

5. This Court has personal jurisdiction over Defendant because, on information and belief, it manufactures, imports, distributes, markets, sells and/or offers for sale infringing products in this judicial district.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 5,998,925

6. Plaintiff realleges and incorporates by reference, as if fully set forth herein, all of the allegations contained in paragraphs 1-5 of this Complaint.

7. U.S. Patent No. 5,998,925 (“the ’925 patent”), entitled “Light Emitting Device Having a Nitride Compound Semiconductor and a Phosphor Containing a Garnet Fluorescent Material,” was duly and legally issued on December 7, 1999, by the U.S. Patent and Trademark Office. A copy of the ’925 patent is attached as Exhibit A.

8. Nichia is the owner of the ’925 patent by virtue of an assignment and owns all right and title to the ’925 patent.

9. Upon information and belief, Defendant has infringed and continues to infringe one or more of the claims of the ’925 patent, directly, contributorily, and/or by inducement, by making, using, selling, offering for sale and/or importing in this country (and in this judicial district), and inducing others to use, without license, certain devices containing infringing LEDs in violation of 35 U.S.C. § 271.

10. Upon information and belief, Defendant’s acts of infringement of the ’925 patent were, in whole or in part, done willfully and with knowledge of the ’925 patent.

11. Plaintiff has been and will continue to be damaged by Defendant’s infringement and will be irreparably harmed unless that infringement is enjoined.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,531,960

12. Plaintiff realleges and incorporates by reference, as if fully set forth herein, all of the allegations contained in paragraphs 1-11 of this Complaint.

13. U.S. Patent No. 7,531,960 (“the ’960 patent”), entitled “Light Emitting Device with Blue Light LED and Phosphor Components,” was duly and legally issued on May 12, 2009, by the U.S. Patent and Trademark Office. A copy of the ’960 patent is attached as Exhibit B.

14. Nichia is the owner of the ’960 patent by virtue of an assignment and owns all right and title to the ’960 patent.

15. Upon information and belief, Defendant has infringed and continues to infringe one or more of the claims of the ’960 patent, directly, contributorily, and/or by inducement, by making, using, selling, offering for sale and/or importing in this country (and in this judicial district), and inducing others to use, without license, certain devices containing infringing LEDs in violation of 35 U.S.C. § 271.

16. Upon information and belief, Defendant’s acts of infringement of the ’960 patent were, in whole or in part, done willfully and with knowledge of the ’960 patent.

17. Plaintiff has been and will continue to be damaged by Defendant’s infringement and will be irreparably harmed unless that infringement is enjoined.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 5,652,434

18. Plaintiff realleges and incorporates by reference, as if fully set forth herein, all of the allegations contained in paragraphs 1-17 of this Complaint.

19. U.S. Patent No. 5,652,434 (“the ’434 patent”), entitled “Gallium Nitride-Based III-V Group Compound Semiconductor,” was duly and legally issued on July 29, 1997, by the U.S. Patent and Trademark Office. A copy of the ’434 patent is attached as Exhibit C.

20. Nichia is the owner of the ’434 patent by virtue of an assignment and owns all right and title to the ’434 patent.

21. Upon information and belief, Defendant has infringed and continues to infringe one or more of the claims of the ’434 patent, directly, contributorily, and/or by inducement, by making, using, selling, offering for sale and/or importing in this country (and in this judicial district), and inducing others to use, without license, certain devices containing infringing LEDs in violation of 35 U.S.C. § 271.

22. Upon information and belief, Defendant’s acts of infringement of the ’434 patent were, in whole or in part, done willfully and with knowledge of the ’434 patent.

23. Plaintiff has been and will continue to be damaged by Defendant’s infringement and will be irreparably harmed unless that infringement is enjoined.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 6,093,965

24. Plaintiff realleges and incorporates by reference, as if fully set forth herein, all of the allegations contained in paragraphs 1-23 of this Complaint.

25. U.S. Patent No. 6,093,965 (“the ’965 patent”), entitled “Gallium Nitride-Based III-V Group Compound Semiconductor,” was duly and legally issued on July 25, 2000, by the U.S. Patent and Trademark Office. A copy of the ’965 patent is attached as Exhibit D.

26. Nichia is the owner of the ’965 patent by virtue of an assignment and owns all right and title to the ’965 patent.

27. Upon information and belief, Defendant has infringed and continues to infringe one or more of the claims of the '965 patent, directly, contributorily, and/or by inducement, by making, using, selling, offering for sale and/or importing in this country (and in this judicial district), and inducing others to use, without license, certain devices containing infringing LEDs in violation of 35 U.S.C. § 271.

28. Upon information and belief, Defendant's acts of infringement of the '965 patent were, in whole or in part, done willfully and with knowledge of the '965 patent. Plaintiff has been and will continue to be damaged by Defendant's infringement and will be irreparably harmed unless that infringement is enjoined.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following:

A. A judgment that Defendant has infringed one or more of the claims of U.S. Patent Nos. 5,998,925; 7,531,960; 5,652,434; and, 6,093,965;

B. A permanent injunction pursuant to 35 U.S.C. § 283, restraining and enjoining Defendant and its officers, agents, attorneys, employees, and those acting in privity or active concert with them, from infringement of one or more of the claims of U.S. Patent Nos. 5,998,925; 7,531,960; 5,652,434; and, 6,093,965 for the full terms thereof;

C. An award of damages to Plaintiff including pre-judgment and post-judgment interest, in an amount adequate to compensate for Defendant's infringement of one or more of the claims of U.S. Patent Nos. 5,998,925; 7,531,960; 5,652,434; and, 6,093,965;

D. A judgment that Defendant has willfully infringed one or more of the claims of U.S. Patent Nos. 5,998,925; 7,531,960; 5,652,434; and, 6,093,965;

E. An award of treble damages pursuant to 35 U.S.C. § 284 for willful infringement;

- F. An award of Plaintiff's costs and reasonable attorney's fees;
- G. A declaration that this case is exceptional pursuant to 35 U.S.C. § 285; and,
- H. Such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiff requests a trial by jury on all issues triable by a jury.

DATE: September 13, 2010

Respectfully submitted,

BY: /s/ Otis Carroll
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