

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WANGS ALLIANCE CORPORATION	)	
d/b/a WAC LIGHTING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. _____
	)	
VC BRANDS, LLC and TECH LIGHTING	)	JURY TRIAL DEMANDED
LLC, d/b/a VISUAL COMFORT & CO.,	)	
	)	
Defendants.	)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Wangs Alliance Corporation d/b/a WAC Lighting (“WAC”), by and through its attorneys, alleges the following for its complaint against VC Brands, LLC (“VCB”) and Tech Lighting LLC (“TL”) d/b/a Visual Comfort & Co. (collectively “Visual Comfort & Co.” or “VCC”).

NATURE OF THE ACTION

1. This is a civil action for infringement of United States Patent Nos. 8,791,494 (“the ‘494 patent”), 9,076,930 (“the ‘930 patent”), 9,837,581 (“the ‘581 patent”), and 10,833,226 (“the ‘226 patent”) (collectively, “Patents-in-Suit”). The action arises under the laws of the United States related to patents, including 35 U.S.C. § 281.

2. VCC has known of the Patents-in-Suit for many months. *See* Exhibit A (April 21, 2023 Email from WAC to VCC). VCC knew that WAC was open to discussing a license to the Patents-in-Suit. *See id.* But VCC opted not to take a license to the Patents-in-Suit and instead continued its unauthorized use of the patented inventions owned by WAC.

3. VCC’s continuous and sweeping infringement of the Patents-in-Suit, and its unwillingness to take a license to the Patents-in-Suit, has compelled WAC to file the present action.

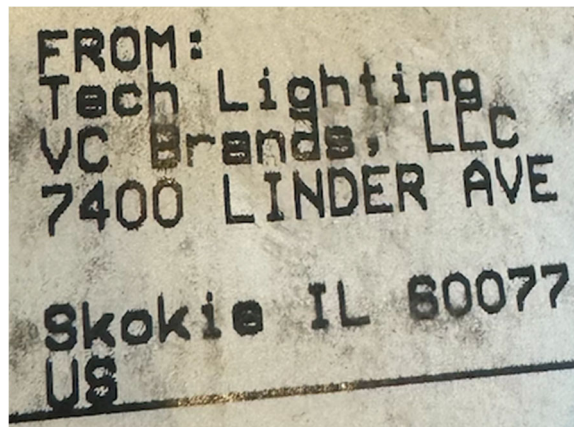
PARTIES

4. Plaintiff WAC is a New York corporation with its principal place of business located at 44 Harbor Park Drive, Port Washington, New York 11050.

5. Upon information and belief, Visual Comfort & Co. is an assumed umbrella name for several companies under common ownership, including several companies domiciled in this District and doing business as Visual Comfort & Co., including VCB, a Delaware limited liability company with its principal place of business at 7400 Linder Avenue, Skokie, IL 60077, and TL, a Delaware limited liability company also with its principal place of business at 7400 Linder Avenue, Skokie, IL 60077.

6. Upon information and belief, TL and VCB have common ownership.

7. TL and VCB have the same address, as can be seen on the shipping labels of their products.



8. Upon information and belief including the aforementioned allegations, TL and VCB act as a single entity—Visual Comfort & Co.—for the purposes of the acts alleged herein.

JURISDICTION AND VENUE

9. This action arises under the patent laws of the United States, 35 U.S.C. § 271, *et seq.* Accordingly, this Court has exclusive subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

10. Upon information and belief, this Court has personal jurisdiction over VCC in this action because VCC is the assumed name of TL and VCB, which are each a limited liability company organized in this District, with a registered agent located in this District. VCC has also committed acts within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over VCC would not offend traditional notions of fair play and substantial justice. VCC, directly and/or through subsidiaries, affiliates, or intermediaries (including distributors, retailers, and others), has committed and continues to commit acts of infringement in this District by, among other things, importing, offering to sell, and selling products that infringe the Patents-in-Suit.

11. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400. VCC resides in Delaware because Delaware is its state of organization and registration. Further, upon information and belief, VCC has transacted business in this District and has committed acts of infringement in this District.

WAC'S PATENTS

12. A family company, WAC is headquartered in the United States. For almost forty years, WAC has operated at the forefront of emerging technologies, producing quality LED lighting solutions that are energy-efficient, long-lasting, and maintenance-free, and promoting green technology.

13. WAC elevates the industry in design and manufacturing by challenging conventions and building sustainable products responsibly. Over the years, its investment in

electronics development, research and test laboratories, and assembly facilities has culminated into a unique and unparalleled world-class brand, renowned for quality and ingenuity in the industry. Its award-winning portfolio of architectural products, decorative lighting, landscape lighting, and smart ceiling fans focuses on addressing known problems or meeting unfulfilled needs with lighting and fan solutions in commercial, residential, and hospitality settings.

14. WAC's portfolio of patents protects its proprietary designs and technologies and its position in the marketplace. Its patents play an important role in maintaining WAC's brand and reputation as an innovator and a visionary in the LED luminaire space. WAC therefore takes protection of its intellectual property very seriously and is determined to put a stop to any unauthorized use of its patented technology by others, by any lawful means at its disposal.

15. Among WAC's patents is the '494 patent, entitled "Light Emitting Device and Light Emitting Device Package," which was duly issued by the U.S. Patent Office on July 29, 2014. A copy of the '494 patent is attached hereto as Exhibit B.

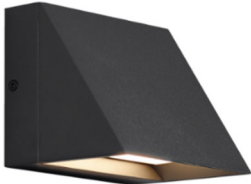
16. Among WAC's patents is the '930 patent, entitled "Light Emitting Device and Light Emitting Device Package," which was duly issued by the U.S. Patent Office on July 7, 2015. A copy of the '930 patent is attached hereto as Exhibit C.

17. Among WAC's patents is the '581 patent, entitled "Light Emitting Device and Light Emitting Device Package," which was duly issued by the U.S. Patent Office on December 5, 2017. A copy of the '581 patent is attached hereto as Exhibit D.

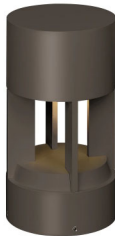
18. Among WAC's patents is the '226 patent, entitled "Light Emitting Device and Light Emitting Device Package," which was duly issued by the U.S. Patent Office on November 10, 2020. A copy of the '226 patent is attached hereto as Exhibit E.

19. A wide range of VCC lighting products, sold under a variety of brands and servicing different segments of the lighting market, utilize the technology of the Patents-in-Suit (the “Accused Products”).

20. Exemplary Accused Products are shown below.

Accused Product	Product Image
Pitch Single Outdoor Wall Sconce (Model No: 700WSPITS)	
Cirque Large Flush Mount (Model No: 700CQL)	
Spectica 5" Tall 3000K LED Adjustable Wall Sconce (Model No: 700WSSPCTG-LED930)	
Mina Single Light 5" Wide LED Pendant with a Clear Outer and Inner Etched Glass Spheres and Warm Color Dimming (Model No: 700TDMINAP1CTR-LEDWD)	

Accused Product	Product Image
Boxie 6" Wide LED Natural Brass Flush Mount Square Ceiling Fixture (Model No: 700BXSS-LED)	
Vandor Single Light 50" Wide LED Linear Pendant (Model No: 700LSVANWS-LED830)	
Ellis 36" Wide Integrated 3000K LED Bath Bar (Model No: 700BCELI36S-LED930)	
12" Flush Mount LED Ceiling Fixture (Model No: 700FMFINRS-LED830)	
Tellium 4" Wide LED Accent / Spot Lights Ceiling Fixture (Model No: 700MPTLML6S-LED930)	

Accused Product	Product Image
Centric Convertible Single Light 6" Wide Integrated LED Flush Mount Ceiling Fixture / Wall Sconce with a Metal Round Shade (Model No: 700FMCTC6WS-LED927A)	
Milan Single Light 4-1/4" Wide Integrated LED Bathroom Sconce with Acrylic Diffuser (Model No: 700BCMLN13WS-LED930)	
Oko Single Light 4-1/2" Wide Integrated LED Bathroom Sconce (Model No: 700BCOKO1R-LED930)	
Single Turbo 12V LED Bollard Path Light (Model No: 700OATUR83012DZ12S)	
Quadrate 13" Tall Warm Color Dimming LED Outdoor Wall Sconce (Model No: 700WSQDRZ-LEDWD)	

Accused Product	Product Image
Entra 2700K LED Square Adjustable New Construction 3" Trim Recessed Housing (Model No: EN3S-LO927AAI)	
Orbis 52 Hugger LED 52" 3 Blade Indoor Ceiling Fan (Model No: 3OBshr52sbd)	

21. WAC brings this lawsuit against VCC to put a stop to VCC's continuous unauthorized use of the patented inventions owned by WAC and VCC's anti-competitive practices stemming from VCC's infringement of WAC's intellectual property rights.

FIRST CLAIM
(Infringement of United States Patent No. 8,791,494 by VCC)

22. The allegations stated in preceding paragraphs are incorporated by reference as though fully set forth herein.

23. WAC is the owner of the '494 patent.

24. VCC makes, uses, sells, offers to sell, and/or imports the Accused Products, which infringe the '494 patent.

25. As demonstrated in the exemplary infringement claim chart for the Visual Comfort Pitch Single Outdoor Wall Sconce (700WSPITS), attached hereto as Exhibit F, the Accused Products contain all of the elements of at least claim 1 of the '494 patent, as arranged in that claim.

26. VCC has had actual knowledge of the '494 patent since at least April 21, 2023, when WAC sent and VCC received, via email, a notice regarding the Patents-in-Suit. *See* Exhibit

A. As a result, upon information and belief, VCC knew of or was willfully blind to its infringement of the '494 patent before this action was filed.

27. Upon information and belief, VCC induces its customers to infringe at least claim 1 of the '494 patent with the specific intent to encourage their infringement by, among other things, marketing, creating, and/or distributing specifications, marketing materials, manuals, installation instructions, data sheets, application notes, and/or similar materials with instructions on using or rendering operable VCC's Accused Products. Upon information and belief, VCC's customers who purchase VCC's Accused Products and use or re-sell VCC's Accused Products infringe at least claim 1 of the '494 patent literally and/or under the doctrine of equivalents. Upon information and belief, VCC knew or should have known that the induced acts constitute direct infringement.

28. By making, using, testing, offering for sale, selling, and/or importing the Accused Products VCC has injured WAC and is liable to WAC for infringing one or more claims of the '494 patent, including at least claim 1, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents.

29. WAC has been damaged by VCC's infringement of the '494 patent, and is suffering and will continue to suffer irreparable harm and damage as a result of this infringement unless such infringement is enjoined by this Court.

SECOND CLAIM
(Infringement of United States Patent No. 9,076,930 by VCC)

30. The allegations stated in preceding paragraphs are incorporated by reference as though fully set forth herein.

31. WAC is the owner of the '930 patent.

32. VCC makes, uses, sells, offers to sell, and/or imports the Accused Products, which infringe the '930 patent.

33. As demonstrated in the exemplary infringement claim chart for the Visual Comfort Pitch Single Outdoor Wall Sconce (700WSPITS), attached hereto as Exhibit G, the Accused Products contain all of the elements of at least claim 1 of the '930 patent, as arranged in that claim.

34. VCC has had actual knowledge of the '930 patent since at least April 21, 2023, when WAC sent and VCC received, via email, a notice regarding the Patents-in-Suit. *See* Exhibit A. As a result, upon information and belief, VCC knew of or was willfully blind to its infringement of the '930 patent before this action was filed.

35. Upon information and belief, VCC induces its customers to infringe at least claim 1 of the '930 patent with the specific intent to encourage their infringement by, among other things, marketing, creating, and/or distributing specifications, marketing materials, manuals, installation instructions, data sheets, application notes, and/or similar materials with instructions on using or rendering operable VCC's Accused Products. Upon information and belief, VCC's customers who purchase VCC's Accused Products and use or re-sell VCC's Accused Products infringe at least claim 1 of the '930 patent literally and/or under the doctrine of equivalents. Upon information and belief, VCC knew or should have known that the induced acts constitute direct infringement.

36. By making, using, testing, offering for sale, selling, and/or importing the Accused Products VCC has injured WAC and is liable to WAC for infringing one or more claims of the '930 patent, including at least claim 1, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents.

37. WAC has been damaged by VCC's infringement of the '930 patent, and is suffering and will continue to suffer irreparable harm and damage as a result of this infringement unless such infringement is enjoined by this Court.

THIRD CLAIM
(Infringement of United States Patent No. 9,837,581 by VCC)

38. The allegations stated in preceding paragraphs are incorporated by reference as though fully set forth herein.

39. WAC is the owner of the '581 patent.

40. VCC makes, uses, sells, offers to sell, and/or imports the Accused Products, which infringe the '581 patent.

41. As demonstrated in the exemplary infringement claim chart for the Visual Comfort Pitch Single Outdoor Wall Sconce (700WSPITS), attached hereto as Exhibit H, the Accused Products contain all of the elements of at least claim 1 of the '581 patent, as arranged in that claim.

42. VCC has had actual knowledge of the '581 patent since at least April 21, 2023, when WAC sent and VCC received, via email, a notice regarding the Patents-in-Suit. *See* Exhibit A. As a result, upon information and belief, VCC knew of or was willfully blind to its infringement of the '581 patent before this action was filed.

43. Upon information and belief, VCC induces its customers to infringe at least claim 1 of the '581 patent with the specific intent to encourage their infringement by, among other things, marketing, creating, and/or distributing specifications, marketing materials, manuals, installation instructions, data sheets, application notes, and/or similar materials with instructions on using or rendering operable VCC's Accused Products. Upon information and belief, VCC's customers who purchase VCC's Accused Products and use or re-sell VCC's Accused Products infringe at least claim 1 of the '581 patent literally and/or under the doctrine of equivalents. Upon information and belief, VCC knew or should have known that the induced acts constitute direct infringement.

44. By making, using, testing, offering for sale, selling, and/or importing the Accused Products VCC has injured WAC and is liable to WAC for infringing one or more claims of the

'581 patent, including at least claim 1, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents.

45. WAC has been damaged by VCC's infringement of the '581 patent, and is suffering and will continue to suffer irreparable harm and damage as a result of this infringement unless such infringement is enjoined by this Court.

FOURTH CLAIM
(Infringement of United States Patent No. 10,083,226 by VCC)

46. The allegations stated in preceding paragraphs are incorporated by reference as though fully set forth herein.

47. WAC is the owner of the '226 patent.

48. VCC makes, uses, sells, offers to sell, and/or imports the Accused Products, which infringe the '226 patent.

49. As demonstrated in the exemplary infringement claim chart for the Visual Comfort Pitch Single Outdoor Wall Sconce (700WSPITS), attached hereto as Exhibit I, the Accused Products contain all of the elements of at least claim 1 of the '226 patent, as arranged in that claim.

50. VCC has had actual knowledge of the '226 patent since at least April 21, 2023, when WAC sent and VCC received, via email, a notice regarding the Patents-in-Suit. *See* Exhibit A. As a result, upon information and belief, VCC knew of or was willfully blind to its infringement of the '226 patent before this action was filed.

51. Upon information and belief, VCC induces its customers to infringe at least claim 1 of the '226 patent with the specific intent to encourage their infringement by, among other things, marketing, creating, and/or distributing specifications, marketing materials, manuals, installation instructions, data sheets, application notes, and/or similar materials with instructions on using or rendering operable VCC's Accused Products. Upon information and belief, VCC's customers who

purchase VCC's Accused Products and use or re-sell VCC's Accused Products infringe at least claim 1 of the '226 patent literally and/or under the doctrine of equivalents. Upon information and belief, VCC knew or should have known that the induced acts constitute direct infringement.

52. By making, using, testing, offering for sale, selling, and/or importing the Accused Products VCC has injured WAC and is liable to WAC for infringing one or more claims of the '226 patent, including at least claim 1, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents.

53. WAC has been damaged by VCC's infringement of the '226 patent, and is suffering and will continue to suffer irreparable harm and damage as a result of this infringement unless such infringement is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, for the reasons set forth above, WAC respectfully requests that this Court enter judgment in its favor, and against VCC, and award relief including, but not limited to, the following:

- A. A judgment that VCC has infringed the '494, '930, '581, and '226 patents;
- B. An order permanently enjoining VCC and those in active concert or participation with it from further acts of infringement of the '494, '930, '581, and '226 patents;
- C. An award of damages adequate to compensate WAC for all of VCC's unauthorized acts of infringement;
- D. A declaration that this case is exceptional within the meaning of 35 U.S.C. § 285 and an award of WAC's reasonable attorneys' fees and other costs and expenses incurred in the prosecution of this action;
- E. An award of pre-judgment interest under 35 U.S.C. § 284, and post-judgment

interest under 28 U.S.C. § 1961.

F. An award of any other or further relief as this Court deems just and proper.

JURY DEMAND

WAC demands trial by jury of all issues so triable in this action.

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December 6, 2023

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