

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

FEB 18 2003

MAGISTRADJUDGE ANDERSEN

OLE K. NILSSEN and)
GEO FOUNDATION, LTD.,)
)
Plaintiffs,)
)
v.)
)
UNIVERSAL LIGHTING TECHNOLOGIES)
)
Defendant.)
_____)

030-1124
Civil Action No. _____

JURY TRIAL DEMANDED

FILED

FEB 18 2003

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

COMPLAINT

Plaintiffs, Ole K. Nilssen ("Nilssen") and Geo Foundation, Ltd. ("Geo Foundation"), by their undersigned attorneys, complain of Defendant Universal Lighting Technologies and allege as follows:

1. This Complaint comprises a single count for patent infringement.

A. Jurisdiction and Venue

2. Jurisdiction arises under 28 U.S.C. §1331 and 28 U.S.C. §1338(a).

3. Venue in this Court is proper pursuant to 28 U.S.C. §1391.

B. The Parties

4. Plaintiff, Ole K. Nilssen, is a domiciliary, and therefore a citizen, of Florida.

5. Plaintiff, Geo Foundation, is a not-for-profit corporation incorporated in the Cayman Islands, British West Indies.

1-1

6. The Defendant is Universal Lighting Technologies (“Universal”), a Delaware corporation with its principal place of business in Nashville, Tennessee.

7. Defendant has been, and is currently, in the business of making and selling electronic ballasts. Defendant sells electronic ballasts products throughout the United States, including locations within the Northern District of Illinois.

8. Defendant’s sale and offer for sale of electronic ballast within the Northern District of Illinois shows continuous and systematic contacts by Defendant within the Northern District of Illinois.

9. In addition, Defendant’s selling and offering for sale electronic ballasts within the Northern District of Illinois establish minimum contacts and these contacts were made by purposely availing itself of the privilege of doing business within the Northern District of Illinois.

10. Defendant’s selling and offering for sale electronic ballasts within the Northern District of Illinois gives rise to and is related to Plaintiffs’ cause of action for patent infringement.

11. Exercising jurisdiction over Defendant in the Northern District of Illinois is consistent with traditional notions of fair play and substantial justice.

C. Background

12. Ole K. Nilssen is in the business of identifying, formulating plans for developing know-how and technology for, and implementing (via license agreements) promising new business technologies in the field of electronics, including electronic ballasts.

13. Nilssen is the inventor and owner of United States Patent Nos. 4,698,553; 4,819,146; 4,882,663; 4,928,039; 4,963,795; 5,047,690; 5,189,342; 5,214,356; 5,341,067;

5,402,043; 5,404,083; 5,416,386; 5,432,409; 5,446,346; 5,446,347; 5,471,118; 5,479,074; 5,481,160; 5,510,681; 5,550,439; 5,621,279; 5,710,488; 5,710,489; 5,736,819; 5,757,140; 6,002,210; 6,121,733; 6,211,619; and 6,472,827 (“the patents-in-suit” or “patented inventions”), respectively attached hereto at Tabs 1-29.

14. Geo Foundation has been an exclusive licensee of the patents-in-suit since January 1, 2000, with an exclusive right to license others.

15. Geo Foundation, Ltd. has authorized Nilssen to negotiate patent license agreements on its behalf as a prospective licensor of the patents-in-suit and Nilssen has negotiated on behalf of Geo Foundation, Ltd.

16. The electronic ballasts that Defendant manufactures and sells infringe on each of the 29 above-identified patents.

17. On information and belief, Defendant has had knowledge of these patents since sometime after their issuance and has knowingly and without justification infringed on these patents.

18. Plaintiffs have the right to bring suit with respect to the patents-in-suit.

19. Defendant has made, used, and sold and continues to make, use and sell electronic ballasts embodying the inventions claimed in each of the patents-in-suit and will continue to do so unless enjoined by this Court.

20. On information and belief, Defendant has willfully infringed and continues to willfully infringe each of the patents-in-suit.

21. In the United States, purchasers of electronic ballasts made and sold by Defendant have used in the past and continue to use the electronic ballasts in combination with

other components, including power sources and fluorescent lamps, thereby infringing one or more of the patents-in-suit.

22. On information and belief, each electronic ballast made and sold by Defendant was designed to be used in connection with a power source and one or more fluorescent lamps.

23. On information and belief, Defendant knew of one or more of the patents-in-suit at all relevant times before selling electronic ballasts to said purchasers.

24. Defendant has manufactured, used, offered for sale, and sold electronic ballasts that constitute a material component of one or more of the patents-in-suit and which have no substantial use other than as an infringement of the patents-in-suit, and Defendant continues to do so.

25. On information and belief, Defendant knew and intended that purchasers of Defendant's electronic ballasts use the electronic ballasts in combination with other components, including power sources and fluorescent lamps, so as to infringe one or more of the patents-in-suit.

26. On information and belief, Defendant has actively induced purchasers of Defendant's electronic ballasts to use the electronic ballasts in combination with other components, including power sources and fluorescent lamps, so as to infringe each of the patents-in-suit.

WHEREFORE, Plaintiffs pray that judgment be entered against Defendant:

(a) awarding damages and prejudgment interest to Plaintiffs under 35 U.S.C. §284;

- (b) preliminarily and permanently enjoining Defendant from making, using or selling electronic ballasts embodying the patented inventions;
- (c) preliminarily and permanently enjoining Defendant from contributorily infringing and inducing the infringement of the patented inventions;
- (d) increasing Plaintiffs' actual damages under 25 U.S.C. §284;
- (e) awarding Plaintiffs reasonable attorney fees under 35 U.S.C. §285; and
- (f) awarding such other relief as the Court deems proper.

Date: February 13, 2003

Respectfully submitted,



Harry J. Roper
Raymond N. Nimrod
John E. Titus
David R. Bennett
ROPER & QUIGG
200 South Michigan Avenue
Suite 1000
Chicago, Illinois 60604
(312) 408-0855

Attorney for Plaintiffs
Ole K. Nilssen
Geo Foundation Ltd.

**SEE CASE
FILE FOR
EXHIBITS**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

FEB 18 2003

JUDGE ANDERSEN
MAGISTRATE JUDGE DENLOW

In the Matter of

OLE K. NILSSEN and GEO FOUNDATION, LTD.
V.
UNIVERSAL LIGHTING TECHNOLOGIES

Case Number:

03C 1124

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

Plaintiff

FILED-204
03 FEB 13 PM 4:15
U.S. DISTRICT COURT

(A)		(B)	
SIGNATURE		SIGNATURE	
NAME	Raymond N. Nimrod	NAME	Harry J. Roper
FIRM	Roper & Quigg	FIRM	Roper & Quigg
STREET ADDRESS	200 South Michigan Avenue, Suite 1000	STREET ADDRESS	200 South Michigan Avenue, Suite 1000
CITY/STATE/ZIP	Chicago, Illinois 60604	CITY/STATE/ZIP	Chicago, Illinois 60604
TELEPHONE NUMBER	(312) 408-0855	TELEPHONE NUMBER	(312) 408-0855
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	6188808	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	2376350
MEMBER OF TRIAL BAR?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
		DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input type="checkbox"/>
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME	John E. Titus	NAME	David R. Bennett
FIRM	Roper & Quigg	FIRM	Roper & Quigg
STREET ADDRESS	200 South Michigan Avenue, Suite 1000	STREET ADDRESS	200 South Michigan Avenue, Suite 1000
CITY/STATE/ZIP	Chicago, Illinois 60604	CITY/STATE/ZIP	Chicago, Illinois 60604
TELEPHONE NUMBER	(312) 408-0855	TELEPHONE NUMBER	(312) 408-0855
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	6226246	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	6244214
MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
TRIAL ATTORNEY?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input type="checkbox"/>

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

1-3

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

OLE K. NILSSEN
and
GEO FOUNDATION, LTD.

DEFENDANTS

JUDGE ANDERSEN
MAGISTRATE JUDGE DEWLOW
UNIVERSAL LIGHTING TECHNOLOGIES

FEB 18 2003

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF McHenry
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Harry J. Roper, Raymond N. Nimrod, John E. Titus & David R. Bennett
Roper & Quigg
200 South Michigan Avenue, Suite 1000
Chicago, Illinois 60604 --(312) 408-0855

ATTORNEYS (IF KNOWN)

03C 1124

FILED-03
FEB 13 PM 4:15
U.S. DISTRICT COURT
MCHENRY, ILL.

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|---|---|---|---|
| Citizen of This State | <input type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Patent infringement

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Pega <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 167 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13609) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 PSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 28 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racklester Influenced and Corrupt Organizations <input type="checkbox"/> 610 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Wellers <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights		

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____
 UNDER F.R.C.P. 23

Check YES only if demanded in complaint
JURY DEMAND: YES NO

VIII. REMARKS

In response to is not a refiling of a previously dismissed action
General Rule 2.21D(2) this case is a refiling of case number _____ of Judge _____

DATE
February 13, 2003

SIGNATURE OF ATTORNEY OF RECORD

1-2