

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LUMINATION, LLC,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	
)	JUDGE
FAWOO TECH NORTH AMERICA, LLC)	
)	COMPLAINT FOR PATENT
and)	INFRINGEMENT AND DEMAND
)	FOR JURY TRIAL
FAWOO TECHNOLOGY CO. LTD.)	
)	
Defendants.)	
)	
)	
)	
)	

Plaintiff, Lumination, LLC (“Lumination”), by its attorneys and for its Complaint against Defendants, Fawoo Tech North America, LLC and Fawoo Technology Co. Ltd. (collectively, “the Defendants”), alleges and states as follows:

THE PARTIES, JURISDICTION AND VENUE

1. Lumination is a Delaware Limited Liability Company having its principal place of business located at 1975 Noble Road, NELA Park, East Cleveland, OH 44112.
2. Lumination is a designer, developer, manufacturer, and seller of LED lighting systems and solutions.
3. Upon information and belief, Fawoo Tech North America, LLC is a Delaware limited liability company having a place of business at 60B Tenean Street, Boston, MA 02122.

4. Upon information and belief, Fawoo Technology Co. Ltd. is a Korean company having a place of business at #102-802, Buchun Techno Park #364 Samjung-dong, Ojung-gu Buchun, Kyungki-Do, 421-740 South Korea.

5. Upon information and belief, the Defendants import, make, sell, offer to sell, and/or use light emitting diode (LED) lamps for use in general and commercial lighting applications marketed under the "LumiDas" designation.

6. This is a complaint for patent infringement pursuant to 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction over Lumination's claims pursuant to 28 U.S.C. §§ 1331 and 1338.

7. Venue in this Court is based on 28 U.S.C. §§ 1391 and 1400. The Defendants sell their products, including LED lamps for use in general and commercial lighting applications marketed under the "LumiDas" designations, through various distributors in this District, including Next Generation Lighting Supply (or NGL Supply), located at 2236 S. 3270 W #5, Salt Lake City, Utah 84119.

CLAIM FOR PATENT INFRINGEMENT

8. Plaintiff realleges and incorporates herein by reference the allegations of the foregoing paragraphs as though set forth herein.

9. On September 7, 2004, U.S. Patent No. 6,787,999 ("the '999 patent") entitled "LED-BASED MODULAR LAMP" was duly and legally issued to Tomislav J. Stimac, James T. Petroski, Robert J. Schindler and Greg E. Burkholder and assigned to GELcore, LLC (now known as Lumination, LLC). A true and correct copy of the '999 patent is attached to this Complaint as Exhibit A.

10. On October 5, 2004, U.S. Patent No. 6,799,864 (“the ‘864 patent”) entitled “HIGH POWER LED POWER PACK FOR SPOT MODULE ILLUMINATION” was duly and legally issued to Christopher L. Bohler, Anthony D. Pollard, Greg E. Burkholder, James T. Petroski, Matthew L. Sommers, Robert F. Karlicek, Jr., Stanton E. Weaver, Jr., and Charles A. Becker and assigned to GELcore, LLC (now known as Lumination, LLC). A true and correct copy of the ‘864 patent is attached to this Complaint as Exhibit B.

11. Upon information and belief, the Defendants have infringed and continue to infringe the ‘999 and ‘864 patents by importing, making, selling, offering to sell, and/or using certain LED lamps embodying the patented invention or inducing or contributing to the infringement by others of the ‘999 and ‘864 patents, and will continue to do so unless enjoined by this Court.

12. Upon information and belief, the Defendants have caused or will cause, by their infringing conduct and their inducement or contributing to infringement by others, irreparable harm to Lumination for which there is no adequate remedy at law.

13. Upon information and belief, the Defendants have engaged in their conduct willfully and in complete disregard of, or with indifference to, Lumination’s rights and interests.

14. As a result of the Defendants’ actions, Lumination has suffered and continues to suffer substantial injury, including irreparable injury, which will result in damages to Lumination, including loss of sales and profits, which Lumination would have made but for the infringement by the Defendants, unless the Defendants are enjoined by this Court.

WHEREFORE, Lumination prays that this Court:

A. Enter judgment that the Defendants have infringed, actively induced others to infringe, and/or contributorily infringed the '999 and '864 patents.

B. Permanently enjoin the Defendants and their officers, agents, servants, employees, and attorneys, and those in active concert or participation with them who receive actual notice of the Order, from importing, manufacturing, using, selling and/or offering for sale devices which infringe the '999 and '864 patents.

C. Issue an Order directing the Defendants and their officers, agents, servants, employees, and attorneys, and those acting in concert and participation with them who receive actual notice of the Order, to destroy all infringing products as well as all molds, machines, tooling, or other equipment used in the manufacture of products infringing the '999 and '864 patents.

D. Award Lumination monetary damages adequate to compensate it for past infringement consistent with 35 U.S.C. § 284, up to and including treble the amount of actual damages assessed, together with costs and prejudgment interest.

E. Adjudge and decree this case exceptional under 35 U.S.C. § 285 and award Lumination its reasonable attorneys' fees.

F. Grant and award any and all relief found necessary and proper under these circumstances.

JURY DEMAND

Lumination requests a trial by jury on its claims.

Respectfully submitted,

Date: May 12, 2010

/s/ John S. Zanghi
Scott M. McCollister
John S. Zanghi (0065108)
FAY SHARPE LLP
1228 Euclid Avenue, Fifth Floor
Cleveland, Ohio 44115
Telephone: (216) 363-9000
Facsimile: (216) 363-9001
Email: smccollister@faysharpe.com
jzanghi@faysharpe.com

Attorneys for Plaintiff Lumination, LLC