

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Lutron Electronics Co., Inc.,  
*Plaintiff,*

v.

Cooper Wiring Devices, Inc.,  
*Defendant.*

Civil Action No. 03-3479

**JURY TRIAL DEMANDED**

**AMENDED CIVIL COMPLAINT and JURY DEMAND**

Plaintiff, Lutron Electronics Co., Inc. ("Lutron"), by and through its undersigned attorney, alleges, upon information and belief, as follows:

**The Parties**

1. Plaintiff Lutron is a Pennsylvania corporation, with its principal place of business located at 7200 Suter Road, Coopersburg, PA 18036-1299.
2. Upon information and belief, defendant Cooper Wiring Devices, Inc. ("Cooper") is a corporation organized and existing under the laws of New York and has its principal place of business at 45-31 Court Square, Long Island City, NY 11101. Upon information and belief, Cooper Wiring Devices, Inc., is a wholly owned indirect subsidiary of Cooper Industries, Ltd., a corporation organized and existing under the laws of Bermuda, with its principal place of business at 600 Travis, Suite 5800, Houston, TX.

**Jurisdiction and Venue**

3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 *et seq.*, in particular, §§ 271, 281, 283, 284 and 285.
4. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and §1400 (b).

5. On information and belief, defendant Cooper offers for sale and sells lighting dimmers that infringe Lutron's patents, identified below, in this District.

**General Allegations**

6. U.S. patent 5,017,837 ("the '837 patent") duly and legally issued on May 21, 1991. A copy of the '837 patent is annexed as Exhibit A.

7. U.S. patent 5,248,919 ("the '919 patent") duly and legally issued on September 28, 1993. A copy of the '919 patent is annexed as Exhibit B.

8. U.S. patent 5,637,930 ("the '930 patent") duly and legally issued on June 10, 1997. A copy of the '930 patent is annexed as Exhibit C.

9. Lutron is the owner of the '837, '919, and '930 patents, and possesses all rights arising from ownership of the patents, including the right to sue for infringements of the patents and recover damages for infringements.

10. Upon information and belief, Cooper offers for sale and sells lighting dimmers that embody the inventions claimed in the '837, '919, and '930 patents.

**COUNT 1 – Infringement of U.S. Patent No. 5,017,837**

11. Upon information and belief, Cooper has infringed the '837 patent by making, using, and selling lighting dimmers that embody the invention claimed therein, including but not limited to Cooper models SM600W Smart Dimmer System Master and SMRW Smart Dimmer System Remote.

12. Cooper, with full knowledge of the '837 patent, willfully and deliberately continues to infringe the '837 patent in flagrant disregard of Lutron's rights thereunder.

13. Lutron has been damaged by the acts of infringement complained of herein.

14. The infringement by Cooper of Lutron's '837 patent has deprived Lutron of sales which it otherwise would have made and has in other respects injured Lutron and will cause Lutron added injury and loss of profits unless enjoined by this Court.

15. By its infringement of the '837 patent, Cooper is causing harm to Lutron for which Lutron has no adequate remedy at law without the intervention of this Court.

16. This case is "exceptional" within the meaning of 35 U.S.C. § 285.

**COUNT 2 – Infringement of U.S. Patent No. 5,248,919**

17. Upon information and belief, Cooper has infringed the '919 patent by making, using, and selling lighting dimmers that embody the invention claimed therein, including but not limited to Cooper models SM600W Smart Dimmer System Master and SMRW Smart Dimmer System Remote.

18. Cooper, with full knowledge of the '919 patent, willfully and deliberately continues to infringe the '919 patent in flagrant disregard of Lutron's rights thereunder.

19. Lutron has been damaged by the acts of infringement complained of herein.

20. The infringement by Cooper of Lutron's '919 patent has deprived Lutron of sales which it otherwise would have made and has in other respects injured Lutron and will cause Lutron added injury and loss of profits unless enjoined by this Court.

21. By its infringement of the '919 patent, Cooper is causing harm to Lutron for which Lutron has no adequate remedy at law without the intervention of this Court.

22. This case is "exceptional" within the meaning of 35 U.S.C. § 285.

**COUNT 3 – Infringement of U.S. Patent No. 5,637,930**

23. Upon information and belief, Cooper has infringed the '930 patent by making, using, and selling lighting dimmers that embody the invention claimed therein, including but not limited to Cooper models SM600W Smart Dimmer System Master and SMRW Smart Dimmer System Remote.

24. Cooper, with full knowledge of the '930 patent, willfully and deliberately continues to infringe the '930 patent in flagrant disregard of Lutron's rights thereunder.

25. Lutron has been damaged by the acts of infringement complained of herein.
26. The infringement by Cooper of Lutron's '930 patent has deprived Lutron of sales which it otherwise would have made and has in other respects injured Lutron and will cause Lutron added injury and loss of profits unless enjoined by this Court.
27. By its infringement of the '930 patent, Cooper is causing harm to Lutron for which Lutron has no adequate remedy at law without the intervention of this Court.
28. This case is "exceptional" within the meaning of 35 U.S.C. § 285.

**PRAYERS FOR RELIEF**

WHEREFORE, Lutron prays that:

- A. Judgment be entered against Cooper for infringement of Lutron's '837, '919, and '930 patents;
- B. An injunction be granted preliminarily and permanently restraining Cooper and all those in privity with it or acting in concert with it who have actual notice of the injunction by personal service or otherwise from further infringement of Lutron's '837, '919, and '930 patents;
- C. Cooper be ordered to deliver up to Lutron for destruction all lighting dimmers in its possession determined to infringe one or more of Lutron's '837, '919, and '930 patents, and to further deliver up to Lutron for destruction all molds, dies, jigs, fixtures, tools, drawings, and all other documents and thing used by or for Cooper to manufacture infringing lighting dimmers;
- D. Cooper be required to pay Lutron the damages recoverable by Lutron under 35 U.S.C. §284 as a result of Cooper's infringement of Lutron's '837, '919, and '930 patents, the exact extent of which cannot now be determined by Lutron;
- E. All of such recoverable damages be trebled;
- F. Lutron be awarded its reasonable attorney fees;

G. Lutron be allowed its costs; and

H. This Court grant Lutron such other and further relief to which Lutron may be justly entitled.

**JURY DEMAND**

Lutron demands a trial by jury on all issues so triable.

Lutron Electronics Co., Inc.

By:   
Gregory J. Lavorgna (PA 34874)  
DRINKER BIDDLE & REATH LLP  
One Logan Square  
18<sup>th</sup> & Cherry Streets  
Philadelphia, PA 19103  
Voice: 215-988-3309  
Fax: 215-988-2757  
Email: gregory.lavorgna@dbr.com  
*Attorneys for Plaintiff*  
*Lutron Electronics Co., Inc.*