



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

FEB 17 2011

MICHAEL E. KUNZ, Clerk
By: [Signature] Dep. Clerk

1

STREAMLIGHT, INC.
30 Eagleville Road
Eagleville, PA 19403

Plaintiff

v.

No. 11-cv-1152

LONGHORN TACTICAL, LLC
10107 Glencarrie Lane
Austin, TX 78750

Defendant.

COMPLAINT

Plaintiff Streamlight, Inc. ("Streamlight"), by and through its attorneys RatnerPrestia for its Complaint against Defendant Longhorn Tactical, LLC ("Defendant"), alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement under 35 U.S.C. § 271 *et seq.*
2. Upon information and belief, Defendant has infringed at least one claim in each of the following U.S. Patents assigned to Streamlight: U.S. Patent No. 7,188,978 ("the '978 Patent"); U.S. Patent No. 7,614,760 ("the '760 Patent"); U.S. Patent No. D543,446 ("the '446 Patent"); and U.S. Patent No. D548,385 ("the '385 Patent") (collectively, "the Patents-in-Suit").

THE PARTIES

3. Streamlight is a Delaware corporation having a principal place of business at 30 Eagleville Road, Eagleville, PA 19403.
4. Upon information and belief, Defendant is a Texas corporation having a principal place of business at 10107 Glencarrie Lane, Austin, TX 78750.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action pursuant to the provisions of 28 U.S.C. §§ 1331 and 1338 in that this action arises under the patent laws of the United States.

5

6. Upon information and belief, this Court has personal jurisdiction over Defendant pursuant to the Pennsylvania Long Arm Statute, 42 Pa C.S. § 5322, because Defendant conducts business in this judicial district, and/or because they have caused tortious injury to Streamlight in this judicial district and regularly do business in this judicial district.

7. Venue is proper in the Eastern District of Pennsylvania under 28 U.S.C. § 1391.

FACTUAL BACKGROUND

Streamlight's Products and Patents

8. Streamlight has manufactured and sold portable lighting products since 1973.

9. Streamlight's products are sold in Pennsylvania, throughout the United States and throughout the world for a range of applications, including military, law enforcement, fire fighting, safety, automotive, industrial, hunting, fishing and other outdoor applications.

10. Streamlight sells a wide range of portable lighting products including gun-mounted lights, flashlights, penlights, lanterns, and headlamps.

11. Streamlight is the assignee of the '978 Patent, issued on March 13, 2007 and entitled "Light Mountable On A Mounting Rail." A copy of this patent is attached as Exhibit 1.

12. Streamlight is the assignee of the '760 Patent, issued on November 10, 2009 and entitled "Mountable Light Providing Illumination and Optionally Aiming." A copy of this patent is attached as Exhibit 2.

13. Streamlight is the assignee of the '446 Patent, issued on May 29, 2007 and entitled "Head, For a Fastener or Actuator." A copy of this patent is attached as Exhibit 3.

14. Streamlight is the assignee of the '385 Patent, issued on August 7, 2007 and entitled "Mountable Light." A copy of this patent is attached as Exhibit 4.

15. Streamlight markets and sells at least one product, the **TLR-2[®]**, marked on the product and the product packaging with the Patents-in-Suit.

Defendant's Infringement

16. Upon information and belief, Defendant is in the business of making, having made, selling, using, and/or distributing products that infringe the Patents-in-Suit.

17. Upon information and belief, Defendant manufactures, sells, offers to sell, uses, and/or distributes one or more tactical lights advertised under the name LaserSpeed, as shown on Defendant's website. A copy of Defendant's website is attached as Exhibit 5.

18. Upon information and belief, Defendant manufactures, sells, offers to sell, uses, and/or distributes one or more tactical lights advertised under the name OnTarget, as shown on Defendant's website. See Exhibit 5.

19. Defendant advertises that the LaserSpeed and OnTarget tactical lights can be mounted to the rail of a weapon, such as a handgun or a rifle, as shown on Defendant's website. See Exhibit 5.

20. Defendant has sold or caused to be sold in the Eastern District of Pennsylvania the LaserSpeed and OnTarget tactical lights.

COUNT 1
(Patent Infringement)

21. Streamlight repeats and re-alleges each allegation contained in paragraphs 1 through 20 of this Complaint, as if fully set forth herein.

22. Each of the Patents-in-Suit is valid and enforceable.

23. Upon information and belief, Defendant has manufactured, offered to sell, sold, used, and distributed in the United States, weapon rail-mountable light products that fall within the scope of at least one claim of each of the Patents-in-suit, in violation of 35 U.S.C. § 271, *et seq.*

24. Upon information and belief, the acts of infringement by Defendant described above have been and continue to be intentional and willful.

25. Streamlight is entitled to damages as a result of the intentional and willful infringement by Defendant.

26. Defendant has caused irreparable damage to Streamlight by its acts of infringement as described above and will continue its acts of infringement unless preliminarily and permanently enjoined by this Court.

PRAYER FOR RELIEF

In view of the foregoing, Streamlight asks that this Court grant relief as follows:

A. For judgment that the Patents-in-Suit have been infringed by Defendant under 35 U.S.C. § 271, and that such infringement was willful;

B. For Defendant, its officers, agents, servants, employees, successors, assigns and all other persons in active concert or participation with any of them, to be preliminarily and permanently enjoined from infringing the Patents-in-Suit;

C. For an accounting of Defendant's profits and an assessment of Streamlight's damages to compensate Streamlight for Defendant's infringement of the Patents-in-Suit;

D. For an assessment of treble damages against Defendant due to the deliberate, willful and knowing nature of its infringement of the Patents-in-Suit under 35 U.S.C. § 284;

E. For an award to Streamlight of its reasonable attorneys' fees under 35 U.S.C. § 285;

F. For an award to Streamlight of its costs in this action plus interest on all monetary damages awarded; and

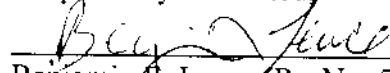
G. For such other and further relief as this Court deems just and fair.

DEMAND FOR JURY TRIAL

Streamlight hereby demands a trial by jury of all issues in this action so triable.

Dated: 2/17/11

Respectfully submitted,


Benjamin H. Leace (Pa. No. 54281)
Andrew J. Koopman (Pa. No. 210026)
RatnerPrestia
1235 Westlakes Drive
Suite 301
Berwyn, PA 19312
(610) 407-0700

ATTORNEYS FOR PLAINTIFF,
Streamlight, Inc.

JS 44 (Rev. 12/07)

AB

CIVIL COVER SHEET

11-cv-1152

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS</p> <p>STREAMLIGHT, INC.</p> <p>(b) County of Residence of First Listed Plaintiff <u>Montgomery</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) RatnerPrestia, 1235 Westlakes Dr., Ste. 301 Berwyn, PA 19312 (610) 407-0700</p>	<p>DEFENDANTS</p> <p>LONGHORN TACTICAL, LLC</p> <p>County of Residence of First Listed Defendant <u>Travis</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <hr/> <input checked="" type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(j)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609
			IMMIGRATION		
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Sec. 271 et seq.

Brief description of cause: Patent Infringement

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ **CHECK YES only if demanded in complaint**

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 2/17/11 SIGNATURE OF ATTORNEY OF RECORD: [Signature]

FOR OFFICE USE ONLY: RECEIPT \$ _____ AMOUNT _____ APPLYING FEE _____ JUDGE _____ MAG. JUDGE _____

FEB 17 2011

AB

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

CASE MANAGEMENT TRACK DESIGNATION FORM

STREAMLIGHT, INC.

v.

LONGHORN TACTICAL, LLC

:
:
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:
:

CIVIL ACTION

NO. 11-CV-1152

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (Sec § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

<u>2/17/11</u>	<u>Benjamin E. Leace</u>	<u>Plaintiff</u>
Date	Attorney-at-law	Attorney for
<u>(610) 407-0700</u>	<u>(610) 407-0701</u>	<u>bleace@ratnerprestia.com</u>
Telephone	FAX Number	E-Mail Address

(Civ. 660) 10/02

FEB 17 2011

FEB 17 2011

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 30 Eagleville Road, Eagleville, PA 19403

Address of Defendant: 10107 Glenn Carrie Lane, Austin, TX 78750

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))
Yes No

Does this case involve multidistrict litigation possibilities?
Yes No

RELATED CASE, IF ANY:
Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes No
- 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes No
- 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes No
- 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

- A. Federal Question Cases:
- 1. Indemnity Contract, Marine Contract, and All Other Contracts
 - 2. FELA
 - 3. Jones Act-Personal Injury
 - 4. Antitrust
 - 5. Patent
 - 6. Labor-Management Relations
 - 7. Civil Rights
 - 8. Habeas Corpus
 - 9. Securities Act(s) Cases
 - 10. Social Security Review Cases
 - 11. All other Federal Question Cases
(Please specify)

- B. Diversity Jurisdiction Cases:
- 1. Insurance Contract and Other Contracts
 - 2. Airplane Personal Injury
 - 3. Assault, Defamation
 - 4. Marine Personal Injury
 - 5. Motor Vehicle Personal Injury
 - 6. Other Personal Injury (Please specify)
 - 7. Products Liability
 - 8. Products Liability - Asbestos
 - 9. All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

I, Benjamin Leare, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
 Relief other than monetary damages is sought.

DATE: 2/17/11 Benjamin Leare Attorney-at-Law 54281 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 2/17/11 Benjamin Leare Attorney-at-Law 54281 Attorney I.D.#

FEB 17 2011