UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

LITEPANELS, LTD, Plaintiff, v. GTM, INC. t/a FLUOTEC INTERNATIONAL, Defendant.	Civil Action No. 5:22-cv-00113 **DEMAND FOR JURY TRIAL**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Litepanels, Ltd. ("Litepanels") for its Complaint against Defendant, GTM, Inc. ("Fluotec"), hereby alleges as follows:

PARTIES

1. Litepanels is a United Kingdom private limited company with its principal place of business located at Bridge House, Heron Square, Richmond, TW9 1EN, United Kingdom.

2. Fluotec is an entity organized under the laws of the State of Texas with its principal place of business at 14213 Distribution Avenue, Laredo, Texas, 78045, United States.

JURISDICTION AND VENUE

3. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq.*, for which this Court has jurisdiction of the subject matter under 28 U.S.C. §§ 1331 and 1338(a).

4. Upon information and belief, Fluotec is subject to personal jurisdiction of this Court because Fluotec is a Texas domestic corporation organized under the laws of Texas, with its principal place of business in this District, and having done, and currently doing, business in

this District, including offering for sale, selling and distributing certain of its LED-based photographic lighting products which infringe one or more of Plaintiff's patents identified herein (the "Accused Products"), directly to Texas consumers and/or to Texas distributors with actual knowledge and/or expectation that the Accused Products would be sold in Texas and purchased by consumers in Texas and/or will be used by consumers in Texas.

5. Therefore, the exercise of jurisdiction over Fluotec is proper under the applicable jurisdictional statutes and would not offend traditional notions of fair play and substantial justice.

6. Venue is proper in this Court under 28 U.S.C. § 1400(b) and 28 U.S.C. § 1391(b) because Fluotec has its principal place of business in this district and/or has sufficient minimum contacts with the State of Texas and has committed acts of infringement in this District by way of its actual knowledge and/or expectation that the Accused Products have been sold in Texas and purchased by consumers in Texas, and/or will be used by consumers in Texas.

FACTUAL BACKGROUND

7. Throughout its history, Litepanels has made substantial investments to research, develop, and manufacture an array of technically innovative and commercially successful products.

8. This commitment to research, development, and quality manufacturing processes, gave rise to the Litepanels brand of high quality, light emitting diode ("LED") based lighting systems, including the Litepanels brand Gemini and Astra product lines, which have become staples of the United States motion picture, television, and still photography industries.

9. Litepanels acts diligently and aggressively to secure protection for the fruits of its ongoing investments. Litepanels has numerous issued United States and international patents for its innovations including, but not limited to, the following United States Patents: 7,972,022 (the

"'022 patent"); 7,318,652 (the "'652 patent"); and 7,510,290 (the "'290 patent") (collectively, the "Asserted Patents").[1]

10. Litepanels has consistently and continuously marked its products which practice the Asserted Patents in compliance with 35 U.S.C. § 287, and to the extent Litepanels licenses the Asserted Patents to third parties, it requires that such third parties also mark their products which practice one or more of the Asserted Patents.

11. As the popularity and goodwill associated with the Litepanels brand of LED lighting systems products grew, so too did the number of foreign and U.S.-based operations attempting to capitalize on Litepanels' investments and innovations. Litepanels encountered numerous "knock-off" and other low-quality variations of Litepanels brand LED lighting systems products in the U.S. marketplace.

12. Included amongst the products Litepanels has encountered are certain models and/or product lines of LED lighting devices for illuminating the subject for film, photography or video manufactured by or for Fluotec and which Fluotec previously marketed, offered for sale, and sold, as well as currently marketed, offered for sale, and sold, in the United States, by Fluotec.[2]

13. Upon information and belief, the following chart ("Chart") depicts the specific Fluotec products and/or product lines previously sold or/or marketed for sale and/or currently for sale and/or being marketed for sale in the United States ("Accused Products") which directly and/or indirectly infringe the Asserted Patent.[3]

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[1] Plaintiff, pursuant to 35 U.S.C. § 286, seeks infringement damages for the period of time from six years prior to the date of the filing of the complaint through the term of the Asserted Patents.
[2] Plaintiff limits its claims that Fluotec currently markets, offers for sale, and sells the Accused Products only to those Accused Products manufactured and/or imported during the term of the Asserted Patents.
[3] Upon information and belief, the Accused Products identified in the Chart were previously sold or are currently offered for sale in the United States by Fluotec. Discovery may reveal that the Accused Products

PRODUCT AND/OR PRODUCT LINE	'022 PATENT	'652 PATENT	'290 PATENT
StudioLED (including but not limited to 250, 450, and 650)	X	X	X
Cinelight Studio (including, but not limited to, 30, 60, and 120)	X	X	X

14. Upon information and belief, Fluotec made and/or makes, imported and continue to import, marketed and/or markets, offered for sale and/or offers for sale, and sold and/or sells the Accused Products which incorporate, without license, many inventions developed by Litepanels and protected by the Asserted Patent.

COUNT I - INFRINGEMENT OF THE '022 PATENT

15. Plaintiff incorporates paragraphs 1 through 14 above by reference.

16. The '022 patent, entitled "Stand-Mounted Light Panel For Natural Illumination in Film, Television or Video," issued July 5, 2011 to inventors Rudy Pohlert, Pat Grosswendt, Kevin Baxter, and Ken Fisher.

17. Litepanels owns all right, title, and interest to the '022 patent, a copy of which is attached to this Complaint as Exhibit A.

18. Fluotec has infringed at least claim 1 of the '022 patent in this District and throughout the United States by importing, using, selling and/or offering for sale the Accused Products. Each of the Accused Products meet each and every limitation of at least claim 1 of the '022 patent. Fluotec has infringed literally and/or under the doctrine of equivalents.

19. For example, Fluotec marketed, offered for sale, and sold, as well as currently markets, offers for sale, and sells[4], through its retail location(s), website(s), and distribution

infringe additional patents beyond those identified in the Chart. Further, discovery may reveal additional products and/or product lines which infringe one or more of the Asserted Patents. Accordingly, Plaintiff reserves the right to amend its allegations with regard to Accused Products.

[4] *See* n.1, n.2, *supra*

center(s), certain of the Accused Products[5], including Fluotec's StudioLED 650 product (hereinafter, "StudioLED")[6] which is exemplary and representative of the Accused Products and—like all Accused Products—contains each element of and infringes at least claim 1 of the '022 patent, which recites the following:

> An apparatus for illuminating a subject for film, photography or video, the apparatus comprising:
>
> a frame having a front;
>
> a plurality of semiconductor light elements disposed on the front of the frame and configured to provide a continuous source of illumination, said semiconductor light elements having a color temperature suitable for image capture, at least one of said semiconductor light elements individually emitting light in a daylight color temperature range or a tungsten color temperature range; and
>
> a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted;
>
> wherein said frame is adapted for being mounted to and readily disengaged from a stand.

20. As confirmed by at least the following images and cited references, the StudioLED is an apparatus meant for illuminating a subject for film, photography or video. Fluotec advertised/advertises the StudioLED on its website as providing "photo quality daylight or tungsten color."[7]

21. The StudioLED includes a frame having a front as shown in the following image:[8] [9]

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[5] *See* Chart at ¶ 13, *supra*.

[6] *See e.g.,* http://www.fluotec.net/studioled-650-hp-daylight/ (visited May 21, 2019).

[7] *Id.*

[8] In *Litepanels v. Flolight, LLC*, the United States District Court for the Eastern District of Texas, Marshall Division, construed 'frame' as being a "supporting structure" and 'front' as being the "side from which light is emitted." *See Litepanels, LTD, et al v. Flolight, LLC,* 2:20-cv-00344 at Dkt. 57.

[9] http://www.fluotec.net/studioled-650-hp-daylight/ (visited May 21, 2019).

22. The StudioLED contains a plurality of semiconductor light elements disposed on the front of the frame and configured to provide a continuous source of illumination as shown in the following image:[10]

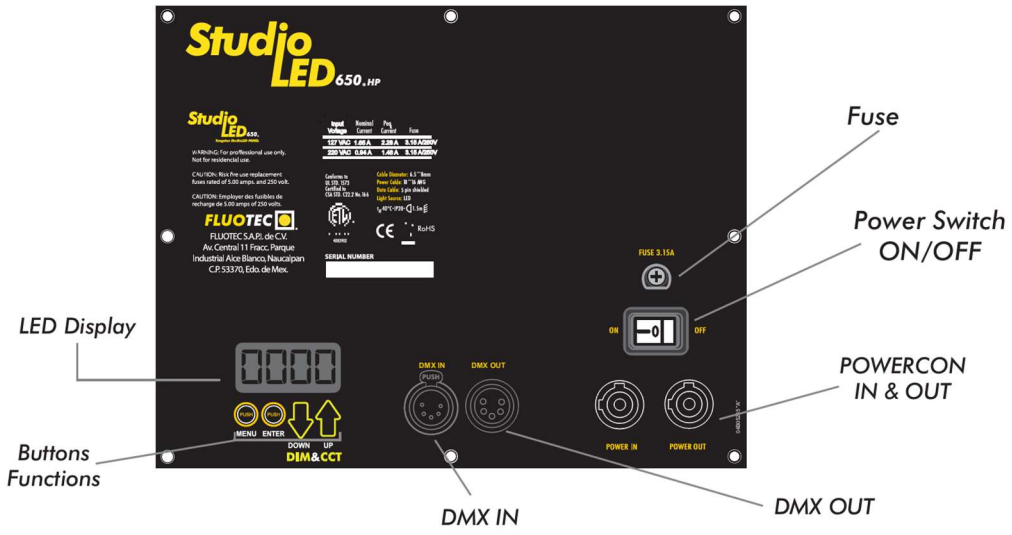
23. The semiconductor light elements on the StudioLED have a color temperature suitable for image capture which Fluotec markets as delivering "powerful and beautiful light that bring tri-dimensional atmospheres to the scenes and images, either in photography, in television, or in motion picture productions."[11]

[10] *Id.*

[11] https://fluotec.net/about-us/ (last visited September 27, 2022).

24. At least one of the semiconductor light elements on the StudioLED product emits light in a daylight color range or a tungsten color temperature range. Fluotec markets the StudioLED as available in a "daylight" version which has a daylight color temperature of "6200K" which Fluotec describes as "Pure Cool White Light"; available in a "tungsten" version which has a tungsten color temperature of "2700K" which Fluotec describes as "Pure Warm White Light"; and available in a "tunable" version capable of producing a color temperature from "2700 to 6200K," which represents the ability to produce in either the daylight or tungsten color temperature ranges.[12] [13] [14]

25. The StudioLED product contains a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted. Fluotec markets the StudioLED on its website using the following image related to adjustment of brightness via user adjusted "Up & Down buttons," and further stating that the "StudioLED […] can be dimmed manually on the rear of the unit, or by DMX console. […] to set dimming level from 1-100."[15]



[12] https://fluotec.net/studioled-650-hp-daylight/ (visited May 21, 2019).
[13] https://fluotec.net/studioled-650-hp-tungsten/ (visited May 21, 2019).
[14] https://fluotec.net/studioled-650-hp-tunable/# (visited May 21, 2019).
[15] http://fluotec.net/download/manual-operation/AN4910062_REV-B_STUDIOLED-650-HP_ING.pdf (last visited September 27, 2022).

26. The StudioLED frame is adapted for being mounted and readily disengaged from a stand. Fluotec's User Manual for the StudioLED provides specific and clear directions as to the stand mounting of the products, making it clear that the StudioLED frame is adapted for being mounted and readily disengaged from a stand, as follows:[16]

> "On Stand: Using the 5/8" female (not included) stand fitting. Choose proper size stand for fixture. Always use sufficient stabilizing weight on stand base. Allows mounting the fixture on 5/8" (not included) male stand stud. Make sure the stand is large enough to support the weight of the fixture while maintaining good balance at the desired height. Attach the female stand-fitting tightly to the yoke and rotate yoke so it is on the underside of the fixture."

27. Fluotec has never been licensed or otherwise authorized to practice the claims of the '022 patent.

28. As a direct and proximate cause of Fluotec's infringement of the '022 patent, Plaintiff has been damaged in an amount yet to be determined.

COUNT II - INFRINGEMENT OF THE '652 PATENT

29. Litepanels incorporates paragraphs 1 through 28 above by reference.

30. The '652 patent is entitled "Versatile Stand-Mounted Wide Area Lighting Apparatus" and issued January 18, 2008 to inventors Rudy Pohlert, Pat Grosswendt, Kevin Baxter, and Ken Fisher.

31. Litepanels owns all right, title, and interest to the '652 patent. A copy of the '652 patent is attached to this Complaint as Exhibit B.

32. Fluotec has infringed and continues to infringe at least claim 1 of the '652 patent in this District and throughout the United States by making, using, importing, selling, renting and/or offering for sale the Accused Products. Each of the Accused Products meet each and

[16] *Id.*

every limitation of at least claim 1 of the '652 patent. Fluotec has infringed and is currently infringing literally and/or under the doctrine of equivalents.

33. For example, Fluotec marketed, offered for sale, and sold, as well as currently markets, offers for sale, and sells[17] certain of the Accused Products[18], including Fluotec's StudioLED which is exemplary and representative of the Accused Products and contains each element of and infringes at least claim 1 of the '652 patent, which recites the following:

> A lighting system suitable to provide proper illumination for lighting of a subject in film or video, comprising:
>
> a portable frame having a panel including a mounting surface;
>
> a plurality of semiconductor light elements disposed on said mounting surface, said semiconductor light elements emitting light within a color temperature range suitable for image capture, at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature range; and
>
> a focusing element for adjusting the focus and/or direction of the light emitted by said semiconductor light elements;
>
> wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.

34. As confirmed by at least the following images and cited references, the StudioLED is a lighting system suitable to provide proper illumination for lighting of a subject in film or video. Fluotec advertised/advertises the StudioLED on its website as providing "photo quality daylight or tungsten color."[19]

35. The StudioLED includes a portable frame having a panel including a mounting surface as shown in the following image:[20] [21]

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[17] *See* n.2, n. 3, *supra*

[18] *See* Chart at ¶ 13, *infra*.

[19] *Id.*

[20] The term "frame" as used in the '652 Patent does not differ from the term's usage in the '022 Patent. The United States District Court for the Eastern District of Texas, Marshall Division, has construed the '022 Patent's use of the term 'frame' to mean "supporting structure." *See Litepanels, LTD, et al v. Flolight, LLC,* 2:20-cv-00344 at Dkt. 57.

[21] http://www.fluotec.net/studioled-650-hp-daylight/ (visited May 21, 2019).

36. The StudioLED contains a plurality of semiconductor light elements disposed on the mounting surface as shown in the following image:[22]

37. The semiconductor light elements on the StudioLED emit light within a color temperature range suitable for image capture which Fluotec markets as delivering "powerful and beautiful light that bring tri-dimensional atmospheres to the scenes and images, either in photography, in television, or in motion picture productions."[23]

[22] *Id.*
[23] https://fluotec.net/about-us/ (last visited September 27, 2022).

38. At least one of the semiconductor light elements on the StudioLED product emits light in a daylight color range or a tungsten color temperature range. Fluotec markets the StudioLED as available in a "daylight" version which has a daylight color temperature of "6200K" which Fluotec describes as "Pure Cool White Light"; available in a "tungsten" version which has a tungsten color temperature of "2700K" which Fluotec describes as "Pure Warm White Light"; and available in a "tunable" version capable of producing a color temperature from "2700 to 6200K," which represents the ability to produce in either the daylight or tungsten color temperature ranges.[24] [25] [26]

39. The StudioLED product contains a focusing element for adjusting the focus and/or direction of the light emitted by said semiconductor light elements. Fluotec advertises on its website that the StudioLED "output may be shaped and flagged using the included 4-leaf barndoor set, and the provided gel filter frame allows the use of colored gels, diffusion material, and other modifiers."[27]

40. The StudioLED's portable frame is adapted for being mounted and readily disengaged from a stand which Fluotec advertised/advertises on its website as having amongst its included accessories, a "stand mount spigot," and further stating that "a 5/8″ stand adapter [is] also included to provide a variety of mounting options."[28]

41. Fluotec has never been licensed or otherwise authorized to practice the claims of the '652 patent.

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[24] https://fluotec.net/studioled-650-hp-daylight/ (visited May 21, 2019).
[25] https://fluotec.net/studioled-650-hp-tungsten/ (visited May 21, 2019).
[26] https://fluotec.net/studioled-650-hp-tunable/# (visited May 21, 2019).
[27] *Id.*
[28] *Id.*

42. As a direct and proximate cause of Fluotec's infringement of the '652 patent, Plaintiff has been damaged in an amount yet to be determined.

COUNT III
INFRINGEMENT OF THE '290 PATENT

43. Plaintiff incorporates paragraphs 1 through 42 above by reference.

44. The '290 patent is entitled "Stand-Mounted Light Panel For Natural Illumination in Film, Television or Video" and issued March 31, 2009 to inventors Rudy Pohlert, Pat Grosswendt, Kevin Baxter, and Ken Fisher.

45. Litepanels owns all right, title, and interest to the '290 patent. A copy of the '290 patent is attached to this Complaint as Exhibit C.

46. Fluotec has infringed and continues to infringe at least claim 1 of the '290 patent in this District and throughout the United States by making, using, importing, selling, renting and/or offering for sale the Accused Products. Each of the Accused Products meet each and every limitation of at least claim 1 of the '290 patent. Fluotec has infringed and is currently infringing literally and/or under the doctrine of equivalents.

47. For example, Fluotec marketed, offered for sale, and sold, as well as currently markets, offers for sale, and sells[29] certain of the Accused Products[30], including Fluotec's StudioLED which is exemplary and representative of the Accused Products and contains each element of and infringes at least claim 1 of the '290 patent, which recites the following:

> An apparatus for illuminating a subject for film, photography or video, the apparatus comprising:
>
> a frame having a front;
>
> a plurality of semiconductor light elements disposed on the front of the frame and configured to provide a continuous source of illumination, said semiconductor light elements having a color temperature suitable for image

[29] *See* n.2, n. 3, *supra*
[30] *See* Chart at ¶ 13, *infra*.

capture, at least one of said semiconductor light elements individually emitting light in a daylight color temperature range or a tungsten color temperature range; and

a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted;

wherein said frame is adapted for being mounted to and readily disengaged from a stand and further comprises a stand adapter bracket configured to be mounted to and readily disengaged from said stand; and

wherein said stand adapter bracket comprises a yoke for mounting said frame, and wherein said frame is configured to swivel and/or tilt when mounted to said yoke.

48. As confirmed by at least the following images and cited references, the StudioLED is an apparatus meant for illuminating a subject for film, photography or video. Fluotec advertised/advertises the StudioLED on its website as providing "photo quality daylight or tungsten color."[31]

49. The StudioLED includes a frame having a front as shown in the following image:[32] [33]

[31] *Id.*

[32] The term "frame" as used in the '290 Patent does not differ from the term's usage in the '022 Patent. The United States District Court for the Eastern District of Texas, Marshall Division, construed the '022 Patent term 'frame' to mean "supporting structure" and the term 'front' to mean "side from which light is emitted." *See Litepanels, LTD, et al v. Flolight, LLC,* 2:20-cv-00344 at Dkt. 57.

[33] http://www.fluotec.net/studioled-650-hp-daylight/ (visited May 21, 2019).

50. The StudioLED contains a plurality of semiconductor light elements disposed on the front of the frame and configured to provide a continuous source of illumination as shown in the following image:[34]

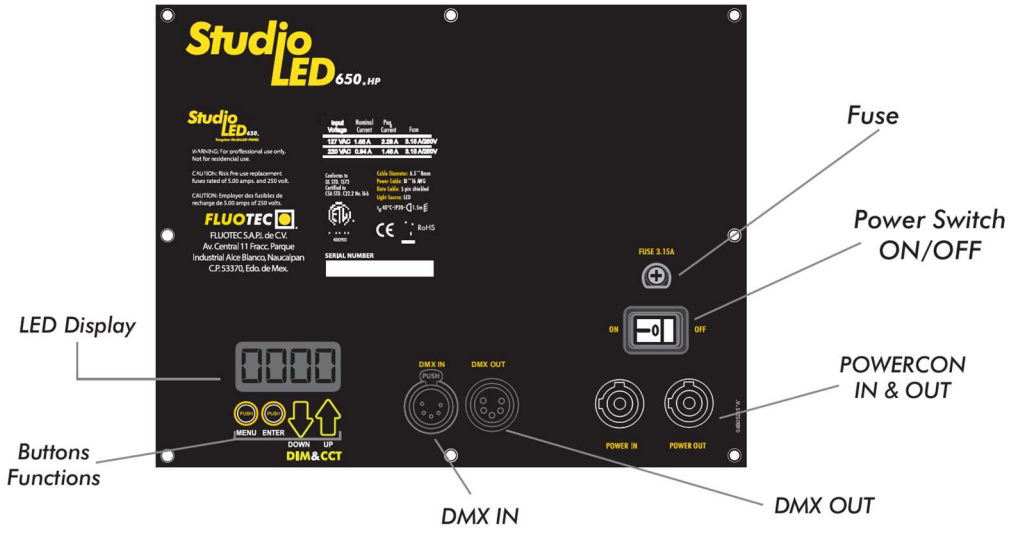
51. The semiconductor light elements on the StudioLED have a color temperature suitable for image capture which Fluotec markets as delivering "powerful and beautiful light that bring tri-dimensional atmospheres to the scenes and images, either in photography, in television, or in motion picture productions."[35]

52. At least one of the semiconductor light elements on the StudioLED product emits light in a daylight color range or a tungsten color temperature range. Fluotec markets the StudioLED as available in a "daylight" version which has a daylight color temperature of "6200K" which Fluotec describes as "Pure Cool White Light"; available in a "tungsten" version which has a tungsten color temperature of "2700K" which Fluotec describes as "Pure Warm White Light"; and available in a "tunable" version capable of producing a color temperature

[34] *Id.*
[35] https://fluotec.net/about-us/ (last visited September 27, 2022).

from "2700 to 6200K," which represents the ability to produce in either the daylight or tungsten color temperature ranges.[36] [37] [38]

53. The StudioLED product contains a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted. Fluotec markets the StudioLED on its website using the following image related to adjustment of brightness via user adjusted "Up & Down buttons," and further stating that the "StudioLED […] can be dimmed manually on the rear of the unit, or by DMX console. […] to set dimming level from 1-100."[39]



54. The StudioLED's frame is adapted for being mounted and readily disengaged from a stand and further comprises a stand adapter bracket configured to be mounted to and readily disengaged from said stand. Fluotec's User Manual for the StudioLED provides specific and clear directions as to the stand mounting of the products, making it clear that the StudioLED frame is adapted for being mounted and readily disengaged from a stand and further comprises a

[36] https://fluotec.net/studioled-650-hp-daylight/ (visited May 21, 2019).
[37] https://fluotec.net/studioled-650-hp-tungsten/ (visited May 21, 2019).
[38] https://fluotec.net/studioled-650-hp-tunable/# (visited May 21, 2019).
[39] http://fluotec.net/download/manual-operation/AN4910062_REV-B_STUDIOLED-650-HP_ING.pdf (last visited September 27, 2022).

stand adapter bracket—in the case of the StudioLED, the stand adapter bracket comprises a yoke—configured to be mounted to and readily disengaged from said stand, as follows:[40]

> "On Stand: Using the 5/8" female […] stand fitting. Choose proper size stand for fixture. Always use sufficient stabilizing weight on stand base. Allows mounting the fixture on 5/8" […] male stand stud. Make sure the stand is large enough to support the weight of the fixture while maintaining good balance at the desired height. Attach the female stand-fitting tightly to the yoke and rotate yoke so it is on the underside of the fixture."

55. The above statement from Fluotec's User Manual makes clear that the stand adapter bracket of the StudioLED comprises a yoke for mounting the StudioLED's frame, with said frame configured to swivel and/or tilt when mounted to said yoke.

56. Fluotec has never been licensed or otherwise authorized to practice the claims of the '290 patent.

57. As a direct and proximate cause of Fluotec's infringement of the '290 patent, Plaintiff has been damaged in an amount yet to be determined.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court enter judgment and provide relief as follows:

A. That Fluotec has infringed the '022, '652, and '290 patents;

B. That the '022, '652, and '290 patents are valid and enforceable;

C. That Fluotec be ordered to account for and pay to Plaintiff the damages resulting from Fluotec's infringement of the '022, '652, and '290 patents, together with interest and costs, and all other damages permitted by 35 U.S.C. § 284, but in any event no less than a reasonable royalty; and

D. That Plaintiff be awarded such other equitable or legal relief as this Court deems just and proper under the circumstances.

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[40] *Id.*

JURY DEMAND

Litepanels demands a jury trial on all issues so triable.

Respectfully submitted,

CONNOR LEE & SHUMAKER PLLC

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