

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALTAIR ENGINEERING, Inc.

Plaintiff,

Case No. 2:09-cv-11207

vs.

Hon. George Caram Steeh

LEDdynamics, Inc.

Defendant.

Thomas N. Young (P22656)
Christopher G. Darrow (P67196)
Young Basile Hanlon & MacFarlane P.C.
3001 W. Big Beaver Rd., Ste. 624
Troy, MI 48084-3107
(248) 649-3333

Attorneys for Plaintiff
Altair Engineering, Inc.

R. Bradford Fawley
Downs Rachlin Martin PLLC
28 Vernon Street, Suite 501
P.O. Box 9
Brattleboro, VT 05302
(802) 258-3070

Attorneys for Defendant
LEDdynamics, Inc.

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

Pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Altair Engineering, Inc. submits this First Amended Complaint for Patent Infringement and Jury Demand.

PARTIES

1. Altair Engineering, Inc. is a Michigan corporation with a place of business at 1820 E. Big Beaver Rd., Troy, Michigan 48083, within this judicial district.

2. Plaintiff, Altair Engineering, Inc. is the owner by assignment of United States Patent No. 7,510,299 ('299 patent) pertaining to a LED based fluorescent tube replacement light. The U.S. Patent and Trademark Office issued the '299 patent on March 31, 2009. A copy of the '299 patent is attached as Exhibit A.

3. Defendant LEDdynamics, Inc., on information and belief, is a Delaware corporation having a place of business at 44 Hull Street, Randolph, Vermont, 05060, and is in the business of manufacturing and selling LED based fluorescent tube replacement lights which infringe one or more claims of the aforementioned Altair '299 patent. Defendant has offered the infringing lights for sale in Michigan and within this judicial district.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, more specifically 35 U.S.C. § 271 *et seq.*

5. Subject matter jurisdiction in this Court is conferred by 28 U.S.C. § 1338. Venue is proper under 28 U.S.C. § 1391(b) and (c) as Defendant has through the internet and otherwise offered for sale and sold infringing products in Michigan and throughout the country.

COUNT FOR PATENT INFRINGEMENT

6. On March 31, 2009, United States Patent No. 7,510,299 was duly and legally issued to Altair Engineering, Inc. as the assignee of inventors Jos Timmermans, Jean C.

Raymond and John Ivey. Altair Engineering, Inc. has the right to sue for and recover damages for infringement of the '299 patent.

7. On information and belief Defendant is willfully infringing the '299 patent by continuing to make, offer for sale, and sell LED based fluorescent tube replacement lights described in internet materials published by Defendant as "The EverLED TR . . . Clean, safe, long-lasting LED lighting for easy, direct drop-in fluorescent tube replacement" after being notified of the '299 patent. Such products incorporate each and every limitation of at least some of the claims of the aforementioned '299 patent and, therefore infringe at least some of the claims for the reason that Defendant's actions in making, offering for sale and selling such products are without right and authority of Plaintiff under the '299 patent.

8. Altair Engineering, Inc. has been and will continue to be damaged by Defendant's activities as aforesaid in an amount which can only be determined through an accounting; Plaintiff is without an adequate remedy at law.

PRAYER FOR RELIEF

Wherefore, Altair Engineering, Inc. prays for the following relief:

- A. A preliminary and final injunction against continued infringement of the '299 patent by Defendant and all persons in privity therewith;
- B. An accounting for and award of damages resulting from Defendant's sale, manufacture, and offer for sale of infringing products in the United States;

- C. If appropriate, an award of treble damages against the Defendant pursuant to 35 U.S.C. § 284 on account of Defendant's willful infringement of the '299 patent;
- D. An assessment of interest on the damages so computed;
- E. An award of Plaintiff's costs, expenses and attorney fees in the action; and
- F. Such other and further relief as the Court deems appropriate.

DEMAND FOR JURY TRIAL

Altair Engineering, Inc. demands trial by jury as to all issues triable by jury in this case as a matter of right.

Respectfully Submitted,

/s/Christopher G. Darrow
Thomas N. Young (P22656)
Christopher G. Darrow (P67196)
Young Basile Hanlon & MacFarlane P.C.
3001 W. Big Beaver Rd. Suite 624
Troy, MI 48084
248.649.3333
Attorneys for Plaintiff

Dated: June 30, 2009

CERTIFICATE OF SERVICE

I hereby certify that, on June 30, 2009, I electronically served the foregoing document via the Court's ECF system on R. Bradley Fawley, 28 Vernon Street, Suite 501, Brattleboro, VT 05302.

/s/Christopher G. Darrow
Christopher G. Darrow