

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

RUUD LIGHTING, INC.,	)	
a Wisconsin corporation,	)	
Plaintiff,	)	
	)	Case No. 10-cv-00280
v.	)	
	)	Judge C. Clevert
COOPER LIGHTING, LLC,	)	
a Delaware corporation,	)	<b>JURY TRIAL DEMANDED</b>
Defendant.	)	

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**SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

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NOW COMES Plaintiff, RUUD LIGHTING, INC. (“Ruud”), and complains of Defendant, COOPER LIGHTING, LLC (“Cooper”), as follows:

**Parties**

1. Plaintiff, Ruud, was incorporated under the laws of the State of Wisconsin in 1982 and is in good standing. Ruud’s principal place of business is at 9201 Washington Avenue, Racine, Wisconsin.

2. On information and belief, Defendant, Cooper, is a Delaware limited liability corporation with its principal place of business at 1121 Highway 74 South, Peachtree City, Georgia.

**Jurisdiction and Venue**

3. This action arises under the patent laws of the United States, including 35 U.S.C. §§271 and 281. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a).

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) because infringement by Cooper has occurred in this district. Venue is also proper in this judicial district pursuant to 28 U.S.C. §§1391(b) and 1391(c) since a substantial part of the events giving rise to the claims occurred in this district, and Cooper does or has done business in this district and is subject to personal jurisdiction in this district.

## **Background**

### **Ruud's Business**

5. Ruud has long been and is currently engaged in the manufacture and sale of industrial lighting products and conducts business throughout the United States and elsewhere.

6. Alan J. Ruud, Kurt Wilcox, Steven R. Walczak and Wayne Guillien, working for Ruud, invented a unique LED lighting apparatus and, with respect to such invention, on September 25, 2007, filed a patent application (Serial No. 11/860,887) (“the ‘887 application”), which was a continuation-in-part of Serial No. 11/541,908 (now abandoned), with the United States Patent and Trademark Office (“USPTO”).

7. The ‘887 application matured into United States Patent No. 7,686,469, titled “LED Floodlight Fixture,” which issued on March 30, 2010 (“the ‘469 Patent”) (Exhibit 1). The ‘469 Patent is assigned to Ruud and Ruud owns and has all right, title and interest in and to the ‘469 Patent. The Ruud ‘469 Patent is valid and subsisting.

8. Kurt Wilcox, working for Ruud, also invented a unique LED lighting apparatus lensing member with a reflector shield inserted therein, and lighting fixtures using such lighting apparatus lensing and reflector, and, with respect to such invention, on July 15, 2008, filed a patent application (Serial No. 12/173,149) (“the ‘149 application”) with the USPTO.

9. The '149 application matured into United States Patent No. 7,891,835, titled "Light-Directed Apparatus with Protected Reflector-Shield and Lighting Fixture Utilizing Same," which issued on February 22, 2011 ("the '835 Patent") (Exhibit 2). The '835 Patent is assigned to Ruud and Ruud owns and has all right, title and interest in and to the '835 Patent. The Ruud '835 Patent is valid and subsisting.

10. Ruud has standing to sue for infringement of the '469 and '835 Patents.

11. Since prior to the events complained of herein, Ruud has manufactured and sold numerous LED products based on the inventions of the '469 Patent for roadway, area and street lighting application, including Ruud's The Edge® LED Floodlight and certain LEDway® lighting products. Ruud has fully complied with the marking requirements of 35 U.S.C. §287, including, without limitation, by placing the relevant patent numbers on its lighting products. The Ruud LED products based on the inventions of the '469 Patent have enjoyed tremendous commercial success.

### **Cooper's Business**

12. Cooper is in the business of designing, manufacturing and selling lighting products throughout the United States, including in this judicial district.

13. Prior to Ruud's filing of the original complaint, it had come to Ruud's attention that Cooper, under its McGraw-Edison brand, was offering for sale and selling a product, known as its "VTS Ventus LED" area/roadway luminaire product that infringes claims of the '469 Patent.

14. Cooper has made, offered for sale and sold, and continues to make, offer for sale and sell the infringing "VTS Ventus LED" area/roadway luminaire product throughout the United States, including within this judicial district.

15. Recently, it also came to Ruud's attention that Cooper, under its inVUE, McGraw-Edison, Lumark and Streetworks brands, has been offering for sale and selling lighting products which include Cooper's "AccuLED Optics" system that infringes claims of the '835 Patent. Such Cooper infringement includes: Under its inVUE brand, Cooper's offering and selling infringing products known as its "Vision Site LED" area luminaire, "Mesa LED" decorative luminaire, and "Entri LED" architectural wall series luminaire products; under its McGraw-Edison brand, Cooper's offering and selling infringing products known as its "VTS Ventus LED" area/roadway luminaire, "Talon LED" area luminaire, "Concise LED" canopy luminaire, "Valet LED" parking luminaire, and "Impact Elite LED" wall series luminaire products; under its Lumark brand, Cooper's offering and selling infringing products known as its "RC Cobrahead LED" roadway luminaire and "RV Ridgeview LED" site luminaire products; under its Streetworks brand, Cooper's offering and selling infringing products known as its "OVH Cobrahead LED" roadway luminaire, "RDG Ridgeview LED" site luminaire, and "VST Ventus LED" area/roadway luminaire products.

16. Cooper's offering and selling of such products with the "AccuLED Optics" system have been throughout the United States, including within this judicial district.

17. On information and belief, Cooper had knowledge of Ruud's '469 Patent beginning before its issuance and still proceeded to prepare for and commence infringement of the '469 Patent, and continued to do so after issuance of the Patent. On information and belief, Cooper's infringement of the '469 Patent is intentional.

18. On information and belief, Cooper also had knowledge of Ruud's '835 Patent beginning before its issuance and still proceeded to prepare for and commence infringement of

the '835 Patent, and continued to do so after issuance of the Patent. On information and belief, Cooper's infringement of the '835 Patent is intentional.

**COUNT I**  
**DIRECT INFRINGEMENT OF RUUD'S '469 PATENT**

19. Paragraphs 1-18 are realleged and incorporated by reference as if fully set forth herein.

20. Cooper has infringed claims of the '469 Patent at least by making, using, selling or offering to sell at least its "VTS Ventus LED" area/roadway luminaire product. Such conduct by Cooper is without Ruud's consent.

21. Such conduct by Cooper constitutes direct patent infringement, such infringement being either literal and/or infringement under the doctrine of equivalents, in violation of 35 U.S.C. §271(a).

22. Ruud has been and continues to be irreparably harmed, and has suffered and continues to suffer damages, by Cooper's infringement of the '469 Patent. Ruud is entitled to recover damages adequate to compensate it for the infringement that has occurred in an amount to be determined at trial.

23. Ruud will continue to be harmed and damaged until Cooper is enjoined from direct infringement of the '469 Patent by the Court.

**COUNT II**  
**INDUCEMENT OF INFRINGEMENT OF RUUD'S '469 PATENT**

24. Paragraphs 1-23 are realleged and incorporated by reference as if fully set forth herein.

25. Cooper has infringed claims of the '469 Patent at least by inducing, aiding and

abetting or encouraging the infringement by others by their offering to sell, selling and/or using at least its “VTS Ventus LED” area/roadway luminaire product. Such conduct by Cooper is without Ruud’s consent and continues in violation of 35 U.S.C. §271(b).

26. Ruud has been and continues to be irreparably harmed, and has suffered and continues to suffer damages, by Cooper’s infringement of the ‘469 Patent. Ruud is entitled to recover damages adequate to compensate it for the infringement that has occurred in an amount to be determined at trial.

27. Ruud will continue to be harmed and damaged until Cooper is enjoined from inducement of infringement of the ‘469 Patent by the Court.

**COUNT III**  
**DIRECT INFRINGEMENT OF RUUD’S ‘835 PATENT**

28. Paragraphs 1-27 are realleged and incorporated by reference as if fully set forth herein.

29. Cooper has infringed claims of the ‘835 Patent at least by making, using, selling or offering to sell products which include Cooper’s “AccuLED Optics” system, including those referred to above in paragraph 15. Such conduct by Cooper is without Ruud’s consent.

30. Such conduct by Cooper constitutes direct patent infringement, such infringement being literal and/or under the doctrine of equivalents, in violation of 35 U.S.C. §271(a).

31. Ruud has been and continues to be irreparably harmed, and has suffered and continues to suffer damages, by Cooper’s infringement of the ‘835 Patent. Ruud is entitled to recover damages adequate to compensate it for the infringement that has occurred in an amount to be determined at trial.

32. Ruud will continue to be harmed and damaged until Cooper is enjoined from such

direct infringement of the '835 Patent by the Court.

**COUNT IV**  
**INDUCEMENT OF INFRINGEMENT OF '835 PATENT**

33. Paragraphs 1-32 are realleged and incorporated by reference as if fully set forth herein.

34. Cooper has infringed claims of the '835 Patent at least by inducing, aiding and abetting or encouraging the infringement by others by their offering to sell, selling and/or using products which include Cooper's "AccuLED Optics" system, including those referred to in paragraph 15 above. Such conduct by Cooper is without Ruud's consent and continues in violation of 35 U.S.C. §271(b).

35. Ruud has been and continues to be irreparably harmed, and has suffered and continues to suffer damages, by such infringement. Ruud is entitled to recover damages adequate to compensate it for the inducement of infringement of the '835 Patent that has occurred in an amount to be determined at trial.

36. Ruud will continue to be harmed and damaged until Cooper is enjoined from such inducement of infringement of the '835 Patent by the Court.

WHEREFORE, Plaintiff, Ruud Lighting, Inc., prays that this Court enter judgment in its favor and against Defendant, Cooper Lighting, LLC, and its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, and employees as follows:

- A. An entry of judgment in favor of Ruud and against Cooper that Cooper infringes the '469 Patent and the '835 Patent;

- B. A permanent injunction against further infringement of the '469 Patent and '835 Patent by Cooper and all persons in active concert or participation with it pursuant to 35 U.S.C. §283;
- C. An award of damages adequate to compensate Ruud for Cooper's infringement together with prejudgment interest from the date infringement began, but in no event less than a reasonable royalty;
- D. An award of any other damages permitted under 35 U.S.C. §§284 and 285; and
- E. Such other and further relief as this Court or a jury may deem just and proper.

**Jury Demand**

Ruud requests a trial by jury.

Dated this 6th day of July, 2011.

Respectfully submitted,

RUUD LIGHTING, INC.

By           s/Molly H. McKinley            
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