

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

EPISTAR CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO.: 6:20-cv-00420-ADA
	)	
LOWE'S COMPANIES, INC., LOWE'S HOME CENTERS, LLC,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendants.	)	
	)	
	)	

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**SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT  
AND DEMAND FOR JURY TRIAL**

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

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

**THE PARTIES**

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

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

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


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

### **JURISDICTION AND VENUE**

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

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



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



Waco Lowe's >

Open till 7PM

Search by Name, Keyword or Item Number

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Shop Ideas Savings Services
Order Status Lowe's Credit Cards Weekly Ad

Open until 7PM

## Waco Lowe's

**CURBSIDE PICKUP IS NOW AVAILABLE AT YOUR STORE**

1 Order online and select **FREE Store Pickup** at checkout.

2 You'll receive an email when your order is ready for pickup.

3 Park in one of the designated Curbside Pickup spaces. Call the store and have your ID ready. An associate will bring your order to your vehicle.

If you prefer to pick up your order in store, simply visit the customer service desk.


ADDRESS	CONTACT	HOURS	SHOP
201 North New Rd Waco, TX 76710 Store #0129	Mail: (254) 776-9300 Pro Desk: (254) 224-0211 Fax: (254) 776-3651	Monday: 6:00 a.m. - 7:00 p.m. Tuesday: 6:00 a.m. - 7:00 p.m. Wednesday: 6:00 a.m. - 7:00 p.m. Thursday: 6:00 a.m. - 7:00 p.m. Friday: 6:00 a.m. - 7:00 p.m. Saturday: 6:00 a.m. - 7:00 p.m. Sunday: 6:00 a.m. - 7:00 p.m.	<a href="#">Weekly Ad</a>

### STORE DETAILS

Located in Waco, TX, your local Lowe's has everything you need for your next job or home improvement project.

We offer a wide variety of healthy plants and flowers, DIY workshops and a specialized ProService desk just for our pro customers. Whether you're looking for the best deals on major appliances, tools, paint or patio furniture, you'll find them and more at the Waco Lowe's.

And if you have any questions or need help, our friendly and knowledgeable staff are always around to assist. We'll see you soon!



### STORE FEATURES

- Garden Center
- Truck Rental
- Key Copy
- Dog-Friendly

Figure 1.



**Figure 2.**

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

The screenshot displays the GE Lighting website interface. At the top, there is a navigation bar with the GE logo, a search bar, and utility icons. Below the navigation, a large banner features the 'reveal' logo and the text 'Our Best Light, Your Finishing Touch', accompanied by an image of a kitchen sink with a faucet and a box of reveal LED lights. A 'SHOP NOW' button is visible. Below this banner, a section titled 'WHY GE LIGHTING?' provides information about the quality and variety of GE products. The 'SHOP GE HOLIDAY' section features three columns of images and text: 'Pre-Lit Artificial Christmas Trees', 'Individually Addressable Christmas Lights', and 'LED Christmas Lights'. The 'HIGH-DEFINITION LED LIGHTS' section includes three columns: 'Reveal HD-LED' for kitchen use, 'Reveal HD-LED' for bedroom use, and 'Reveal HD-LED' for living room use. The 'AN LED FOR EVERY PURPOSE' section shows three types of light bulbs: 'LUMINOUS' (standard incandescent-style bulb), 'REVEAL LUMINOUS SPOTLIGHTS' (spotlight-style bulb), and 'LUMINOUS' (candle-style bulb).

**GE Lighting**

**reveal**

**Our Best Light, Your Finishing Touch**

GE Reveal's premium light fixtures and multifunctional LED products for enhanced color contrast, whiter whites and exceptional clarity.

**SHOP NOW**

**WHY GE LIGHTING?**

GE Lighting and we've teamed up to make an easier way to shop for exceptional lighting, a light bulb, also exclusively made up of GE products. Explore our wide range of products for every feature, room and mood including GE high-definition LED light bulbs, GE smart light bulbs, LED lights, fluorescent, night lights and more.

GE's best light, Reveal HD+ LED, is built for the next level with an exclusive Quad-View Light Technology. It's the combination of Quad-View LED that offers 30% more light than a standard LED bulb and another benefit from GE, the Reveal Lighting.

**SHOP GE HOLIDAY**

**Pre-Lit Artificial Christmas Trees**  
GE's Pre-Lit Artificial Christmas Trees are designed with realistic branch tips to provide natural, enduring a sparkling look all year.

**Individually Addressable Christmas Lights**  
For new holiday, GE Christmas lights have been the number one choice for holiday lighting with the industry's highest resolution.

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

**HIGH-DEFINITION LED LIGHTS**

**Reveal HD-LED**  
The best from GE, Reveal HD+ LED offers you the best white light to get you closer and closer, offer an offer white white for exceptional clarity.

**Reveal HD-LED**  
The enhanced soft glow helps provide the optimal light for comfortable moments and any space.

**Reveal HD-LED**  
The enhanced design helps provide the best lighting light perfect for emergency moments and any space.

**AN LED FOR EVERY PURPOSE**

**LUMINOUS**  
The affordable, long-lasting, energy-efficient solution for basic illumination in any home.

**REVEAL LUMINOUS SPOTLIGHTS**  
Reveal our modern space with ultra-brightness, long-lasting, energy-efficient lighting.

**LUMINOUS**  
Candles, candles and more LED bulbs all share in the spirit.

Figure 3.

**LOWE'S** Waco Lowe's > Open till 7PM

What are you looking for today?

Shop Ideas Savings Services Order Status Lowe's Credit Cards Weekly Ad

Lighting & Ceiling Fans > Light Bulbs

## Reveal | Light Bulbs

Series Name: **Reveal** Clear All Sort by: **Featured**

**Department**

- Decorative Light Bulbs (13)
- Fluorescent Light Bulbs (1)
- General Purpose LED Light Bulbs (17)
- Halogen Light Bulbs (13)
- Incandescent Light Bulbs (13)
- Spot & Flood LED Light Bulbs (10)

**Availability**

- FREE Pickup Today at Waco Lowe's (change store)

**Series Name**

- Classic (135)
- Reflex (107)
- Ecolux (164)
- Basic (98)
- LTD (75)
- [Show More](#)

**Bulb Shape**

- A-style (30)
- Candle (8)
- Globe (8)
- Reflector (5)

Product Name	Item #	Model #	Rating	Price
GE Reveal 65-Watt EQ LED B70 Color-Enhancing Dimmable...	#952306	#15179	★★★★★ (220)	\$35.48
GE Reveal 60-Watt EQ A19 Color-enhancing Dimmable LED Light Bulb	#952432	#12643	★★★★★ (248)	\$7.48 - \$24.98
GE Reveal 60-Watt EQ B10 Color-enhancing Dimmable Candle Bulb...	#916547	#13145	★★★★★ (116)	\$15.98
GE Reveal 85-Watt EQ LED B49 Color-enhancing Dimmable Spotlight Ligh...	#916547	#13145	★★★★★ (57)	\$19.98

Figure 4.



Figure 5.



Figure 6.



Figure 7.



Figure 8.



Figure 9.



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



**Figure 10.**

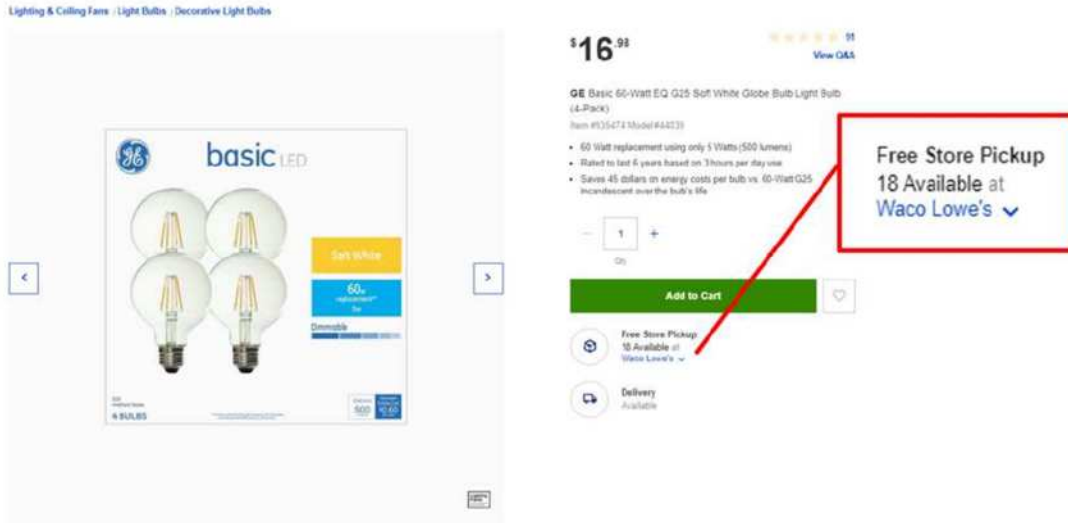


Figure 11.



Figure 12.

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

**\$22.99** ★★★★★ 127  
View Q&A

**GE Relax 60-Watt EQ A19 Soft White Dimmable LED Light Bulb (8-Pack)**  
Item #552356 Model #44900

- 60 Watt replacement using only 8.5 Watts (800 lumens)
- Rated to last 13 years based on 3 hours per day use
- Saves \$4 dollars on energy costs per bulb vs. 60-Watt incandescent over the bulb's life

Package Quantity:

–  +  
Qty

**Add to Cart**

**Free Store Pickup**  
Available in Waco Love's  
Aisle 2 | Bay 1

**Delivery Available**

Figure 13.

**GE** **refresh LED** Energetic Daylight **HD LIGHT**

Enhanced Color Contrast & Boldness

**2x LIFE**  
vs. 7500 hour GE Basic LED

Daylight

60<sub>w</sub> replacement\*\*  
8.5<sub>w</sub>

Dimmable

A19 medium base  
**8 BULBS**

800 lumens Estimated Energy Cost \$1.02 per year

\*\*Based on the power equivalent to a 60-watt, household incandescent bulb. © 2017 GE Lighting

Figure 14.



**Figure 15.**

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

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

13. As discussed in the paragraphs above, LCI and its subsidiaries operate physical retail stores in this District, owned by LHC, that sell the products accused of infringement. *See Exhibit 11* at 5 ("Lowe's Companies, Inc. and subsidiaries (the Company or Lowe's) is a

Fortune® 50 company and the world's second largest home improvement retailer. As of January 31, 2020, Lowe's operated 1,977 home improvement and hardware stores, representing approximately 208 million square feet of retail selling space."); *id.* at second cover page ("Lowe's Companies, Inc. (NYSE: LOW) is a FORTUNE® 50 home improvement company . . . Lowe's and its related businesses operate or service more than 2,200 home improvement and hardware stores and employ approximately 300,000 associates.").

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



**Figure 16.**

15. LCI and its subsidiaries also operate an FDC in Texas, Lowe's Ennis, TX FDC #1425, at 4501 Knighthurst Road, Ennis, TX 75119 and a Specialty Distribution Center in Texas, Lowe's Franklin County, TX SDC #983, at 983 Lowe's Lane, Mt. Vernon, TX 75457. Exhibit 12. The FDCs "distribute merchandise that requires special handling due to the size or type of packaging," and the Specialty Distribution Center "provide[s] centralized distribution for merchandise which is non-cartoned or irregularly shaped, requiring special handling." See Exhibit 12; Exhibit 11 at 6.

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

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

18. The two entities operate under the same "Lowe's" branded logo. See, e.g., Exhibit 11 at 6.

19. Lowe's employees and its public facing websites also portray a single company to the public. For example, LCI's official LinkedIn page lists more than 600 employees in the Austin, Texas area. Exhibit 17. Lowe's customer facing website (www.lowes.com) includes a "company information" page describing LCI, and LCI's Annual Report repeatedly makes reference to Lowes.com as its website. See, e.g., Exhibit 11 at 10 ("Our Annual Report, quarterly reports on Form 10-Q, current reports on Form 8-K and amendments to those reports filed or furnished pursuant to Section 13(a) or 15(d) of the Securities Exchange Act of 1934, as

amended, are made available free of charge through our internet website at [www.Lowe.com/investor](http://www.Lowe.com/investor) . . . "); *see also* Figure 17, below (showing public back cover page of annual report).



**Figure 17.**

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

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

### **FACTUAL BACKGROUND**

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

### **EPISTAR**

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

efficiency." *See* [http://www.ledinside.com/interview/2016/7/epistar improves product structure and profitability by specializing in niche led lighting applications](http://www.ledinside.com/interview/2016/7/epistar%20improves%20product%20structure%20and%20profitability%20by%20specializing%20in%20niche%20led%20lighting%20applications) (April 9, 2020). For example, U.S. Patent No. 7,560,738 ("the '738 patent"), developed by Epistar and issued on July 14, 2009, discloses an LED array that overcomes drawbacks of previous designs.

24. As early as 2013, Epistar successfully developed its LED filament bulb which was awarded the Taiwan Outstanding Photonics Product Award 2013. *See* [https://www.sipa.gov.tw/english/home.jsp?serno=201003210073&mserno=201003210006&menudata=EnglishMenu&contlink=ap/manufacturers 3 1.j sp&level2=Y&dataserno=201312090007](https://www.sipa.gov.tw/english/home.jsp?serno=201003210073&mserno=201003210006&menudata=EnglishMenu&contlink=ap/manufacturers%203%201.jsp&level2=Y&dataserno=201312090007) (April 9, 2020).

25. Epistar has received numerous industry awards over the years for its innovations in LED technology, including an Outstanding Photonics Product Award at the 13th International Nano Exposition for the design of its Flexible LED Lighting System. *See* [https://www.sipa.gov.tw/english/home.jsp?serno=201003210073&mserno=201003210006&menudata=EnglishMenu&contlink=ap/manufacturers 3 1.j sp&level2=Y&dataserno=201312090007](https://www.sipa.gov.tw/english/home.jsp?serno=201003210073&mserno=201003210006&menudata=EnglishMenu&contlink=ap/manufacturers%203%201.jsp&level2=Y&dataserno=201312090007) (April 9, 2020). In 2019, Epistar received the Taiwan Excellence Award for its GaN High Electron Mobility Transistor for LED lighting application. *See* <https://www.taiwanexcellence.org/en/award/product/41845> (April 9, 2020).

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



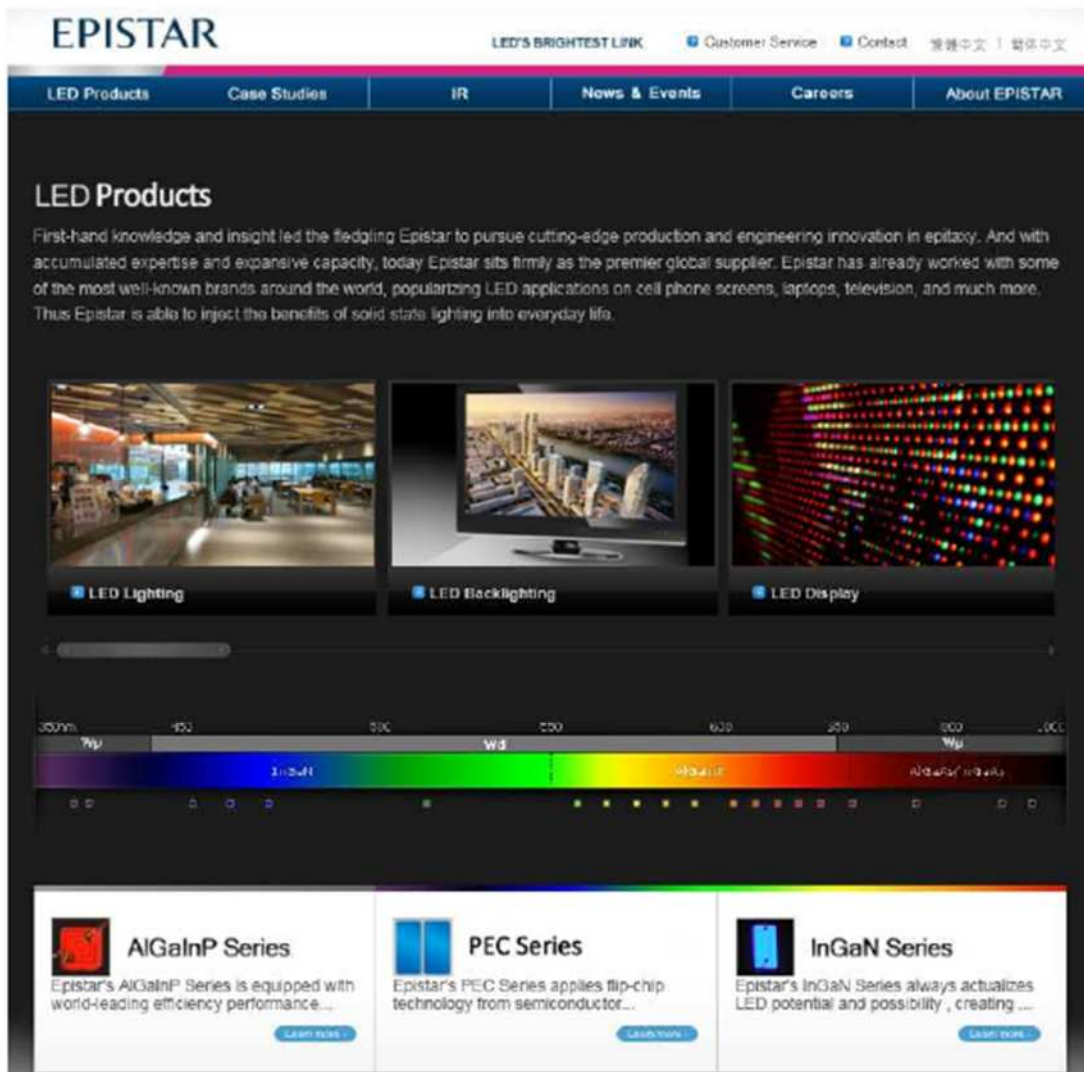


Figure 18.

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

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

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

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

30. , but not limited to, the GE Basic 60-Watt EQ G25 Soft White Globe Bulb Light Bulb (Item No. 935474, Defendants have, and continue to, offer for sale and sell infringing LED bulbs since at least as early as 2010, including Model No. 44039); GE Relax 60-Watt EQ A19 Soft White Dimmable LED Light Bulb (Item No. 952356, Model No. 44930); GE Refresh 60-Watt EQ A19 Daylight Dimmable LED Light Bulb (Item No. 952362, Model No. 44937) and similar products (the "Accused Products"). *See e.g.*, <https://www.lowes.com/pd/GE-Basic-60-Watt-EQ-G25-Soft-White-Globe-Bulb-Light-Bulb-4-Pack/1000449077> (May 14, 2020); <https://www.lowes.com/pd/GE-Relax-60-Watt-EQ-A19-Soft-White-Dimmable-LED-Light-Bulb-8-Pack/1000444903> (May 14, 2020); <https://www.lowes.com/pd/GE-Refresh-60-Watt-EQ-A19-Daylight-Dimmable-LED-Light-Bulb-8-Pack/1000444975> (May 14, 2020); *see also* <https://www.lowes.com/b/gelighting.html> (May 14, 2020) ("GE Lighting and Lowe's have teamed up to create an easier way to shop for exceptional lighting: a light bulb aisle exclusively made up of GE products. Explore our wide range of products for every fixture, room and mood including GE high definition LED light bulbs, GE smart light bulbs, LED lights, fluorescents, night lights and more."). At least Lowe's GE Refresh Series lightbulbs, GE Relax Series lightbulbs, GE Basic Series lightbulbs, GE Reveal Series lightbulbs, and GE Vintage Series lightbulbs that include one or more LED filaments infringe the asserted claims of the patents-in-suit including, but not limited to, LED lightbulb models listed in Exhibit 18.

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

32. As its web page explains, the GE Basic 60-Watt EQ G25 Soft White Globe Bulb Light Bulb "provide[s] a long-lasting, energy-efficient alternative to incandescent and halogen

light bulbs" and "illuminate[s] your home with warm soft white light." *See*

<https://www.lowes.com/pd/GE-Basic-60-Watt-EQ-G25-Soft-White-Globe-Bulb-Light-Bulb-4-Pack/1000449077> (May 14, 2020). The website further explains "[c]ompared to CFL light

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

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

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

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

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

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

### **THE COMMERCIAL LED MARKET**

38. With constant innovation in emission efficiency and product design by companies like Epistar, the commercial LED industry is still growing at a promising rate. Industry reports

indicate that "LED Lighting market to Worth USD 33.1B as Market Penetration Rate Hit 52% by 2017."

[http://www.ledinside.com/intelligence/2016/11/ledinside\\_led\\_lighting\\_market\\_to\\_worth\\_usd\\_33\\_b\\_as\\_market\\_penetration\\_rate\\_hit\\_52\\_by\\_2017](http://www.ledinside.com/intelligence/2016/11/ledinside_led_lighting_market_to_worth_usd_33_b_as_market_penetration_rate_hit_52_by_2017) (May 14, 2020). "In addition, American major manufacturers are actively developing LED lighting business, with the rising LED lighting penetration rate." *Id.*

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

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

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

41. On May 30, 2017, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,664,340 ("the '340 patent"), entitled "Light Emitting Device," to inventors Chiu-Lin Yao, Min-Hsun Hsieh, Been-Yu Liaw, Wei-Chiang Hu, Po-Hung Lai, Chun-Hung Liu, Shih-An Liao, Yu-His Sung, and Ming-Chi Hsu. Epistar is the owner of the '340 patent. A true and correct copy of the '340 patent is attached hereto as Exhibit 4.

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

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

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

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

45. Defendants learned about the '881 patent in connection with a patent infringement lawsuit Epistar brought against Adamax, Inc. (d/b/a Newhouse Lighting) in 2016 in the Northern District of California involving those patents. *See Epistar Corp. v. Adamax, Inc. (d/b/a Newhouse Lighting*, Case No. 16-cv-4981 (N.D. Cal.).

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

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

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

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

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

**FIRST CAUSE OF ACTION**

**(Voluntarily Withdrawn)**

**SECOND CAUSE OF ACTION**

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

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

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

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

54. Regarding infringement under U.S.C. § 271(c), Defendants had knowledge of the '881 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '881 patent. Defendants have and continue to contributorily infringe, and will continue to contributorily infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '881 patent. Defendants have contributorily infringed the '881 patent by offering to sell, selling, and/or importing into the United States a component constituting a material part of the invention disclosed in the '881 patent, knowing the same to be made or adapted specially for use in the infringement of the '881 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. Defendants are therefore liable for indirect infringement of the '881 patent pursuant to 35 U.S.C. § 271(c).

55. Unless enjoined by this Court, Defendants will continue to infringe the '881 patent, and Epistar will continue to suffer irreparable harm for which there is no adequate

remedy at law. Accordingly, Epistar is entitled to preliminary and permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

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

**THIRD CAUSE OF ACTION**

**(Voluntarily Withdrawn)**

**FOURTH CAUSE OF ACTION**

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

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

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

59. Regarding infringement under 35 U.S.C. § 271(b), Defendants had knowledge of the '340 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified herein infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '340 patent. Defendants have induced and encouraged the direct infringement of the '340 patent by Defendants' customers, resellers, retailers, and end users by intentionally directing them and encouraging them to make, use, sell, and/or offer to sell within the United



States and/or to import into the United States one or more devices that embody the patented invention and that incorporate the accused products and systems identified above. Defendants provide support to instruct its customers on how to use the infringing technology. Defendants are therefore liable for indirect infringement of the '340 patent pursuant to 35 U.S.C. § 271(b).

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

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

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

**FIFTH CAUSE OF ACTION**

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

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

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

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

66. Regarding infringement under U.S.C. § 271(c), Defendants had knowledge of the '455 patent at least as of the filing of this Complaint and had knowledge that the products and systems identified infringe, either literally and/or under the doctrine of equivalents, one or more

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

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

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

#### **PRAYER FOR RELIEF**

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

- a. That Defendants are liable for infringement, contributing to the infringement, and/or inducing the infringement of one or more claims of the Patents-in-Suit, as alleged herein;
- b. That such infringement is willful;
- c. That Defendants and their parents, subsidiaries, affiliates, successors, predecessors, assigns, and the officers, directors, agents, servants, and employees of each of the foregoing, customers and/or licensees and those persons acting in concert or participation with

any of them, are enjoined and restrained from continued infringement, including but not limited to using, making, importing, offering for sale and/or selling products that infringe, and from contributorily and/or inducing the infringement of the Patents-in-Suit prior to their expiration, including any extensions;

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

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

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

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

h. Costs and expenses in this action;

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

#### **DEMAND FOR JURY TRIAL**

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

Dated: July 20, 2022

/s/ James C. Yoon

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*Attorneys for Plaintiff Epistar Corporation*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record, who are deemed to have consented to electronic service are being served this date with a copy of the foregoing document. Any other counsel of record will be served by electronic mail, facsimile and/or first-class mail on this same date.

Dated: July 20, 2022

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ James C. Yoon

*Attorneys for Plaintiff Epistar Corporation*