

FILED
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2007 MAR 19 P 3:31

U.S. DISTRICT COURT
DISTRICT OF MASS.

COLOR KINETICS INCORPORATED,

Plaintiff,

v.

BOCA FLASHER, INC.,

Defendant.

Civil Action No.:

07 CA 10527 RWZ

COMPLAINT AND JURY DEMAND

1. Plaintiff, Color Kinetics Incorporated ("Color Kinetics"), is a Delaware corporation having its principal place of business at 10 Milk Street, Suite 1100, Boston, Massachusetts 02108.

2. On information and belief, Defendant Boca Flasher Incorporated ("Boca Flasher") is a Florida corporation having a principal place of business at 552 NW 77th Street, Boca Raton, Florida, 33487.

3. This action arises under the patent laws of the United States, Title 35 of the United States Code.

4. Boca Flasher has infringed, and is continuing to infringe, Color Kinetics' patents identified below by making, importing, selling, offering to sell, and/or using within the United States goods covered by one or more of the claims of Color Kinetics' Patents.

Count I (Patent Infringement)

5. Color Kinetics repeats and realleges the foregoing paragraphs.

6. Color Kinetics is the owner of United States Patent No. 6,788,011 (the "'011 patent"), issued on September 7, 2004, and has the right to sue on the '011 patent. A copy of the '011 patent is attached as Exhibit A.

7. Defendant has infringed, and is continuing to infringe, the '011 patent by making, importing, selling, offering to sell, and/or using within the United States goods covered by one or more of the claims of the '011 patent.

8. Defendant has induced and contributed to infringement by others of the '011 patent, by causing or aiding others to make, use, import, sell, and/or offer to sell goods covered by the '011 patent within the United States.

9. Defendant's infringement of the '011 patent is and has been willful, has caused and will continue to cause Color Kinetics to suffer substantial damages, and has caused and will continue to cause Color Kinetics to suffer irreparable harm for which there is no adequate remedy at law.

Count II (Patent Infringement)

10. Color Kinetics repeats and realleges the foregoing paragraphs.

11. Color Kinetics is the owner of United States Patent No. 6,936,978 (the "'978 patent"), issued August 30, 2005, and has the right to sue on the '978 patent. A copy of the '978 patent is attached as Exhibit B.

12. Defendant has infringed, and is continuing to infringe, the '978 patent by making, importing, selling, offering to sell, and/or using within the United States goods covered by one or

more of the claims of the '978 patent.

13. Defendant has induced and contributed to infringement by others of the '978 patent, by causing or aiding others to make, import, use, sell, and/or offer to sell goods covered by the '978 patent within the United States.

14. Defendant's infringement of the '978 patent is and has been willful, has caused and will continue to cause Color Kinetics to suffer substantial damages, and has caused and will continue to cause Color Kinetics to suffer irreparable harm for which there is no adequate remedy at law.

Count III (Patent Infringement)

15. Color Kinetics repeats and realleges the foregoing paragraphs.

16. Color Kinetics is the owner of United States Patent No. 6,150,774 (the "'774 patent"), issued on November 21, 2000, and has the right to sue on the '774 patent. A copy of the '774 patent is attached as Exhibit C.

17. Defendant has infringed, and is continuing to infringe, the '774 patent by making, importing, selling, offering to sell, and/or using within the United States goods covered by one or more of the claims of the '774 patent.

18. Defendant has induced and contributed to infringement by others of the '774 patent, by causing or aiding others to make, import, use, sell, and/or offer to sell goods covered by the '774 patent within the United States.

19. Defendant's infringement of the '774 patent is and has been willful, has caused and will continue to cause Color Kinetics to suffer substantial damages, and has caused and will continue to cause Color Kinetics to suffer irreparable harm for which there is no adequate remedy at law.

Count IV (Patent Infringement)

20. Color Kinetics repeats and realleges the foregoing paragraphs.

21. Color Kinetics is the owner of United States Patent No. 6,806,659 (the “’659 patent”), issued on October 19, 2004, and has the right to sue on the ’659 patent. A copy of the ’659 patent is attached as Exhibit D.

22. Defendant has infringed, and is continuing infringe, the ’868 patent by making, importing, selling, offering to sell, and/or using within the United States goods covered by one or more of the claims of the ’659 patent.

23. Defendant has induced and contributed to infringement by others of the ’659 patent, by causing or aiding others to make, import, use, sell, and/or offer to sell goods covered by the ’659 patent within the United States.

24. Defendant’s infringement of the ’659 patent is and has been willful, has caused and will continue to cause Color Kinetics to suffer substantial damages, and has caused and will continue to cause Color Kinetics to suffer irreparable harm for which there is no adequate remedy at law.

Count V (Patent Infringement)

25. Color Kinetics repeats and realleges the foregoing paragraphs.

26. Color Kinetics is the owner of United States Patent No. 6,781,329 (the “’329 patent”), issued August 24, 2004, and has the right to sue on the ’329 patent. A copy of the ’329 patent is attached as Exhibit E.

27. Defendant has infringed, and is continuing to infringe, the ’329 patent by making, importing, selling, offering to sell, and/or using within the United States goods covered by one or more of the claims of the ’329 patent.

28. Defendant has induced and contributed to infringement by others of the '329 patent, by causing or aiding others to make, import, use, sell, and/or offer to sell goods covered by the '329 patent within the United States.

29. Defendant's infringement of the '329 patent is and has been willful, has caused and will continue to cause Color Kinetics to suffer substantial damages, and has caused and will continue to cause Color Kinetics to suffer irreparable harm for which there is no adequate remedy at law.

Count VI (Patent Infringement)

30. Color Kinetics repeats and realleges the foregoing paragraphs.

31. Color Kinetics is the owner of United States Patent No. 7,186,003 (the "'003 patent"), issued March 6, 2007, and has the right to sue on the '003 patent. A copy of the '003 patent is attached as Exhibit F.

32. Defendant has infringed, and is continuing to infringe, the '003 patent by making, importing, selling, offering to sell, and/or using within the United States goods covered by one or more of the claims of the '003 patent.

33. Defendant has induced and contributed to infringement by others of the '003 patent, by causing or aiding others to make, import, use, sell, and/or offer to sell goods covered by the '003 patent within the United States.

34. Defendant's infringement of the '003 patent is and has been willful, has caused and will continue to cause Color Kinetics to suffer substantial damages, and has caused and will continue to cause Color Kinetics to suffer irreparable harm for which there is no adequate remedy at law.

Count VII (Patent Infringement)

35. Color Kinetics repeats and realleges the foregoing paragraphs.

36. Color Kinetics is the owner of United States Patent No. 6,967,448 (the "'448 patent"), issued November 22, 2005, and has the right to sue on the '448 patent. A copy of the '448 patent is attached as Exhibit G.

37. Defendant has infringed, and is continuing to infringe, the '448 patent by making, importing, selling, offering to sell, and/or using within the United States goods covered by one or more of the claims of the '448 patent.

38. Defendant has induced and contributed to infringement by others of the '448 patent, by causing or aiding others to make, import, use, sell, and/or offer to sell goods covered by the '448 patent within the United States.

39. Defendant's infringement of the '448 patent is and has been willful, has caused and will continue to cause Color Kinetics to suffer substantial damages, and has caused and will continue to cause Color Kinetics to suffer irreparable harm for which there is no adequate remedy at law.

Count VIII (Patent Infringement)

40. Color Kinetics repeats and realleges the foregoing paragraphs.

41. Color Kinetics is the owner of United States Patent No. 7,064,498 (the "'498 patent"), issued June 20, 2006, and has the right to sue on the '498 patent. A copy of the '498 patent is attached as Exhibit H.

42. Defendant has infringed, and is continuing to infringe, the '498 patent by making, importing, selling, offering to sell, and/or using within the United States goods covered by one or more of the claims of the '498 patent.

43. Defendant has induced and contributed to infringement by others of the '498 patent, by causing or aiding others to make, import, use, sell, and/or offer to sell goods covered by the '498 patent within the United States.

44. Defendant's infringement of the '498 patent is and has been willful, has caused and will continue to cause Color Kinetics to suffer substantial damages, and has caused and will continue to cause Color Kinetics to suffer irreparable harm for which there is no adequate remedy at law.

WHEREFORE, Color Kinetics requests that this Court:

1. Enter a preliminary and permanent injunction enjoining Boca Flasher and its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for any of them or on their behalf, or acting in concert with them, from further infringement of any and all of the '011, '978, '774, '659, '329, '003, '448 and '498 patents;
2. award Color Kinetics compensatory damages, costs, and interest for patent infringement;
3. award Color Kinetics treble damages for the willful infringement of the '011, '978, '774, '659, '329, '003, '448 and '498 patents;
4. award Color Kinetics its reasonable attorneys' fees under 35 U.S.C. § 285; and
5. award Color Kinetics such other relief as the Court deems just and proper.

JURY DEMAND

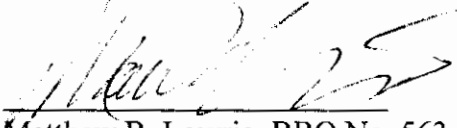
Color Kinetics demands a trial by jury on all issues so triable.

Respectfully submitted,

COLOR KINETICS INCORPORATED

March 19, 2007

by:


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