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7 8	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION					
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10	ECOLIGHT, LLC, a California limited liability company,	Case No. CV 10-2572 JCS				
11	Plaintiff and Counter Defendant,	PATENT				
12	vs.	FIRST AMENDED COMPLAINT FOR				
13	5.11, INC., a California corporation and Roes 1 – 100;	JUDGMENT OF INFRINGEMENT OF PATENT 6,563,269 AND FOR TEMPORARY AND PERMANENT				
14	Defendants and Counter Claimants.  INJUNCTIONS					
15	5.11, INC, a California corporation	DEMAND FOR JURY TRIAL				
16	Third-Party Plaintiff,					
17	vs.					
18	ECOLIGHT, LLC and Mark Robinett					
19	Third-Party Defendants.					
20						
21	Mark Robinett, an individual					
22	Third-Party Plaintiff,					
23	vs.					
24	5.11, INC, a California corporation					
25	Third-Party Defendant.					
26	Eastight LLC a California limit 11 12	ity commons ("Foolight") had it and a large				
27		ity company ("Ecolight"), by its undersigned				
28	attorneys, for its Complaint ("Complaint") agains	st Detendant 5.11, Inc. a California				
	COMPLAINT FOR JUDGMENT OF INFRINGEMENT O	DF				

COMPLAINT FOR JUDGMENT OF INFRINGEMENT OF PATENT AND INJUNCTIONS

1	corporation, ("5.11"), and Roes 1 through 100, allege on personal knowledge as to its own ac				
2	and on information and belief as to the actions of others, as follows:				
3					
4		THE PARTIES AND PATENT-IN-SUIT			
5	1.	Defendant, 5.11, Inc. a California corporation, ("5.11"), is a registered and			
6	active Californ	a corporation, based in Modesto, California.			
7	2.	Ecolight, LLC, a California limited liability company ("Ecolight") has its			
8	principle place	of business located within Marin County, California.			
9	3.	Ecolight holds an exclusive license to manufacture, import and sell products			
10	under U.S. patent 6,563,269 ("the '269 patent", "patent-in-suit" or the "Ecolight patent") a				
11	copy of which is attached as Exhibit 1. The '269 patent is entitled "RECHARGEABLE				
12	PORTABLE L	IGHT WITH MULTIPLE CHARGING SYSTEMS."			
13	4.	Mark Robinett is the sole Assignee of the '269 patent. Mark Robinett has			
14	granted Ecoligh	nt an exclusive license under the '269 patent. The exclusive license grants			
15	Ecolight rights to enforce the '269 patent.				
16	6.	5.11 sells various products in the County and City of San Francisco which			
17	infringe upon the '269 patent. Such infringing products include, Light for Life Flashlight UC				
18	400 and Light for Life Flashlight PC3 300, (sometimes collectively referred to as the				
19	"infringing flas	hlights").			
20					
21		JURISDICTION AND VENUE			
22	7.	This Court has original jurisdiction over the subject matter of this action			
23	pursuant to 28 U.S.C. § 1331 and § 1338(a), because this action involves substantial claims				
24	arising under th	ne United States Patent Act, 35 U.S.C. § 1 et seq.			
25	8.	Ecolight has its main and only office in Marin County, California. Ecolight has			
26	no offices, store	es or physical presence outside of California.			
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28					

1	9.	Specific personal jurisdiction and general personal jurisdiction are conferred by		
2	5.11's contin	nuous sales of the infringing flashlights within the State and County of San		
3	Francisco, California. 5.11 infringing flashlights are currently being sold at Galls retail store,			
4	located at 1740 Ceasar Chavez, Ste A, San Francisco, CA. Personal jurisdiction is also			
5	conferred by	5.11's interactive website which accepts orders and payments for the sale of the		
6	infringing fla	ashlights.		
7	10.	Venue in this District is proper under 28 U.S.C. §§ 1391 and 1400(b), as this is a		
8	judicial distr	ict in which a substantial part of the events giving rise to the claims occurred. To		
9	wit, 5.11's ir	afringing flashlights are sold in at least one retail store located within San		
10	Francisco.			
11				
12		INTRA DISTRICT ASSIGNMENT		
13	11.	This action is properly filed in the San Francisco Division of the U.S. District		
14	Court for the	Northern District of California pursuant to Civil L.R. 3-2(c) and (e) because a		
15	substantial part of the events giving rise to the claims set forth in this Complaint occurred in			
16	San Francisc	0.		
17	12.	This judicial district is the most convenient for the parties. 5.11 has continuous		
18	and systemat	ic contacts with San Francisco by virtue of selling the infringing flashlights within		
19	San Francisc	o. Ecolight's principle place of business is within Marin County.		
20				
21		BACKGROUND		
22	13.	Ecolight currently holds an exclusive license to manufacture, sell and import		
23	flashlights us	sing technology licensed under the '269 patent.		
24	14.	Ecolight wishes to enter the flashlight business.		
25	15.	Ecolight recently became aware of 5.11's sales of the infringing flashlights.		
26				
27		FIRST CAUSE OF ACTION		
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## (Claim for Patent Infringement against 5.11 and Roes 1 to 100) 1 16. Ecolight repeats and re-alleges the allegations of paragraphs 1 through 15 above 2 as if fully set forth herein. 3 4 17. By virtue of its exclusive license to the '269 patent, Ecolight has acquired and 5 continues to maintain the right to sue thereon and the right to recover for infringement thereof. 18. Upon information and belief, defendant 5.11 has infringed and continues to 6 infringe the '269 patent by making, selling, offering for sale flashlights embodying the patented 7 inventions of the '269 patent, and will continue to do so unless enjoined by this Court. 8 9 19. Solarey, Inc. a California corporation in existence from August 18, 2000 to 10 February 12, 2010 manufactured 500 flashlights and placed the required statutory notice upon all of its flashlights manufactured under the '269 patent. 11 12 PRAYER FOR RELIEF 13 WHEREFORE, Ecolight requests that the Court enter judgment in its favor and against 14 5.11 on its Complaint as follows: 15 A. That 5.11 be held to have infringed upon the '269 patent. 16 B. That 5.11, its subsidiaries, affiliates, parents, successors, assigns, officers, 17 agents, servants, employees, attorneys, and all persons acting in concert or 18 19 in participation with them, or any of them, be temporarily and preliminarily enjoined during the pendency of this action, and permanently 20 enjoined thereafter from infringing, contributing to the infringement of, 21 and inducing infringement of the '269 patent, and specifically from 22 directly or indirectly making, using, selling, or offering for sale, any 23 24 products or services embodying the inventions of the '269 patent during the life of the claims of the '269 patent, without the express written 25 authority of Ecolight. 26

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	C.	That 5.11 be directed to fully compensate Ecolight for all damages	
		attributable to 5.11's infringement of the '269 patent in an amount	
		according to proof at trial.	
	D.	That this case be deemed exceptional	
	E.	That all damages awarded be trebled.	
	F.	That 5.11 be ordered to deliver to Ecolight, for destruction at Ecolight's	
		option, all products that infringe the '269 patent.	
	G.	That 5.11 be required to account for all gains, profits, advantages, and	
		unjust enrichment derived from its violation of law.	
	H.	That Ecolight be awarded reasonable attorney's fees.	
	I.	That Ecolight be awarded the costs of suit and an assessment of interest.	
	J.	That Ecolight have such other, further and different relief as the Court	
		deems proper.	
DATED	October 27	7, 2010 Allman & Nielsen P.C.	
		By /s/ Steven A. Nielsen Steven A. Nielsen Attorneys for Plaintiff  ECOLIGHT, LLC, a California limited liability company	
	Pursuant to F of right by jur	JURY DEMAND  ed. R. Civ. P. 38(b), ECOLIGHT, LLC demands a trial by jury of all issue	
		Allman & Nielsen P.C.	
		By /s/ Steven A. Nielsen Steven A. Nielsen	
		Attorneys for Plaintiff ECOLIGHT, LLC, a California limited liability company	

Ecolight, LLC. v. 5.11, Inc., Case No. CV 10-2572-JCS FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT