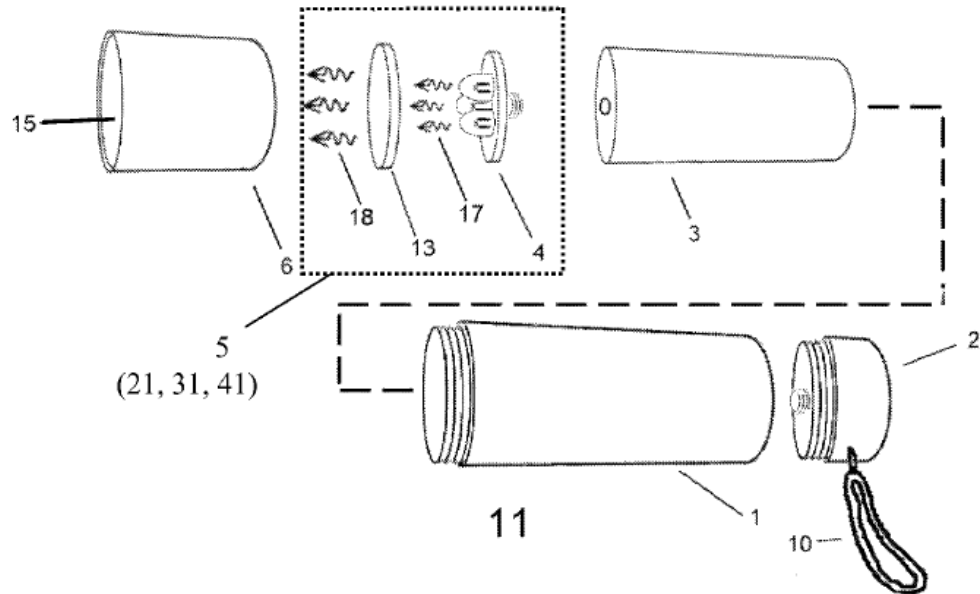
43. Infringement contentions claims 1 and 7 of the '751 Patent with respect to the accused devices FYRFLY, C255-4, C255-1, B310-4, B310-1, DBL BARREL, PRPL HAZE, PRPL HAZE XL, and LNK R are attached as Exhibit L.

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<sup>1</sup> Screenshots from Defendant's website showing infringing products are attached as Exhibit K.

### EMBODIMENT OF THE '751 PATENT

44. Below is a figure from the '751 Patent showing an exploded view of an embodiment of the patented device.



### **U.S. Patent No. 7,781,751, Cover Page**

45. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, is a UV LED flashlight.

46. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, is a portable LED apparatus.

47. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, can be turned ON and OFF to selectively emit UV light (18) by pressing a button in the end cap (2).

48. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, includes a filtering area (5), which is disposed within a filter housing (6).

49. The UV light emitted (18) by the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, includes one or more wavelength distributions within the spectrum of UV light.

50. The UV light emitted (18) by the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, comes from a UV LED radiation source (4).

51. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, includes a housing (1).

52. The UV LED radiation source (4) of the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, is disposed in the housing (1).

53. When the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, is turned ON, the UV LED radiation source (4) produces a primary wavelength distribution (17).

54. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, includes a wavelength transforming material (13) in the form of a lens.

55. The wavelength-transforming material (13) of the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, is in front of the UV LED radiation source (4).

56. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, in response to irradiation by the UV LED radiation (17) emitted by

the UV LED radiation source (4), the wavelength transforming material (13) emits a transformed radiation (18), which passes through an exit port (15).

57. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent includes a battery (3), which powers the UV the UV LED radiation source (4).

**CLAIM 1 OF THE '751 PATENT**

58. Claim 1 of the '751 Patent is as follows:

1. A portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation, comprising:

a primary UV LED radiation source, disposed in a housing, wherein said primary UV LED radiation source produces a primary wavelength distribution;

at least one wavelength-transforming material, deposited external to the envelope of said primary UV LED radiation source, that in response to irradiation by said primary UV LED radiation source, emits a transformed radiation; and

wherein said housing further comprises a battery coupled to said primary UV LED radiation source.

59. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, is a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

60. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, includes a primary UV LED radiation source.

61. The primary UV LED radiation source of the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, is disposed in a housing.



62. The primary UV LED radiation source of the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, produces a primary wavelength distribution.

63. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, includes at least one wavelength-transforming material.

64. The at least one wavelength transforming material of the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, is deposited external to the envelope of the primary UV LED radiation source.

65. In response to irradiation by the primary UV LED radiation source the at least one wavelength transforming material of the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, emits a transformed radiation.

66. The housing of the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, includes a battery coupled to the primary UV LED radiation source.

67. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, includes each and every limitation of claim 1 of the '751 Patent.

68. The embodiment of the patented flashlight shown in the exploded view above provides a portable LED flashlight.

69. The embodiment of the patented flashlight shown in the exploded view above provides a portable LED apparatus.

70. The embodiment of the patented flashlight shown in the exploded view above selectively emits one or more wavelength distributions of UV radiation.

71. The embodiment of the patented flashlight shown in the exploded view above provides a primary UV LED radiation source (4), which is disposed in a housing (1).

72. When turned ON (by pressing a button in the end cap (2)), the embodiment of the patented flashlight shown in the exploded view above produces a primary wavelength distribution of UV radiation.

73. The embodiment of the patented flashlight shown in the exploded view above provides a wavelength-transforming material in the form of a lens (13).

74. The wavelength transforming material (13) of the embodiment of the patented flashlight shown in the exploded view above is in front of the UV LED radiation source (4).

75. In response to irradiation by the UV LED radiation source (4), the wavelength transforming material (13) of the embodiment of the patented flashlight shown in the exploded view above emits a transformed radiation.

76. The embodiment of the patented flashlight shown in the exploded view above provides a battery (3) with the housing (1) to power UV LED radiation source (4).

#### **CLAIM 7 OF THE ‘751 PATENT**

77. Claim 7 of the ‘751 Patent is as follows:

7. A method for providing a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation, comprising the steps of:

providing a primary UV LED radiation source, disposed in a housing, wherein said primary UV LED radiation source produces a primary wavelength distribution;

providing at least one wavelength-transforming material, deposited external to the envelope of said primary UV LED radiation source, that in response to irradiation by said primary UV LED radiation source, emits a transformed radiation; and

providing a battery disposed with said housing further and coupled to said primary UV LED radiation source.

78. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, embodies a method for providing a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

79. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, provides a primary UV LED radiation source.

80. The primary UV LED radiation source of the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, is disposed in a housing.

81. The primary UV LED radiation source of the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, produces a primary wavelength distribution.

82. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, provides at least one wavelength-transforming material.

83. The at least one wavelength-transforming material of the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, is deposited external to the envelope of the primary UV LED radiation source.

84. In response to irradiation by the primary UV LED radiation source, the at least one wavelength-transforming material of the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, emits a transformed radiation.

85. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, provides a battery disposed with the housing.

86. The battery of the embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, is coupled to the primary UV LED radiation source.

87. The embodiment of the patented flashlight shown in the exploded view above and described in the '751 Patent, provides each limitation of claim 7 of the '751 Patent.

### **WTC CONVOY C8+ FLASHLIGHT<sup>2</sup>**

88. Below is a picture of the Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff Way Too Cool, from its website <https://www.fluorescents.com/products-convoy-c8-uv-led.html>.<sup>3</sup>



### **Way Too Cool Convoy C8+ 365nm UV LED Flashlight - C8UVLED**

89. The WTC Convoy C8+ 365nm UV LED Flashlight is based on the Convoy C8 flashlight manufactured by Convoy.

90. Convoy offers for sale the Convoy C8 LED flashlight as well as the Convoy S2+ LED flashlight. See [Convoy C8 Black LED Flood Flashlights Sale, Price & Reviews | Gearbest](#).

91. Convoy manufactures the WTC Convoy C8+ 365nm UV LED Flashlight as well as the Convoy S2+ UV 365nm LED Flashlight exclusively for Plaintiffs, to Plaintiffs' patented specifications.

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<sup>2</sup> Consolidated claim charts for the C8UVLED, HHUVLED, S2+UVLED, and 51LEDUVA flashlights are attached as Exhibit M.

<sup>3</sup> A description of the Convoy Flashlights sold by WTC is provided in Exhibit N.

92. Below is a picture of Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff Way Too Cool, taken apart and labeled according to the above figure from the '751 Patent.



93. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff is an embodiment of the patented flashlight.

94. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff is a portable LED flashlight.

95. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff is a portable LED apparatus.

96. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above can be turned ON and OFF to selectively emit UV light by pressing a button in the end cap (2).

97. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above includes a filtering area (5), which is disposed within a filter housing (6).

98. The UV light emitted by the Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above includes one or more wavelength distributions within the spectrum of UV light.

99. The UV light emitted by the Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above comes from a UV LED radiation source (4).

100. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above includes a housing (1).

101. The UV LED radiation source (4) of the Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above is disposed in the housing (1).

102. When the Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above is turned ON, the UV LED radiation source (4) produces a primary wavelength distribution.

103. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above includes a wavelength transforming material (13) in the form of a lens.

104. The wavelength-transforming material (13) of the Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above is in front of the UV LED radiation source (4).

105. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above, in response to irradiation by the UV LED radiation emitted by the UV LED radiation source (4), the wavelength transforming material (13) emits a transformed radiation, which passes through an exit port.

106. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above includes a battery (3), which powers the UV the UV LED radiation source (4).

107. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff includes each limitation of claim 1 of the '751 Patent.

108. The HHUVLED, S2+UVLED, and 51LEDUVA flashlights sold by Plaintiff includes each limitation of claim 1 of the '751 Patent.

109. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above provides a portable LED flashlight.

110. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above provides a portable LED apparatus.

111. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above selectively emits one or more wavelength distributions of UV radiation.

112. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above provides a primary UV LED radiation source (4), which is disposed in a housing (1).

113. When turned ON (by pressing a button in the end cap (2)), the Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above produces a primary wavelength distribution of UV radiation.

114. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above provides a wavelength-transforming material in the form of a lens (13).

115. The wavelength transforming material (13) of the Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above is in front of the UV LED radiation source (4).

116. In response to irradiation by the UV LED radiation source (4), the wavelength transforming material (13) of the Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above emits a transformed radiation.

117. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff shown in the exploded view above shown provides a battery (3) with the housing (1) to power UV LED radiation source (4).

118. The Convoy C8+ 365nm UV LED Flashlight sold by Plaintiff includes each limitation of claim 7 of the '751 Patent.

119. The HHUVLED, S2+UVLED, and 51LEDUVA flashlights sold by Plaintiff include each limitation of claim 7 of the '751 Patent.

#### **GENIIOUS DESIGNS FYRFLY FLASHLIGHT<sup>4</sup>**

120. Below and right are pictures of the Convoy C8 FYRFLY – 365 nm UV flashlights sold by Defendant Engenious Designs, from its website <https://www.engeniousdesigns.com/product-page/fyrfly>.



<sup>4</sup> A claim chart for the FYRFLY flashlight is attached as Exhibit O.





121. Defendant purchases Convoy C8 LED flashlights.

122. Defendant modifies the Convoy C8 LED flashlights to create the Convoy C8 FYRFLY – 365 nm UV flashlights.

123. The FYRFLY is a 365nm LW flashlight capable of emitting 2.7W of radiant energy.

124. The FYRFLY flashlight includes a switching regulator driver and a 1.5A drive current coupled to the UV LED.

125. The FYRFLY flashlight includes an 365nm UV LED mounted within the body of the flashlight and a ZWB2 glass filter.

126. The FYRFLY flashlight includes two RCR123A batteries or two BCR18650.

127. Below is a picture of one of the FYRFLY flashlights sold by Defendant Ingenious Designs taken apart and labeled according to the above figure from the '751 Patent.



128. Defendant's FYRFLY flashlight shown in the photograph above is a portable LED apparatus.

129. Defendant's FYRFLY flashlight shown in the photograph above can be turned ON and OFF to selectively emit UV light by pressing a button in the end cap (2).

130. Defendant's FYRFLY flashlight shown in the photograph above includes a filtering area (5), which is disposed within a filter housing (6).

131. Defendant's FYRFLY flashlight shown in the photograph above includes one or more wavelength distributions within the spectrum of UV light emitted from Defendant's FYRFLY flashlight.

132. The UV light emitted by Defendant's FYRFLY flashlight shown in the photograph above comes from a UV LED radiation source (4).

133. Defendant's FYRFLY flashlight shown in the photograph above includes a housing (1).

134. The UV LED radiation source (4) of Defendant's FYRFLY flashlight shown in the photograph above is disposed in the housing (1).

135. When Defendant's FYRFLY flashlight shown in the photograph above is turned ON, the UV LED radiation source (4) produces a primary wavelength distribution.

136. Defendant's FYRFLY flashlight shown in the photograph above includes a wavelength transforming material (13) in the form of a lens.

137. The wavelength-transforming material (13) of Defendant's FYRFLY flashlight shown in the photograph above is in front of the UV LED radiation source (4).

138. Defendant's FYRFLY flashlight shown in the photograph above, in response to irradiation by the UV LED radiation emitted by the UV LED radiation source (4), the wavelength transforming material (13) emits a transformed radiation, which passes through an exit port (15).

139. Defendant's FYRFLY flashlight shown in the photograph above includes a battery (3), which powers the UV the UV LED radiation source (4).

140. A device literally infringes claim 1 of the '751 Patent if it includes each limitation of claim 1 of the '751 Patent.

141. Defendant's FYRFLY flashlight includes each and every limitation of claim 1 of the '751 Patent.

142. Defendant's FYRFLY flashlight is a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

143. Defendant's FYRFLY flashlight includes a primary UV LED radiation source, disposed in a housing, wherein the primary UV LED radiation source produces a primary wavelength distribution.

144. Defendant's FYRFLY flashlight includes at least one wavelength-transforming material, disposed external to the envelope of the primary UV LED radiation source, that in response to irradiation by said primary UV LED radiation source, emits a transformed radiation.

145. Defendant's FYRFLY flashlight includes a battery coupled to the primary UV LED radiation source.

146. The FYRFLY flashlight provided by Defendant is a portable LED flashlight.

147. The FYRFLY flashlight provided by Defendant is a portable LED apparatus.

148. The FYRFLY flashlight provided by Defendant selectively emits one or more wavelength distributions of UV radiation.

149. The FYRFLY flashlight provided by Defendant provides a primary UV LED radiation source, which is disposed in a housing.

150. When turned ON, the FYRFLY flashlight provided by Defendant produces a primary wavelength distribution of UV radiation.

151. The FYRFLY flashlight provided by Defendant has a wavelength-transforming material in the form of a lens.

152. The wavelength transforming material of the FYRFLY flashlight provided by Defendant is in front of the UV LED radiation source.

153. In response to irradiation by the UV LED radiation source, the wavelength transforming material of the FYRFLY flashlight provided by Defendant emits a transformed radiation.

154. The FYRFLY flashlight provided by Defendant provides a battery in the housing to power UV LED radiation source.

155. The FYRFLY flashlight provided by Defendant includes each and every limitation of claim 7 of the '751 Patent.

156. The FYRFLY flashlight is manufactured in China and imported into the United States by Defendant.

157. The FYRFLY flashlight (below top) sold by Defendant is identical to the C8UVLED flashlight (below bottom) sold by Plaintiffs.



**ENGENIOUS DESIGNS C255-4 FLASHLIGHT<sup>5</sup>**

158. Below is a picture of the C255-4 High Power Shortwave UVC Flashlight offered for sale by Defendant Engenious Designs, from its website <https://www.engeniousdesigns.com/product-page/c255-4-high-power-shortwave-uv-flashlight-pre-order>.



159. The C255-4 flashlight is a shortwave 255nm UVC LED flashlight.

160. The C255-4 flashlight includes a ZWB3 filter.

161. The C255-4 flashlight includes a 26650 or 18650 battery.

162. On information and belief, the C255-4 High Power Shortwave UVC Flashlight offered for sale by Defendant Engenious Designs includes the same functional components arranged in the same way, that perform the same functions as the FYRFLY flashlight as set forth herein above.

163. Defendant's C255-4 flashlight is a portable LED apparatus.

164. Defendant's C255-4 flashlight can be turned ON and OFF to selectively emit UV light by pressing a button in the end cap.

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<sup>5</sup> A claim chart for the C255-4 flashlight is attached as Exhibit P.

165. Defendant's C255-4 flashlight includes a filtering area, which is disposed within a filter housing.

166. Defendant's C255-4 flashlight includes one or more wavelength distributions within the spectrum of UV light emitted from Defendant's C255-4 flashlight.

167. The UV light emitted by Defendant's C255-4 flashlight comes from a UV LED radiation source.

168. Defendant's C255-4 flashlight includes a housing (1).

169. The UV LED radiation source of Defendant's C255-4 flashlight is disposed in the housing.

170. When Defendant's C255-4 flashlight is turned ON, the UV LED radiation source produces a primary wavelength distribution.

171. Defendant's C255-4 flashlight includes a wavelength transforming material in the form of a lens.

172. The wavelength-transforming material of Defendant's C255-4 flashlight is in front of the UV LED radiation source.

173. Defendant's C255-4 flashlight, in response to irradiation by the UV LED radiation emitted by the UV LED radiation source, the wavelength transforming material emits a transformed radiation, which passes through an exit port.

174. Defendant's C255-4 flashlight includes a battery, which powers the UV LED radiation source.

175. Defendant's C255-4 flashlight includes each and every limitation of claim 1 of the '751 Patent.

176. Defendant's C255-4 flashlight is a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

177. Defendant's C255-4 flashlight includes a primary UV LED radiation source, disposed in a housing, wherein the primary UV LED radiation source produces a primary wavelength distribution.

178. Defendant's C255-4 flashlight includes at least one wavelength-transforming material, disposed external to the envelope of the primary UV LED radiation source, that in response to irradiation by said primary UV LED radiation source, emits a transformed radiation.

179. Defendant's C255-4 flashlight includes a battery coupled to the primary UV LED radiation source.

180. The C255-4 flashlight offered for sale by Defendant is a portable LED flashlight.

181. The C255-4 flashlight offered for sale by Defendant is a portable LED apparatus.

182. The C255-4 flashlight offered for sale by Defendant selectively emits one or more wavelength distributions of UV radiation.

183. The C255-4 flashlight offered for sale by Defendant provides a primary UV LED radiation source, which is disposed in a housing.

184. When turned ON, the C255-4 flashlight offered for sale by Defendant produces a primary wavelength distribution of UV radiation.

185. The C255-4 flashlight offered for sale by Defendant has a wavelength-transforming material in the form of a lens.

186. The wavelength transforming material of the C255-4 flashlight offered for sale by Defendant is in front of the UV LED radiation source.



187. In response to irradiation by the UV LED radiation source, the wavelength transforming material of the C255-4 flashlight offered for sale by Defendant emits a transformed radiation.

188. The C255-4 flashlight offered for sale by Defendant provides a battery in the housing to power UV LED radiation source.

189. The C255-4 flashlight offered for sale by Defendant includes each and every limitation of claim 7 of the '751 Patent.

190. The C255-4 flashlight is manufactured in China and imported into the United States by Defendant.

191. The C255-4 flashlight (below left) sold by Defendant is virtually identical to the Convoy S2+ UV 365nm LED Flashlight - S2+UVLED (below right) sold by Plaintiffs.



### **ENGENIOUS DESIGNS C255-1 FLASHLIGHT<sup>6</sup>**

192. To the right is a picture of the C255-1 High Power Shortwave UVC Flashlight offered for sale by Defendant Engenious Designs, from its website <https://www.engeniousdesigns.com/product-page/c255-1-mini-shortwave-uv-flashlight-pre-order>.



193. The C255-1 flashlight is a shortwave 255nm UVC LED flashlight.

194. The C255-1 flashlight includes a ZWB3 filter.

195. The C255-1 flashlight utilizes a 18650 or 21700 battery.

196. On information and belief, the C255-1 Mini Shortwave UVC Flashlight offered for sale by Defendant Engenious Designs includes the same functional components arranged in the same way, that perform the same functions as the FYRFLY flashlight as set forth herein above.

197. Defendant's C255-1 flashlight is a portable LED apparatus.

198. Defendant's C255-1 flashlight can be turned ON and OFF to selectively emit UV light by pressing a button in the end cap.

199. Defendant's C255-1 flashlight includes a filtering area, which is disposed within a filter housing.

200. Defendant's C255-1 flashlight includes one or more wavelength distributions within the spectrum of UV light emitted from Defendant's C255-1 flashlight.

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<sup>6</sup> A claim chart for the C255-1 flashlight is attached as Exhibit P.

201. The UV light emitted by Defendant's C255-1 flashlight comes from a UV LED radiation source.

202. Defendant's C255-1 flashlight includes a housing.

203. The UV LED radiation source of Defendant's C255-1 flashlight is disposed in the housing.

204. When Defendant's C255-1 flashlight is turned ON, the UV LED radiation source produces a primary wavelength distribution.

205. Defendant's C255-1 flashlight includes a wavelength transforming material in the form of a lens.

206. The wavelength-transforming material of Defendant's C255-1 flashlight is in front of the UV LED radiation source.

207. Defendant's C255-1 flashlight shown in the photograph above, in response to irradiation by the UV LED radiation emitted by the UV LED radiation source, the wavelength transforming material emits a transformed radiation, which passes through an exit port.

208. Defendant's C255-1 flashlight includes a battery, which powers the UV the UV LED radiation source.

209. Defendant's C255-1 flashlight includes each and every limitation of claim 1 of the '751 Patent.

210. Defendant's C255-1 flashlight is a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

211. Defendant's C255-1 flashlight includes a primary UV LED radiation source, disposed in a housing, wherein the primary UV LED radiation source produces a primary wavelength distribution.

212. Defendant's C255-1 flashlight includes at least one wavelength-transforming material, disposed external to the envelope of the primary UV LED radiation source, that in response to irradiation by said primary UV LED radiation source, emits a transformed radiation.

213. Defendant's C255-1 flashlight includes a battery coupled to the primary UV LED radiation source.

214. The C255-1 flashlight offered for sale by Defendant is a portable LED flashlight.

215. The C255-1 flashlight offered for sale by Defendant is a portable LED apparatus.

216. The C255-1 flashlight offered for sale by Defendant selectively emits one or more wavelength distributions of UV radiation.

217. The C255-1 flashlight offered for sale by Defendant provides a primary UV LED radiation source, which is disposed in a housing.

218. When turned ON, the C255-1 flashlight offered for sale by Defendant produces a primary wavelength distribution of UV radiation.

219. The C255-1 flashlight offered for sale by Defendant has a wavelength-transforming material in the form of a lens.

220. The wavelength transforming material of the C255-1 flashlight offered for sale by Defendant is in front of the UV LED radiation source.

221. In response to irradiation by the UV LED radiation source, the wavelength transforming material of the C255-1 flashlight offered for sale by Defendant emits a transformed radiation.

222. The C255-1 flashlight offered for sale by Defendant provides a battery in the housing to power UV LED radiation source.

223. The C255-1 flashlight offered for sale by Defendant includes each and every limitation of claim 7 of the '751 Patent.

224. The C255-1 flashlight is manufactured in China and imported into the United States by Defendant.

225. The C255-1 flashlight (below left) sold by Defendant is virtually identical to the Convoy S2+ UV 365nm LED Flashlight - S2+UVLED (below right) sold by Plaintiffs.



**ENGENIOUS DESIGNS B310-4 FLASHLIGHT<sup>7</sup>**

226. Below is a picture of the B310-4 High Power Midwave UVB Flashlight offered for sale by Defendant Engenious Designs, from its website <https://www.engeniousdesigns.com/product-page/b310-4-high-power-midwave-uvb-flashlight-pre-order>.



227. The B310-4 flashlight is a midwave 310nm UVC LED flashlight.

228. The B310-4 flashlight includes a ZWB3 filter.

229. The B310-4 flashlight includes a 26650 or 18650 battery.

230. On information and belief, the B310-4 Mini Midwave UVB Flashlight offered for sale by Defendant Engenious Designs includes the same functional components arranged in the same way, that perform the same functions as the FYRFLY flashlight as set forth herein above.

231. Defendant's B310-4 flashlight is a portable LED apparatus.

232. Defendant's B310-4 flashlight can be turned ON and OFF to selectively emit UV light by pressing a button in the end cap.

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<sup>7</sup> A claim chart for the B310-4 flashlight is attached as Exhibit Q.

233. Defendant's B310-4 flashlight includes a filtering area, which is disposed within a filter housing.

234. Defendant's B310-4 flashlight includes one or more wavelength distributions within the spectrum of UV light emitted from Defendant's B310-4 flashlight.

235. The UV light emitted by Defendant's B310-4 flashlight comes from a UV LED radiation source.

236. Defendant's B310-4 flashlight includes a housing.

237. The UV LED radiation source of Defendant's B310-4 flashlight is disposed in the housing.

238. When Defendant's B310-4 flashlight is turned ON, the UV LED radiation source produces a primary wavelength distribution.

239. Defendant's B310-4 flashlight includes a wavelength transforming material in the form of a lens.

240. The wavelength-transforming material of Defendant's B310-4 flashlight is in front of the UV LED radiation source.

241. Defendant's B310-4 flashlight shown in the photograph above, in response to irradiation by the UV LED radiation emitted by the UV LED radiation source, the wavelength transforming material emits a transformed radiation, which passes through an exit port.

242. Defendant's B310-4 flashlight includes a battery, which powers the UV the UV LED radiation source.

243. Defendant's B310-4 flashlight includes each and every limitation of claim 1 of the '751 Patent.



244. Defendant's B310-4 flashlight is a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

245. Defendant's B310-4 flashlight includes a primary UV LED radiation source, disposed in a housing, wherein the primary UV LED radiation source produces a primary wavelength distribution.

246. Defendant's B310-4 flashlight includes at least one wavelength-transforming material, disposed external to the envelope of the primary UV LED radiation source, that in response to irradiation by said primary UV LED radiation source, emits a transformed radiation.

247. Defendant's B310-4 flashlight includes a battery coupled to the primary UV LED radiation source.

248. The B310-4 flashlight offered for sale by Defendant is a portable LED flashlight.

249. The B310-4 flashlight offered for sale by Defendant is a portable LED apparatus.

250. The B310-4 flashlight offered for sale by Defendant selectively emits one or more wavelength distributions of UV radiation.

251. The B310-4 flashlight offered for sale by Defendant provides a primary UV LED radiation source, which is disposed in a housing.

252. When turned ON, the B310-4 flashlight offered for sale by Defendant produces a primary wavelength distribution of UV radiation.

253. The B310-4 flashlight offered for sale by Defendant has a wavelength-transforming material in the form of a lens.

254. The wavelength transforming material of the B310-4 flashlight offered for sale by Defendant is in front of the UV LED radiation source.



255. In response to irradiation by the UV LED radiation source, the wavelength transforming material of the B310-4 flashlight offered for sale by Defendant emits a transformed radiation.

256. The B310-4 flashlight offered for sale by Defendant provides a battery in the housing to power UV LED radiation source.

257. The B310-4 flashlight offered for sale by Defendant includes each and every limitation of claim 7 of the '751 Patent.

258. The B310-4 flashlight is manufactured in China and imported into the United States by Defendant.

259. The B310-4 flashlight (below left) sold by Defendant is virtually identical to the Convoy S2+ UV 365nm LED Flashlight - S2+UVLED (below right) sold by Plaintiffs.



**ENGENIOUS DESIGNS B310-1 FLASHLIGHT<sup>8</sup>**

260. To the right is a picture of the B310-1 Mini Midwave UVB Flashlight offered for sale by Defendant Engenious Designs, from its website <https://www.engeniousdesigns.com/product-page/b310-1-mini-uvb-flashlight-pre-order>.



261. The B310-1 flashlight is a midwave 310nm UVC LED flashlight.

262. The B310-1 flashlight includes a ZWB3 filter.

263. The B310-1 flashlight uses a 21700 or 18650 battery.

264. On information and belief, the B310-1 Mini Midwave UVB Flashlight offered for sale by Defendant Engenious Designs includes the same functional components arranged in the same way, that perform the same functions as the FYRFLY flashlight as set forth herein above.

265. Defendant's B310-1 flashlight is a portable LED apparatus.

266. Defendant's B310-1 flashlight can be turned ON and OFF to selectively emit UV light by pressing a button in the end cap.

267. Defendant's B310-1 flashlight includes a filtering area, which is disposed within a filter housing.

268. Defendant's B310-1 flashlight includes one or more wavelength distributions within the spectrum of UV light emitted from Defendant's B310-1 flashlight.

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<sup>8</sup> A claim chart for the B310-1 flashlight is attached as Exhibit Q.

269. The UV light emitted by Defendant's B310-1 flashlight comes from a UV LED radiation source.

270. Defendant's B310-1 flashlight includes a housing.

271. The UV LED radiation source of Defendant's B310-1 flashlight is disposed in the housing.

272. When Defendant's B310-1 flashlight is turned ON, the UV LED radiation source produces a primary wavelength distribution.

273. Defendant's B310-1 flashlight includes a wavelength transforming material in the form of a lens.

274. The wavelength-transforming material of Defendant's B310-1 flashlight is in front of the UV LED radiation source.

275. Defendant's B310-1 flashlight shown in the photograph above, in response to irradiation by the UV LED radiation emitted by the UV LED radiation source, the wavelength transforming material emits a transformed radiation, which passes through an exit port.

276. Defendant's B310-1 flashlight includes a battery, which powers the UV the UV LED radiation source.

277. Defendant's B310-1 flashlight includes each and every limitation of claim 1 of the '751 Patent.

278. Defendant's B310-1 flashlight is a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

279. Defendant's B310-1 flashlight includes a primary UV LED radiation source, disposed in a housing, wherein the primary UV LED radiation source produces a primary wavelength distribution.

280. Defendant's B310-1 flashlight includes at least one wavelength-transforming material, disposed external to the envelope of the primary UV LED radiation source, that in response to irradiation by said primary UV LED radiation source, emits a transformed radiation.

281. Defendant's B310-1 flashlight includes a battery coupled to the primary UV LED radiation source.

282. The B310-1 flashlight offered for sale by Defendant is a portable LED flashlight.

283. The B310-1 flashlight offered for sale by Defendant is a portable LED apparatus.

284. The B310-1 flashlight offered for sale by Defendant selectively emits one or more wavelength distributions of UV radiation.

285. The B310-1 flashlight offered for sale by Defendant provides a primary UV LED radiation source, which is disposed in a housing.

286. When turned ON, the B310-1 flashlight offered for sale by Defendant produces a primary wavelength distribution of UV radiation.

287. The B310-1 flashlight offered for sale by Defendant has a wavelength-transforming material in the form of a lens.

288. The wavelength transforming material of the B310-1 flashlight offered for sale by Defendant is in front of the UV LED radiation source.

289. In response to irradiation by the UV LED radiation source, the wavelength transforming material of the B310-1 flashlight offered for sale by Defendant emits a transformed radiation.

290. The B310-1 flashlight offered for sale by Defendant provides a battery in the housing to power UV LED radiation source.

291. The B310-1 flashlight offered for sale by Defendant includes each and every limitation of claim 7 of the '751 Patent.

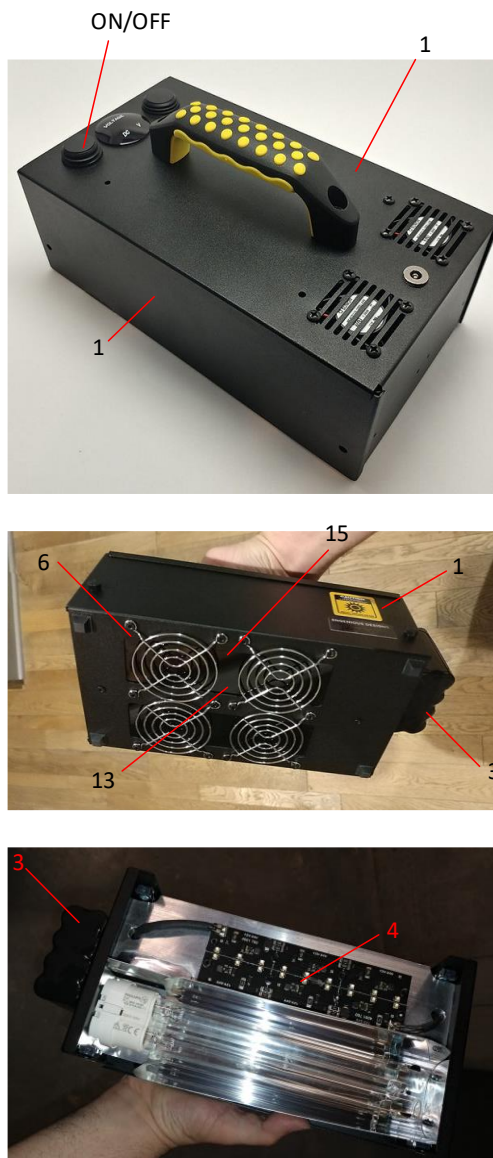
292. The B310-1 flashlight is manufactured in China and imported into the United States by Defendant.

293. The B310-1 flashlight (below left) sold by Defendant is virtually identical to the Convoy S2+ UV 365nm LED Flashlight - S2+UVLED (below right) sold by Plaintiff.



**ENGENIOUS DESIGNS DBL BARREL<sup>9</sup>**

294. Below is a picture of the DBL BARREL – SHORTWAVE / LED LONGWAVE Mineral lamp sold by Defendant Engenious Designs from its website <https://www.engeniousdesigns.com/product-page/dbl-barrel>, and labeled according to the above figure from the ‘751 Patent.



<sup>9</sup> A claim chart for the DBL BARREL lamp is attached as Exhibit R.

295. The DBL BARREL lamp includes replaceable compact UVC fluorescent bulb(s) on one side of the lamp and LW UV LEDs on the other side of the lamp.

296. The DBL BARREL lamp is sold in two configurations, a 35W/26W combo unit and a 35W/52W combo unit.

297. The DBL BARREL lamp 35W/26W combo unit includes a 35W SW lamp emitting approximately 11 watts of UVC at 254nm using a Philips 13726-5 bulb.

298. The DBL BARREL lamp 35W/26W combo unit includes 26 watts of LW UV LEDs emitting approximately 10 watts of UVA at 365nm.

299. The UV LED output of the DBL BARREL lamp 35W/26W combo unit is approximately equivalent to the output of ten FYRFLY flashlights.

300. The DBL BARREL lamp 35W/52W combo unit includes a 35W SW lamp emitting approximately 11 watts of UVC at 254nm using a Philips 13726-5 bulb.

301. The DBL BARREL lamp 35W/52W combo unit includes 26 watts of LW UV LEDs emitting approximately 10 watts of UVA at 365nm.

302. The UV LED output of the DBL BARREL lamp 35W/52W combo unit is approximately equivalent to the output of twenty FYRFLY flashlights.

303. Defendant's DBL BARREL lamp shown in the photographs above is a portable LED apparatus.

304. Defendant's DBL BARREL lamp shown in the photographs above can be turned ON and OFF to selectively emit UV light by pressing a button (ON/OFF).

305. Defendant's DBL BARREL lamp shown in the photographs above includes a filtering area (5), which is disposed within a filter housing (6).



306. Defendant's DBL BARREL lamp shown in the photographs above includes one or more wavelength distributions within the spectrum of UV light emitted from Defendant's DBL BARREL lamp.

307. The UV light emitted by Defendant's DBL BARREL lamp shown in the photographs above comes from a UV LED radiation source (4).

308. Defendant's DBL BARREL lamp shown in the photographs above includes a housing (1).

309. The UV LED radiation source (4) of Defendant's DBL BARREL lamp shown in the photographs above is disposed in the housing (1).

310. When Defendant's DBL BARREL lamp shown in the photographs above is turned ON, the UV LED radiation source (4) produces a primary wavelength distribution.

311. Defendant's DBL BARREL lamp shown in the photographs above includes a wavelength transforming material (13) in the form of a lens.

312. The wavelength-transforming material (13) of Defendant's DBL BARREL lamp shown in the photographs above is in front of the UV LED radiation source (4).

313. Defendant's DBL BARREL lamp shown in the photographs above, in response to irradiation by the UV LED radiation emitted by the UV LED radiation source (4), the wavelength transforming material (13) emits a transformed radiation, which passes through an exit port (15).

314. Defendant's DBL BARREL lamp shown in the photographs above includes a battery (3), which powers the UV LED radiation source (4).

315. Defendant's DBL BARREL lamp includes each and every limitation of claim 1 of the '751 Patent.



316. Defendant's DBL BARREL lamp is a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

317. Defendant's DBL BARREL lamp includes a primary UV LED radiation source, disposed in a housing, wherein the primary UV LED radiation source produces a primary wavelength distribution.

318. Defendant's DBL BARREL lamp includes at least one wavelength-transforming material, disposed external to the envelope of the primary UV LED radiation source, that in response to irradiation by said primary UV LED radiation source, emits a transformed radiation.

319. Defendant's DBL BARREL lamp includes a battery coupled to the primary UV LED radiation source.

320. The DBL BARREL lamp sold by Defendant is a portable LED flashlight.

321. The DBL BARREL lamp sold by Defendant is a portable LED apparatus.

322. The DBL BARREL lamp sold by Defendant selectively emits one or more wavelength distributions of UV radiation.

323. The DBL BARREL lamp sold by Defendant provides a primary UV LED radiation source, which is disposed in a housing.

324. When turned ON, the DBL BARREL lamp sold by Defendant produces a primary wavelength distribution of UV radiation.

325. The DBL BARREL lamp sold by Defendant has a wavelength-transforming material in the form of a lens.

326. The wavelength transforming material of the DBL BARREL lamp sold by Defendant is in front of the UV LED radiation source.

327. In response to irradiation by the UV LED radiation source, the wavelength transforming material of the DBL BARREL lamp sold by Defendant emits a transformed radiation.

328. The DBL BARREL lamp sold by Defendant provides a battery in the housing to power UV LED radiation source.

329. The DBL BARREL lamp sold by Defendant includes each and every limitation of claim 7 of the '751 Patent.

330. The DBL BARREL lamp sold by Defendant provides a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

331. The DBL BARREL lamp sold by Defendant provides a primary UV LED radiation source.

332. The DBL BARREL lamp sold by Defendant provides a primary UV LED radiation source disposed in a housing.

333. The primary UV LED radiation source included in the DBL BARREL lamp sold by Defendant produces a primary wavelength distribution.

334. The DBL BARREL lamp sold by Defendant provides at least one wavelength-transforming material.

335. The at least one wavelength-transforming material included in the DBL BARREL lamp sold by Defendant is disposed external to the envelope of the primary UV LED radiation source.

336. In response to irradiation by the primary UV LED radiation source, the DBL BARREL lamp sold by Defendant emits a transformed radiation.

337. The DBL BARREL lamp sold by Defendant provides a battery disposed with the housing and is coupled to the primary UV LED radiation source.

**ENGENIOUS DESIGNS PRPL HAZE<sup>10</sup>**

338. Below is a picture of the PRPL HAZE – LED 26W OR 52W LONGWAVE Mineral lamp sold by Defendant Engenious Designs from its website <https://www.engeniousdesigns.com/product-page/prpl-haze>.



339. The PRPL HAZE lamp includes 26 watt UVA LEDs emitting approximately 10 watts at 365nm.

340. Optionally the PRPL HAZE lamp may be configured to include 52 watt UVA LEDs emitting approximately 20 watts at 365nm.

341. The PRPL HAZE lamp includes a Hoya UV glass filter.

342. The PRPL HAZE lamp includes a 5200 mAh lithium ion battery.

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<sup>10</sup> A claim chart for the PRPL HAZE lamp is attached as Exhibit S.

343. On information and belief, the PRPL HAZE lamp offered for sale by Defendant Engenious Designs includes the same functional components arranged in the same way, that perform the same functions as the DBL BARREL lamp as set forth herein above.

344. Defendant's PRPL HAZE lamp is a portable LED apparatus.

345. Defendant's PRPL HAZE lamp can be turned ON and OFF to selectively emit UV light by pressing a button.

346. Defendant's PRPL HAZE lamp includes a filtering area, which is disposed within a filter housing.

347. Defendant's PRPL HAZE lamp includes one or more wavelength distributions within the spectrum of UV light emitted from Defendant's PRPL HAZE lamp.

348. The UV light emitted by Defendant's PRPL HAZE lamp comes from a UV LED radiation source.

349. Defendant's PRPL HAZE lamp includes a housing.

350. The UV LED radiation source of Defendant's PRPL HAZE lamp is disposed in the housing.

351. When Defendant's PRPL HAZE lamp is turned ON, the UV LED radiation source produces a primary wavelength distribution.

352. Defendant's PRPL HAZE lamp includes a wavelength transforming material in the form of a lens.

353. The wavelength-transforming material of Defendant's PRPL HAZE lamp is in front of the UV LED radiation source.

354. Defendant's PRPL HAZE lamp, in response to irradiation by the UV LED radiation emitted by the UV LED radiation source, the wavelength transforming material emits a transformed radiation, which passes through an exit port.

355. Defendant's PRPL HAZE lamp includes a battery, which powers the UV the UV LED radiation source.

356. Defendant's PRPL HAZE lamp includes each and every limitation of claim 1 of the '751 Patent.

357. Defendant's PRPL HAZE lamp is a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

358. Defendant's PRPL HAZE lamp includes a primary UV LED radiation source, disposed in a housing, wherein the primary UV LED radiation source produces a primary wavelength distribution.

359. Defendant's PRPL HAZE lamp includes at least one wavelength-transforming material, disposed external to the envelope of the primary UV LED radiation source, that in response to irradiation by said primary UV LED radiation source, emits a transformed radiation.

360. Defendant's PRPL HAZE lamp includes a battery coupled to the primary UV LED radiation source.

361. The PRPL HAZE lamp sold by Defendant is a portable LED flashlight.

362. The PRPL HAZE lamp sold by Defendant is a portable LED apparatus.

363. The PRPL HAZE lamp sold by Defendant selectively emits one or more wavelength distributions of UV radiation.

364. The PRPL HAZE lamp sold by Defendant provides a primary UV LED radiation source, which is disposed in a housing.

365. When turned ON, the PRPL HAZE lamp sold by Defendant produces a primary wavelength distribution of UV radiation.

366. The PRPL HAZE lamp sold by Defendant has a wavelength-transforming material in the form of a lens.

367. The wavelength transforming material of the PRPL HAZE lamp sold by Defendant is in front of the UV LED radiation source.

368. In response to irradiation by the UV LED radiation source, the wavelength transforming material of the PRPL HAZE lamp sold by Defendant emits a transformed radiation.

369. The PRPL HAZE lamp sold by Defendant provides a battery in the housing to power UV LED radiation source.

370. An accused device literally infringes claim 7 of the '751 Patent if it includes each limitation of claim 7 of the '751 Patent.

371. The PRPL HAZE lamp sold by Defendant includes each and every limitation of claim 7 of the '751 Patent.

372. The PRPL HAZE lamp sold by Defendant provides a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

373. The PRPL HAZE lamp sold by Defendant provides a primary UV LED radiation source.

374. The PRPL HAZE lamp sold by Defendant provides a primary UV LED radiation source disposed in a housing.

375. The primary UV LED radiation source included in the PRPL HAZE lamp sold by Defendant produces a primary wavelength distribution.

376. The PRPL HAZE lamp sold by Defendant provides at least one wavelength-transforming material.

377. The at least one wavelength-transforming material included in the PRPL HAZE lamp sold by Defendant is deposited external to the envelope of the primary UV LED radiation source.

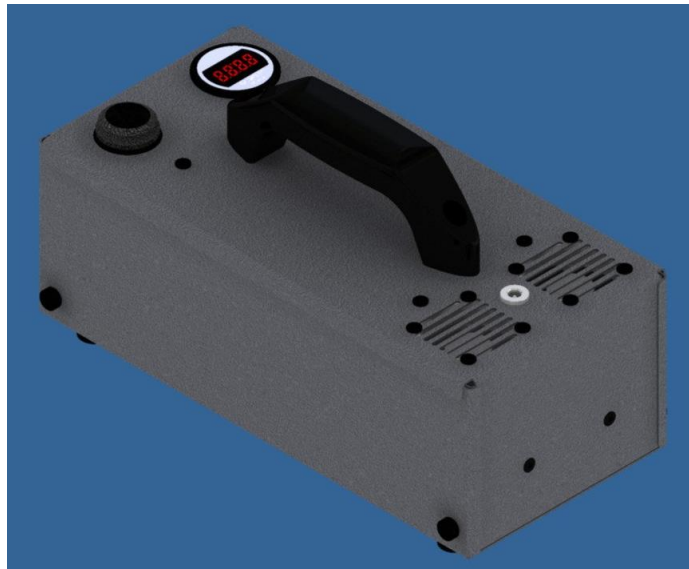
378. In response to irradiation by the primary UV LED radiation source, the PRPL HAZE lamp sold by Defendant emits a transformed radiation.

379. The PRPL HAZE lamp sold by Defendant provides a battery disposed with the housing and is coupled to the primary UV LED radiation source.

**ENGENIOUS DESIGNS PRPL HAZE XL LAMP<sup>11</sup>**

380. Below is a picture of one of the PRPL HAZE XL – LED 104W LONGWAVE Mineral lamp sold by Defendant Engenious Designs from its website

[https://www.engeniousdesigns.com/product-page/prpl-haze-xl-led-longwave.](https://www.engeniousdesigns.com/product-page/prpl-haze-xl-led-longwave)



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<sup>11</sup> A claim chart for the PRPL HAZE XL lamp is attached as Exhibit T.

381. The PRPL HAZE XL lamp includes 104 watt UVA LEDs emitting approximately 40 watts at 365nm approximately equivalent to 40 FYRFLY flashlights..

382. The PRPL HAZE XL lamp includes a Hoya UV glass filter.

383. The PRPL HAZE XL lamp includes a lithium ion battery.

384. On information and belief, the PRPL HAZE XL lamp offered for sale by Defendant Engenious Designs includes the same functional components arranged in the same way, that perform the same functions as the DBL BARREL lamp as set forth herein above.

385. Defendant's PRPL HAZE XL lamp is a portable LED apparatus.

386. Defendant's PRPL HAZE XL lamp can be turned ON and OFF to selectively emit UV light by pressing a button.

387. Defendant's PRPL HAZE XL lamp includes a filtering area, which is disposed within a filter housing.

388. Defendant's PRPL HAZE XL lamp includes one or more wavelength distributions within the spectrum of UV light emitted from Defendant's PRPL HAZE XL lamp.

389. The UV light emitted by Defendant's PRPL HAZE XL lamp comes from a UV LED radiation source.

390. Defendant's PRPL HAZE XL lamp includes a housing.

391. The UV LED radiation source of Defendant's PRPL HAZE XL lamp is disposed in the housing.

392. When Defendant's PRPL HAZE XL lamp is turned ON, the UV LED radiation source produces a primary wavelength distribution.

393. Defendant's PRPL HAZE XL lamp includes a wavelength transforming material in the form of a lens.



394. The wavelength-transforming material of Defendant's PRPL HAZE XL lamp is in front of the UV LED radiation source.

395. Defendant's PRPL HAZE XL lamp, in response to irradiation by the UV LED radiation emitted by the UV LED radiation source, the wavelength transforming material emits a transformed radiation, which passes through an exit port.

396. Defendant's PRPL HAZE XL includes a battery, which powers the UV the UV LED radiation source.

397. Defendant's PRPL HAZE XL lamp includes each and every limitation of claim 1 of the '751 Patent.

398. Defendant's PRPL HAZE XL lamp is a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

399. Defendant's PRPL HAZE XL lamp includes a primary UV LED radiation source, disposed in a housing, wherein the primary UV LED radiation source produces a primary wavelength distribution.

400. Defendant's PRPL HAZE XL lamp includes at least one wavelength-transforming material, disposed external to the envelope of the primary UV LED radiation source, that in response to irradiation by said primary UV LED radiation source, emits a transformed radiation.

401. Defendant's PRPL HAZE XL lamp includes a battery coupled to the primary UV LED radiation source.

402. The PRPL HAZE XL lamp sold by Defendant is a portable LED flashlight.

403. The PRPL HAZE XL lamp sold by Defendant is a portable LED apparatus.

404. The PRPL HAZE XL lamp sold by Defendant selectively emits one or more wavelength distributions of UV radiation.

405. The PRPL HAZE XL lamp sold by Defendant provides a primary UV LED radiation source, which is disposed in a housing.

406. When turned ON, the PRPL HAZE XL lamp sold by Defendant produces a primary wavelength distribution of UV radiation.

407. The PRPL HAZE XL lamp sold by Defendant has a wavelength-transforming material in the form of a lens.

408. The wavelength transforming material of the PRPL HAZE XL lamp sold by Defendant is in front of the UV LED radiation source.

409. In response to irradiation by the UV LED radiation source, the wavelength transforming material of the PRPL HAZE XL lamp sold by Defendant emits a transformed radiation.

410. The PRPL HAZE XL lamp sold by Defendant provides a battery with the housing to power UV LED radiation source.

411. The PRPL HAZE XL lamp sold by Defendant includes each and every limitation of claim 7 of the '751 Patent.

412. The PRPL HAZE XL lamp sold by Defendant provides a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

413. The PRPL HAZE XL lamp sold by Defendant provides a primary UV LED radiation source.

414. The PRPL HAZE XL lamp sold by Defendant provides a primary UV LED radiation source disposed in a housing.

415. The primary UV LED radiation source included in the PRPL HAZE XL lamp sold by Defendant produces a primary wavelength distribution.

416. The PRPL HAZE XL lamp sold by Defendant provides at least one wavelength-transforming material.

417. The at least one wavelength-transforming material included in the PRPL HAZE XL lamp sold by Defendant is deposited external to the envelope of the primary UV LED radiation source.

418. In response to irradiation by the primary UV LED radiation source, the PRPL HAZE XL lamp sold by Defendant emits a transformed radiation.

419. The PRPL HAZE XL lamp sold by Defendant provides a battery disposed with the housing and is coupled to the primary UV LED radiation source.

**ENGENIOUS DESIGNS LNKR LAMP<sup>12</sup>**

420. Below is a picture of one of the LNKR Longwave LED Mineral lamp sold by Defendant Engenious Designs from its website <https://www.engeniousdesigns.com/product-page/lnkr-longwave-led-lamp>.



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<sup>12</sup> A claim chart for the LNKR lamp is attached as Exhibit U.

421. The LNKR lamp includes three 365nm longwave UV LEDs with a radiant output of 4.2W.

422. The LNKR lamp includes a ZWB UV filter.

423. The LNKR lamp is compatible with Engenious Design battery packs allowing for mobile use.

424. On information and belief, the LNKR lamp offered for sale by Defendant Engenious Designs includes the same functional components arranged in the same way, that perform the same functions as the DBL BARREL lamp as set forth herein above.

425. Defendant's LNKR lamp is a portable LED apparatus.

426. Defendant's LNKR lamp can be turned ON and OFF to selectively emit UV light by pressing a button.

427. Defendant's LNKR lamp includes a filtering area, which is disposed within a filter housing.

428. Defendant's LNKR lamp includes one or more wavelength distributions within the spectrum of UV light emitted from Defendant's LNKR lamp.

429. The UV light emitted by Defendant's LNKR lamp comes from a UV LED radiation source.

430. Defendant's LNKR lamp includes a housing.

431. The UV LED radiation source of Defendant's LNKR lamp is disposed in the housing.

432. When Defendant's LNKR lamp is turned ON, the UV LED radiation source produces a primary wavelength distribution.

433. Defendant's LNK R lamp includes a wavelength transforming material in the form of a lens.

434. The wavelength-transforming material of Defendant's LNK R lamp is in front of the UV LED radiation source.

435. Defendant's LNK R lamp, in response to irradiation by the UV LED radiation emitted by the UV LED radiation source, the wavelength transforming material emits a transformed radiation, which passes through an exit port.

436. Defendant's LNK R includes a battery, which powers the UV the UV LED radiation source.

437. Defendant's LNK R lamp includes each and every limitation of claim 1 of the '751 Patent.

438. Defendant's LNK R lamp is a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

439. Defendant's LNK R lamp includes a primary UV LED radiation source, disposed in a housing, wherein the primary UV LED radiation source produces a primary wavelength distribution.

440. Defendant's LNK R lamp includes at least one wavelength-transforming material, disposed external to the envelope of the primary UV LED radiation source, that in response to irradiation by said primary UV LED radiation source, emits a transformed radiation.

441. Defendant's LNK R lamp includes a battery coupled to the primary UV LED radiation source.

442. The LNK R lamp sold by Defendant is a portable LED flashlight.

443. The LNK R lamp sold by Defendant is a portable LED apparatus.

444. The LNKR lamp sold by Defendant selectively emits one or more wavelength distributions of UV radiation.

445. The LNKR lamp sold by Defendant provides a primary UV LED radiation source, which is disposed in a housing.

446. When turned ON, the LNKR lamp sold by Defendant produces a primary wavelength distribution of UV radiation.

447. The LNKR lamp sold by Defendant has a wavelength-transforming material in the form of a lens.

448. The wavelength transforming material of the LNKR lamp sold by Defendant is in front of the UV LED radiation source.

449. In response to irradiation by the UV LED radiation source, the wavelength transforming material of the LNKR lamp sold by Defendant emits a transformed radiation.

450. The LNKR lamp sold by Defendant provides a battery in the housing to power UV LED radiation source.

451. The LNKR lamp sold by Defendant includes each and every limitation of claim 7 of the '751 Patent.

452. The LNKR lamp sold by Defendant provides a portable LED apparatus for selectively emitting one or more of a plurality of wavelength distributions of radiation.

453. The LNKR lamp sold by Defendant provides a primary UV LED radiation source.

454. The LNKR lamp sold by Defendant provides a primary UV LED radiation source disposed in a housing.

455. The primary UV LED radiation source included in the LNKR lamp sold by Defendant produces a primary wavelength distribution.

456. The LNKR lamp sold by Defendant provides at least one wavelength-transforming material.

457. The at least one wavelength-transforming material included in the LNKR lamp sold by Defendant is deposited external to the envelope of the primary UV LED radiation source.

458. In response to irradiation by the primary UV LED radiation source, the LNKR lamp sold by Defendant emits a transformed radiation.

459. The LNKR lamp sold by Defendant provides a battery disposed with the housing and is coupled to the primary UV LED radiation source.

460. Defendant has created or provided a platform, network, or forum for others to post, market, offer to sell, sell and/or distribute infringing products that embody or use the invention claimed in the '751 Patent.

461. Defendant has and continues to infringe the '751 Patent even after being put on notice of the '751 Patent and Plaintiffs' claims.

462. Defendant will continue to infringe unless enjoined by the court.

463. Defendant's past and continuing infringement of the '751 Patent has been and continues to be deliberate and willful.<sup>13</sup>

464. Defendant was put on formal notice of infringement of the '751 Patent at least as early as February 27, 2019, yet has continued to make, use, sell and offer the FYRFLY, C255-4, C255-1, B310-4, B310-1, DBL BARREL, PRPL HAZE, PRPL HAZE XL, and LNKR infringing devices.<sup>14</sup>

465. Other third parties have willingly licensed the '751 Patent.<sup>15</sup>

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<sup>13</sup> Exhibit V; Social media posts showing willful nature of infringement.

<sup>14</sup> Exhibit W; Notice of Infringement and Offer for License, February 27, 2019.

<sup>15</sup> Exhibit X; Authorized Dealers.

466. Rhett Peterson, along with Mark Cole, is an administrator and moderator of the Facebook page for The Fluorescent Mineral Mart.<sup>16</sup>

467. The Fluorescent Mineral Mart is a Facebook group dedicated to the sales and trading of fluorescent minerals and accessories.

468. The Fluorescent Mineral Mart Facebook group has more than 2,600 members.

469. Rhett Peterson, along with Mark Cole, is an administrator and moderator of the Facebook page Fluorescent Minerals.<sup>17</sup>

470. The Fluorescent Minerals Facebook group has more than 8,500 members.

471. Peterson and Cole have posted many comments on Facebook disparaging Plaintiffs.<sup>18</sup>

472. Peterson has directed Facebook users to purchase infringing UV LED flashlights from Defendant Engenious Designs through the Fluorescent Mineral Mart Facebook page.<sup>19</sup>

473. Peterson has directed Facebook users to purchase the LNKR lamp, the C255-4, C255-1, B310-4, and B310-1 flashlights from Defendant Engenious Designs through the Fluorescent Mineral Mart Facebook page.<sup>20</sup>

474. Customers have in fact purchased the accused devices from Defendant Engenious Designs as directed by Peterson through the Fluorescent Mineral Mart Facebook page.

475. The cover photo on the Fluorescent Minerals Facebook page including the posts from Peterson includes references to “THE EVIL FLASHLIGHT OVERLORD” and “evil overlord”, which are disparaging references to Plaintiffs.

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<sup>16</sup> See <https://www.facebook.com/groups/FLMmart/members>.

<sup>17</sup> See <https://www.facebook.com/groups/fluorescentminerals/members/admins>.

<sup>18</sup> See [https://www.facebook.com/hashtag/uvunited?\\_gid=7350268570](https://www.facebook.com/hashtag/uvunited?_gid=7350268570).

<sup>19</sup> See Exhibit Y; posts by Rhett Peterson on the Fluorescent Mineral Mart Facebook page.

<sup>20</sup> See *Id.*



476. Peterson and Cole have also posted comments to the Fluorescent Mineral Mart and Fluorescent Minerals Facebook groups regarding Plaintiffs enforcement of the UV LED flashlight patents.

477. Peterson has directed Facebook users to purchase infringing UV LED flashlights from Defendant Ingenious Designs through his own Facebook page.<sup>21</sup>

478. Based on the Facebook posts by Peterson and Cole, and comments by the Facebook group members, they know that the UV LED flashlights and lamps offered for sale by Ingenious Designs are accused of patent infringement by Plaintiffs.

479. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Ingenious Designs, have posted false and defamatory statements about Plaintiff Gardner, which has lowered his reputation.

480. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Ingenious Designs, have posted false and defamatory statements about Plaintiff Gardner, which has diminished the esteem or respect in which Plaintiff Gardner is held.

481. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Ingenious Designs, have posted false and defamatory statements about Plaintiff Gardner such as that Plaintiff Gardner is a patent troll.

482. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant

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<sup>21</sup> See Exhibit Z; Rhett Peterson Facebook page.

Engenious Designs, have posted false and defamatory statements about Plaintiff Gardner such as that Plaintiff Gardner is a thief.

483. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, have posted false and defamatory statements about Plaintiff Gardner such as that Plaintiff Gardner is an evil overlord.

484. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, have posted false and defamatory statements about Plaintiff Gardner, which has resulted in actual injury to Plaintiff Gardner.

485. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, have posted false and defamatory statements about Plaintiff Gardner, which has resulted in lost sales to Plaintiff WTC and lost income to Plaintiff Gardner.

486. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, have posted false and defamatory statements about Plaintiff Gardner, which have impugned Plaintiff Gardner's competence.

487. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, knew that statements posted about Plaintiff Gardner were the false and defamatory.

488. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, have allowed members of these Facebook groups to post false and defamatory statements about Plaintiff Gardner, which has lowered his reputation.

489. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, have allowed members of these Facebook groups to post false and defamatory statements about Plaintiff Gardner, which has diminished the esteem or respect in which Plaintiff Gardner is held.

490. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, have allowed members of these Facebook groups to post false and defamatory statements about Plaintiff Gardner such as that Plaintiff Gardner is a patent troll.

491. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, have allowed members of these Facebook groups to post false and defamatory statements about Plaintiff Gardner such as that Plaintiff Gardner is a thief.

492. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, have allowed members of these Facebook groups to post false and defamatory statements about Plaintiff Gardner such as that Plaintiff Gardner is an evil overlord.

493. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant

Engenious Designs, have allowed members of these Facebook groups to post false and defamatory statements about Plaintiff Gardner, which has resulted in actual injury to Plaintiff Gardner.

494. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, have allowed members of these Facebook groups to post false and defamatory statements about Plaintiff Gardner, which has resulted in lost sales to Plaintiff WTC and lost income to Plaintiff Gardner.

495. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, knew that statements posted by members of these Facebook pages about Plaintiff Gardner were the false and defamatory.

496. The representations made by Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, are highly offensive to a reasonable person.

497. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, have posted the home address of Plaintiff Gardner.

498. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, have posted the personal phone number of Plaintiff Gardner.

499. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant

Engenious Designs, through their posts have encouraged members of these groups to boycott Plaintiffs.

500. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, through their posts have encouraged the members of these groups to harass Plaintiff Gardner.

501. Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, through their posts have encouraged the members of these groups to threaten Plaintiff Gardner with personal harm.

502. The false and misleading statements about Plaintiff Gardiner made by Peterson, along with Cole, as administrators and moderators of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and on behalf of Defendant Engenious Designs, were made since the filing of the first complaint in Kansas on August 20, 2021.

503. The false and misleading statements and threats made by members of the Facebook pages for The Fluorescent Mineral Mart and Fluorescent Minerals, and encouraged by Peterson, along with Cole, as administrators and moderators of the and on behalf of Defendant Engenious Designs, were made since the filing of the first complaint in Kansas on August 20, 2021.

504. Plaintiff Gardner has suffered mental distress, anguish, and severe emotional distress as a result of Defendant's false and misleading statements.

505. Defendant's extreme and outrageous conduct intentionally or recklessly caused severe emotional distress to Plaintiff Gardner.

**COUNT I - INFRINGEMENT OF THE '751 PATENT**

506. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth herein.

507. Defendant has committed and is continuing to commit direct acts of infringement of the '751 Patent under 35 U.S.C. § 271(b).

508. Plaintiffs have been damaged as a direct result of the infringement of the '751 Patent.

509. Plaintiffs will continue to be damaged unless further infringement is enjoined under 35 U.S.C. § 283.

510. Plaintiffs are entitled under 35 U.S.C. § 284 to an award of damages adequate to compensate Plaintiff for Defendant's infringement of the '751 Patent.

511. Had it not been for Defendant's infringing conduct, Plaintiffs would have made many, if not all of the sales that Defendant made of its infringing products.

512. Plaintiffs are therefore entitled to an award of the lost profits that Plaintiffs would have made but for Defendant's unlawful sales.

513. Plaintiffs are entitled to no less than a reasonable royalty rate for the infringement and use made of the '751 Patent by Defendant with interest and costs.

514. On information and belief, Defendant's past and continuing infringement of the '751 Patent has been and continues to be deliberate and willful.

515. Defendant's conduct warrants an award of treble damages pursuant to 35 U.S.C. § 284.

516. As this is an exceptional case, Plaintiffs are entitled to an award of reasonable attorney fees under 35 U.S.C. § 285.

**COUNT II – INDUCED INFRINGEMENT OF THE '751 PATENT**

517. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth herein.

518. Defendant has induced and is continuing to induce acts of infringement of the '751 Patent under 35 U.S.C. § 271(b) by actively inducing others to infringe the '751 Patent.

519. Defendant had knowledge of the '751 Patent.

520. Defendant was put on notice of infringement of the '751 Patent.

521. Defendant's sales and offers for sale of its infringing products induced the infringing acts of others.

522. Defendant knew that sales and offers for sale of its infringing products would induce actual infringement of the '751 Patent by others.

523. Defendant, through its owner Peterson, directed others to purchase and use its infringing products.

524. Plaintiffs have been damaged as a direct result of the induced infringement of the '751 Patent.

525. Plaintiffs will continue to be damaged unless further induced infringement is enjoined under 35 U.S.C. § 283.

526. Plaintiffs are entitled under 35 U.S.C. § 284 to an award of damages adequate to compensate Plaintiff for Defendant's induced infringement of the '751 Patent.

527. Plaintiffs are entitled to in no event less than a reasonable royalty rate for the induced infringement and use made of the '751 Patent by Defendant with interest and costs.

528. Defendant's past and continuing induced infringement of the '751 Patent has been and continues to be deliberate and willful.

529. Defendant's conduct warrants an award of treble damages pursuant to 35 U.S.C. § 284.

530. As this is an exceptional case, Plaintiffs are entitled to an award of reasonable attorney fees under 35 U.S.C. § 285.

**COUNT III – KANSAS COMMON LAW DEFAMATION**

531. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth herein.

532. Defendant has made false and defamatory statements about Plaintiff Gardner.

533. Defendant has posted the false and defamatory statements about Plaintiff Gardner on Facebook to the members of The Fluorescent Mineral Mart and Fluorescent Minerals Facebook groups.

534. The false and defamatory statements about Plaintiff Gardner posted Facebook to the members of The Fluorescent Mineral Mart and Fluorescent Minerals Facebook groups by Defendant, have damaged the reputation of Plaintiff Gardner.

535. Plaintiff Gardner has suffered actual damages as a result of Defendant's false and defamatory statements.

536. Defendant's false and defamatory statements were made willfully and wantonly, with malice.

**COUNT IV – KANSAS COMMON LAW LSE LIGHT**

537. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth herein.

538. Defendant has made false and defamatory statements to third parties about Plaintiff Gardner.



539. Defendant has published the false and defamatory statements to third parties about Plaintiff Gardner.

540. Defendant's false and defamatory statements about Plaintiff Gardner to third parties were highly offensive to a reasonable person.

541. Plaintiff Gardner has suffered mental distress as a result of Defendant's false and defamatory statements made publicly to third parties.

542. Plaintiff Gardner has suffered actual damages as a result of Defendant's false and defamatory statements.

543. Defendant's false and defamatory statements were made willfully and wantonly, with malice.

544. Defendant's false and defamatory statements were extreme and outrageous.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray that this court enter judgment in their favor against Defendant, and award the following relief:

- A. A judgment that Defendant has infringed the '751 Patent;
- B. A judgment that Defendant has induced infringement of the '751 Patent;
- C. A judgment and order preliminarily and permanently restraining and enjoining Defendant, its officers, directors, agents, servants, employees, attorneys, subsidiaries, affiliates, and all those acting in concert with or under or through them, from inducing or facilitating others to infringe the '751 Patent, or otherwise directly or indirectly committing further acts of infringement of the '751 Patent;

D. A judgment and order requiring Defendant to pay actual damages to Plaintiffs adequate to compensate them for Defendant's wrongful infringing acts in accordance with 35 U.S.C. § 284;

E. A judgment and order requiring Defendant to pay increased damages up to three times, in view of its willful and deliberate infringement of the '751 Patent;

F. A finding in favor of Plaintiffs that this is an exceptional case under 35 U.S.C. § 285 and award to Plaintiffs their costs, including reasonable attorney's fees and other expenses incurred in connection with this action;

G. A judgment and order requiring Defendant to pay Plaintiffs' pre-judgment interest under 35 U.S.C. § 284 and post-judgment interest under 28 U.S.C. § 1961 on all damages awarded;

H. A judgment and order of temporary and permanent injunction to prevent or restrain Defendant from infringement of the '751 Patent;

I. A judgment and order impounding and destructing of all of Defendant's infringing products;

J. A judgement that Defendant has defamed Plaintiff Gardner;

K. A judgement that Defendant has invaded the privacy of Plaintiff Gardner;

L. A judgment Defendant's conduct was willful and outrageous;

M. An award of actual damages for Defendant's defamation of Plaintiff Gardner;

N. An award of actual damages for Defendant's invasion of Plaintiff Gardner's privacy;

O. An award of punitive damages; and

P. Such other and further relief as the Court deems just and appropriate.

**REQUEST FOR JURY TRIAL**

Plaintiffs hereby request trial by jury of all issues so triable.

**DESIGNATION OF PLACE OF TRIAL**

Plaintiffs hereby designate Kansas City, Kansas as the place of trial.

Respectfully submitted,

By: /s/ James J. Kernell

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