

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STARLITE CREATIONS INC.)
727 Brea Canyon Road)
Suite 4)
Walnut, CA 91789)

Plaintiff,)

v.)

Hsien-Ta Shen)
No. 4, Alley 21, Lane 56, Section 1)
Zhongyuan Road)
Longtan Township, Taoyuan County)
Taiwan, R.O.C.)

Defendant.)
_____)

Civil Action No: _____

COMPLAINT FOR DECLARATORY JUDGMENT AND DEMAND FOR JURY
TRIAL

For their Complaint, Plaintiff, STARLITE CREATIONS INC. ("Starlite" or
"Plaintiff"), alleges as follows:

THE PARTIES

1. Plaintiff Starlite has its principal place of business at 727 Brea Canyon Road, Suite 4, Walnut, California, 91789.
2. On information and belief, Defendant Hsien-Ta Shen ("Mr. Shen" or "Defendant") is a citizen of Taiwan with his residence at No. 4, Alley 21, Lane 56, Section 1, Zhongyuan Road, Longtan Township, Taoyuan County, Taiwan, R.O.C.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 101, et seq. In this action, Plaintiff seeks a declaratory judgment that U.S. Patent No. 7,235,815 (the "`815 Patent") is not being infringed by Plaintiff, because Plaintiff is licensed and authorized to sell and distribute certain LED light sets.

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1338(a) and under the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2002.

5. This Court also has diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), as: Plaintiff is a California corporation; Defendant is a foreign citizen of Taiwan; and, the amount in controversy is in excess of \$75,000.00.

6. This Court has personal jurisdiction over Defendant under 35 U.S.C. § 293. Upon information and belief, Defendant, is the sole assignee of the `815 Patent and does not reside in the United States. Upon further information and belief, no patentee of the `815 Patent has filed in the U.S. Patent and Trademark Office a written designation stating the name and address of a person residing within the United States on whom may be served process or notice of proceedings affecting the `815 Patent or rights thereunder.

7. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), 1391(d) because under 35 U.S.C. § 293, Defendant is subject to personal jurisdiction in this judicial district; and upon information and belief, Defendant is an alien.

EXISTENCE OF AN ACTUAL CASE OR CONTROVERSY

8. The '815 Patent is entitled LED Light Set, and describes a type of LED light set that is small, "has pantoscopic emission, waterproof and bendable characters". The sole assignee of the '815 Patent is listed as Hsien-Ta Shen.

9. On information and belief, on or about April of 2006, Mr. Shen and Mr. Chih Chiang Tsao, a citizen of Taiwan, and Digicrown International Limited, a British Virgin Islands (BVI) company, entered into a Joint Venture Agreement (the "JV Agreement"). The JV Agreement provided in part for the formation of another British Virgin Island (BVI) company called Fastinvest International Limited ("Fastinvest"). The JV Agreement also provided in part that certain intellectual property owned by Mr. Shen, including a U.S. Patent application, that subsequently issued as the '815 Patent, was to be transferred to Fastinvest so that Fastinvest could manufacture and sell certain LED light sets.

10. Plaintiff has in the past and is continuing to purchase LED light sets from Fastinvest.

11. On information and belief, Mr. Shen has commenced a criminal complaint against Chih Chiang Tsao and Digicrown's president, Mr. Nai-Chen Tsai, in Banciao District Prosecutors Office related to the JV and the Patent. Plaintiff has recently been advised that in conjunction with the legal proceeding, Mr. Shen is now claiming that the LED light sets that Plaintiff is purchasing are not licensed or authorized by Mr. Shen or under the '815 Patent, and that the LED light sets infringe the '815 Patent.

12. Thus, a justiciable case or controversy exists concerning whether Plaintiff

has infringed and/or is infringing the '815 Patent. Under the totality of the circumstances, Plaintiff and Defendant have adverse legal interests in sufficient immediacy and reality to warrant the issuance of a declaratory judgment. In addition, Defendant's conduct has created a reasonable apprehension of suit on the part of Plaintiff including: whether Plaintiff's purchases of the LED light sets from Fastinvest are authorized and licensed by Mr. Shen and under the '815 Patent.

**FIRST CAUSE OF ACTION
Declaration of Non-infringement**

13. Plaintiff realleges and incorporates herein by reference each and every allegation set forth in paragraphs 1-12 above.

14. Plaintiff's purchases of the LED light sets from Fastinvest are authorized and licensed under the '815 Patent, and therefore do not infringe the '815 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- A. A declaratory judgment that U.S. Patent No. 7,235,815 is not infringed;
- B. That Plaintiff be awarded reasonable attorney fees under 35 U.S.C. § 285; and
- C. That Plaintiff be granted other and further relief as this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Date: September 25, 2009

STARLITE CREATIONS INCORPORATED.

By: 

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CERTIFICATE REQUIRED BY LOCAL CIVIL RULE 7.1

I, the undersigned counsel of record for plaintiff, Starlite Creations Inc., certify that to the best of my knowledge and belief, no parent company, subsidiary, or affiliate of Starlite Creations Inc. has any outstanding securities in the hands of the public.

These representations are made in order that judges of this Court may determine the need for recusal.

Date: September 25, 2009

STARLITE CREATIONS INC.

By: 

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