

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

JUN 30 2011

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

(1) LEKTRON, INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 (1) GE LIGHTING, INC; (2) )  
 iLIGHT TECHNOLOGIES, )  
 INC.; (3) THE SLOAN )  
 COMPANY, INC. D/B/A )  
 SLOANLED, INC.; AND (4) )  
 PHILIPS SOLID-STATE )  
 LIGHTING SOLUTIONS, INC., )  
 )  
 Defendants.

Case No.

**11 CV - 413 TCK TLW**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Lektron, Inc. ("Lektron") hereby brings this action for patent infringement against GE Lighting, Inc., iLight Technologies, Inc., The Sloan Company d/b/a SloanLED Company, and Philips Solid-State Lighting Solutions, Inc. (collectively "Defendants"), and alleges as follows:

**NATURE OF THE ACTION AND PARTIES**

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.
2. Plaintiff Lektron is a corporation organized under the laws of Oklahoma with its principal place of business at 7450 East 46<sup>th</sup> Place, Tulsa, Oklahoma 74145.
3. On information and belief, defendant GE Lighting, Inc. is a corporation organized under the laws of Delaware, with a principal place of business at 1975 Noble Road, Building 338E, East Cleveland, Ohio 44112.

*(File's P)*

4. On information and belief, defendant iLight Technologies, Inc. (“iLight”) is a corporation organized under the laws of Delaware, with its principal place of business at 118 South Clinton, Suite 370, Chicago, Illinois 60661.

5. On information and belief, defendant The Sloan Company, Inc. d/b/a SloanLED Company (“SloanLED”) is a corporation organized under the laws of California, with its principal place of business at 5725 Olivas Park Drive, Ventura, California 93003.

6. On information and belief, defendant Philips Solid-State Lighting Solutions, Inc. is a corporation organized under the laws of Delaware, with its principal place of business at 3 Burlington Woods Drive, Burlington, Massachusetts 01803.

#### **JURISDICTION**

7. This court has subject matter jurisdiction over this action pursuant to 35 U.S.C. § 271 et seq., 28 U.S.C. §§ 1331 and 1338(a).

8. Defendants are subject to personal jurisdiction in this district because each Defendant has conducted and does conduct business within the United States and the State of Oklahoma. Each Defendant, directly or through intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises (including the provision of an interactive web page) its products in the United States and the State of Oklahoma. Upon information and belief, each Defendant has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation that they will be purchased or used in the United States and the State of Oklahoma. Each Defendant has committed the tort of patent infringement within the United States and the State of Oklahoma.

## **VENUE**

9. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1391 (d) and 28 U.S.C. § 1400(b).

## **FACTUAL BACKGROUND**

10. Neon lighting has been known and used for decorative purposes for nearly 100 years. Despite its lengthy tenure, however, neon lighting has a number of well recognized problems. The tubes are fragile, and prone to breakage, which can result in an unsightly appearance. Neon lights require a high voltage power source, which results in significant power consumption, as well as the potential risk of fire. Finally, the fabrication of neon lights can include the use of materials that are toxic or otherwise harmful to the environment.

11. Recognizing the need for an alternative solution that consumed less electricity, was more durable, and avoided the other disadvantages of conventional neon lights, Lektron set out to develop a replacement product that achieved these goals. It succeeded, and invented a replacement product, which uses LED lights. This product, sold by Lektron under the trademark “LEON,” is a successful product.

## **CLAIM FOR RELIEF**

### **(INFRINGEMENT OF U.S. PATENT NO. 6,361,186)**

12. Lektron owns all right, title and interest in United States Patent No. 6,361,186 (“the ’186 patent”). The ’186 patent is entitled “Simulated Neon Light Using LED’s.” The application that issued as the ’186 patent was filed on August 2, 2000, and the United States Patent and Trademark Office duly and legally issued the ’186 patent on March 26, 2002. A copy of the ’186 patent is attached hereto as Exhibit A.

13. Defendant GE Lighting makes or has made, uses, offers to sell, sells, distributes, supplies, provides and/or imports into the United States LED lighting products that directly infringe at least claim 1 of the '186 patent either literally or under the doctrine of equivalents. The accused products include GE's Tetra BT border lighting product and GE's Tetra Contour product ("the GE Accused Products").

14. GE Lighting also induces and contributes to the infringement of the '186 patent by others, by making, using, selling, offering for sale, or importing components of a simulated neon light. For example, GE Lighting provides data sheets and installation instructions that instruct purchasers to assemble infringing simulated Neon border lights and connect the LEDs to the power source. Customers who use the GE Accused Products infringe the '186 patent. GE Lighting contributes to customers' infringement of the '186 patent by offering for sale, selling, importing into the United States, distributing, supplying, and/or otherwise providing the components for use by customers with knowledge that the resulting LED lighting systems are designed for use in a manner that practices the inventions claimed in the '186 patent, and that the component products do not have substantial non-infringing uses.

15. GE Lighting has known of the '186 patent since no later than September 28, 2007, when GE Lighting cited the '186 patent in an Information Disclosure Statement during the prosecution of U.S. Patent application 11/659,687. After obtaining knowledge of the '186 patent, GE Lighting continued to infringe the '186 patent as described above, despite an objectively high likelihood that its actions constitute infringement of the '186 patent. GE Lighting's infringement of the patent is willful and deliberate, entitling Lektron to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees under 35 U.S.C. § 285.

16. Defendant iLight makes or has made, uses, offers to sell, sells, distributes, supplies, provides and/or imports into the United States LED lighting products that directly infringe at least claim 1 of the '186 patent either literally or under the doctrine of equivalents. The accused products include iLight's Plexineon White and Plexineon Color lighting products ("the iLight Accused Products").

17. iLight also induces and contributes to the infringement of the '186 patent by others, by making, using, selling, offering for sale, or importing components of a simulated neon light. For example, iLight provides data sheets and installation instructions that instruct purchasers to assemble infringing simulated Neon border lights and connect the LEDs to the power source. Consumers who use the iLight Accused Products infringe the '186 patent. iLight contributes to customers' infringement of the '186 patent by offering for sale, selling, importing into the United States, distributing, supplying, and/or otherwise providing the components for use by customers with knowledge that the resulting LED lighting systems are designed for use in a manner that practices the inventions claimed in the '186 patent, and that the component products do not have substantial non-infringing uses.

18. iLight has known of the '186 patent since no later than June 21, 2004, when it filed U.S. Patent Application No. 10/872,861. This application describes the '186 patent as a prior patent that "describes and claims a simulated neon light in which a series of LEDs are housed within an elongated translucent diffuser." The '186 patent was cited, either by iLight or by the patent examiner, in at least eight other patents assigned to iLight. iLight was also aware of the significance of the '186 patent because of its central role in litigation between iLight and Fallon Luminous Products Corporation, as demonstrated by the extensive discussion of the '186 patent in the Federal Circuit's decision in the appeal of that action. *iLight Technologies, Inc. v.*



*Fallon Luminous Products Corp.*, Appeal No. 2009-1342 (Fed. Cir. April 20, 2010). After obtaining knowledge of the '186 patent, iLight continued to infringe the '186 patent as described above, despite an objectively high likelihood that its actions constitute infringement of the '186 patent. iLight's infringement of the patent is willful and deliberate, entitling Lektron to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees under 35 U.S.C. § 285.

19. Defendant SloanLED makes or has made, uses, offers to sell, sells, distributes, supplies, provides and/or imports into the United States LED lighting products that directly infringe at least claim 1 of the '186 patents either literally or under the doctrine of equivalents. The accused products include SloanLED's ColorLINE product ("the SloanLED Accused Products").

20. SloanLED also induces and contributes to the infringement of the '186 patent by others, by making, using, selling, offering for sale, or importing components of a simulated neon light. For example, SloanLED provides data sheets and installation instructions that instruct purchasers to assemble infringing simulated Neon border lights and connect the LEDs to the power source. Consumers who use the SloanLED Accused Products infringe the '186 patent. SloanLED contributes to customers' infringement of the '186 patent by offering for sale, selling, importing into the United States, distributing, supplying, and/or otherwise providing the components for use by customers with knowledge that the resulting LED lighting systems are designed for use in a manner that practices the inventions claimed in the '186 patent, and that the component products do not have substantial non-infringing uses.

21. SloanLED has known of the '186 patent since no later than May 8, 2007, when U.S. Patent No. 7,604,376 was issued by the Patent and Trademark Office. The '376 patent indicates on its face that the '186 patent was cited by the patent examiner during prosecution of

the '376 patent. After obtaining knowledge of the '186 patent, SloanLED continued to infringe the '186 patent as described above, despite an objectively high likelihood that its actions constitute infringement of the '186 patent. SloanLED's infringement of the patent is willful and deliberate, entitling Lektron to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees under 35 U.S.C. § 285.

22. Defendant Philips Solid-State makes or has made, uses, offers to sell, sells, distributes, supplies, provides and/or imports into the United States LED lighting products that directly infringe at least claim 1 of the '186 patents either literally or under the doctrine of equivalents. The accused products include Philips' eW Accent MX Powercore and iColor Accent MX Powercore lighting products ("the Philips Accused Products").

23. Philips Solid-State also induces and contributes to the infringement of the '186 patent by others, by making, using, selling, offering for sale, or importing components of a simulated neon light. For example, Philips Solid-State provides data sheets and installation instructions that instruct purchasers to assemble infringing simulated Neon border lights and connect the LEDs to the power source. Consumers who use the Philips Accused Products infringe the '186 patent. Philips Solid-State contributes to customers' infringement of the '186 patent by offering for sale, selling, importing into the United States, distributing, supplying, and/or otherwise providing the components for use by customers with knowledge that the resulting LED lighting systems are designed for use in a manner that practices the inventions claimed in the '186 patent, and that the component products do not have substantial non-infringing uses.

24. Philips Solid-State has known of the '186 patent since no later than November 15, 2005, when U.S. Patent No. 6,965,205 was issued by the Patent and Trademark Office. The '205

patent indicates on its face that the '186 patent was cited by Philips' predecessor in interest, Color Kinetics, Inc., during prosecution of the '205 patent. After obtaining knowledge of the '186 patent, Philips Solid-State continued to infringe the '186 patent as described above, despite an objectively high likelihood that its actions constitute infringement of the '186 patent. Philips Solid-State's infringement of the patent is willful and deliberate, entitling Lektron to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees under 35 U.S.C. § 285.

25. Lektron is entitled to recover past damages because it has marked its products with the '186 patent number, pursuant to 35 U.S.C § 287.

26. Lektron sells its LEON product in competition with the Defendants' sale of infringing products. The Defendants' sales of infringing products have caused Lektron to lose sales, and have eroded the price that Lektron can charge for its patented LEON products. Lektron has suffered, and will continue to suffer, severe and irreparable harm unless this Court issues an injunction prohibiting Defendants, their agents, servants, employees, representatives, and all others acting in concert therewith, from infringing the '186 patent.

#### **JURY DEMAND**

Lektron requests a trial by jury for all issues so triable.

#### **PRAYER FOR RELIEF**

Lektron prays for relief as follows:

1. Judgment that each defendant has infringed the '186 patent as alleged herein;
2. A judgment and order requiring each defendant to pay Lektron compensatory damages in an amount according to proof, including Lektron's lost profits for each defendant's infringing sales, but in no event less than a reasonable royalty;

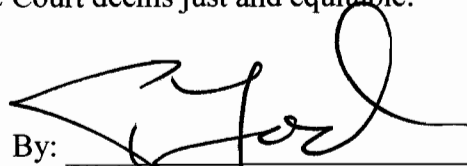


3. A judgment and order that each defendant, its agents, employees, representatives, successors and assigns, and those acting in privity or in concert with them, be permanently enjoined from further infringing the '186 patent.

4. A judgment and order that each defendant's infringement was willful, and an award of treble damages and attorneys' fees.

5. Any and all other relief that the Court deems just and equitable.

Dated: June 30, 2011

By: 

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