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6 Ecolight, LLC and Mark Robinett and Third-Party Plaintiff Mark Robinett

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 ECOLIGHT, LLC, a California limited liability
12 company,

13 Plaintiff and Counter Defendant,

14 vs.

15 5.11, INC., a California corporation and Roes 1
16 – 100;

17 Defendants and Counter Claimants.

18 _____
19 5.11, INC, a California corporation

20 Third-Party Plaintiff,

21 vs.

22 ECOLIGHT, LLC and Mark Robinett

23 Third-Party Defendants.

24 _____
25 _____

26 Mark Robinett, an individual

27 Third-Party Plaintiff,

28 vs.

5.11, INC, a California corporation

Third-Party Defendant.

Case No. CV 10-2572 JCS

PATENT

**FIRST AMENDED COMPLAINT FOR
JUDGMENT OF INFRINGEMENT OF
PATENT 6,563,269 AND FOR
TEMPORARY AND PERMANENT
INJUNCTIONS**

DEMAND FOR JURY TRIAL

29 Ecolight, LLC, a California limited liability company (“Ecolight”), by its undersigned
30 attorneys, for its Complaint (“Complaint”) against Defendant 5.11, Inc. a California

1 corporation, (“5.11”), and Roes 1 through 100, allege on personal knowledge as to its own acts
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 California 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 LIGHT WITH MULTIPLE CHARGING SYSTEMS.”

13 4. Mark Robinett is the sole Assignee of the ‘269 patent. Mark Robinett has
14 granted Ecolight 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 UC3
18 400 and Light for Life Flashlight PC3 300, (sometimes collectively referred to as the
19 “infringing flashlights”).

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 the 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, stores or physical presence outside of California.

1 **(Claim for Patent Infringement against 5.11 and Roes 1 to 100)**

2 16. Ecolight repeats and re-alleges the allegations of paragraphs 1 through 15 above
3 as if fully set forth herein.

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.

6 18. Upon information and belief, defendant 5.11 has infringed and continues to
7 infringe the ‘269 patent by making, selling, offering for sale flashlights embodying the patented
8 inventions of the ‘269 patent, and will continue to do so unless enjoined by this Court.

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
11 all of its flashlights manufactured under the ‘269 patent.

12
13 **PRAYER FOR RELIEF**

14 WHEREFORE, Ecolight requests that the Court enter judgment in its favor and against
15 5.11 on its Complaint as follows:

- 16 A. That 5.11 be held to have infringed upon the ‘269 patent.
- 17 B. That 5.11, its subsidiaries, affiliates, parents, successors, assigns, officers,
18 agents, servants, employees, attorneys, and all persons acting in concert or
19 in participation with them, or any of them, be temporarily and
20 preliminarily enjoined during the pendency of this action, and permanently
21 enjoined thereafter from infringing, contributing to the infringement of,
22 and inducing infringement of the ‘269 patent, and specifically from
23 directly or indirectly making, using, selling, or offering for sale, any
24 products or services embodying the inventions of the ‘269 patent during
25 the life of the claims of the ‘269 patent, without the express written
26 authority of Ecolight.
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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, 2010

Allman & Nielsen P.C.

By /s/ Steven A. Nielsen
Steven A. Nielsen
Attorneys for Plaintiff

ECOLIGHT, LLC, a California limited liability company

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), ECOLIGHT, LLC demands a trial by jury of all issues triable of right by jury.

Allman & Nielsen P.C.

By /s/ Steven A. Nielsen
Steven A. Nielsen

Attorneys for Plaintiff
ECOLIGHT, LLC, a California limited liability company

1 EXHIBIT 1.....U.S. Patent 6,563,269

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