

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**COOPER LIGHTING, LLC,**

*Plaintiff,*

v.

**CREE, INC., and  
RUUD LIGHTING, INC.,**

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Civil Action No. \_\_\_\_\_**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Cooper Lighting, LLC (hereinafter “Cooper”), for its Complaint against Defendants Cree, Inc. (hereinafter “Cree”), and Ruud Lighting, Inc. (hereinafter “Ruud”), alleges as follows:

**PARTIES**

1. Plaintiff Cooper is a Delaware corporation having a principal place of business at 1121 Highway 74 South, Peachtree City, Georgia 30269.

2. On information and belief, Defendant Cree is a North Carolina corporation having a principal place of business at 4600 Silicon Drive, Durham, North Carolina 27703.

3. On information and belief, Defendant Ruud is a Wisconsin corporation having a principal place of business at 9201 Washington Avenue, Racine, Wisconsin 53406.

**JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332 and 1338(a).

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

7. Defendant Cree is conducting business on a systematic and continuous basis within the United States, including within the State of Georgia, and in this judicial district, and has committed acts of infringement in this judicial district.

8. Defendant Cree makes, imports, uses, offers to sell, and/or sells within the United States products including products that infringe the patent-in-suit. Cree's products are targeted to customers, such as lighting retailers, end users, and distributors that sell and ship products all over the world, including into the State of Georgia and this judicial district. Defendant Cree reasonably expects that its products will be sold into the State of Georgia and into this judicial district.

9. Defendant Cree is subject to personal jurisdiction in this judicial district because it has established minimum contacts with the forum, such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

10. Defendant Ruud is conducting business on a systematic and continuous basis within the United States, including within the State of Georgia, and in this judicial district, and has committed acts of infringement in this judicial district.

11. Defendant Ruud makes, imports, uses, offers to sell, and/or sells within the United States products, including products that infringe the patent-in-suit. Ruud's products are targeted to customers, such as lighting retailers, end users, and distributors that sell and ship products all

over the world, including into the State of Georgia and this judicial district. Defendant Ruud reasonably expects that its products will be sold into the State of Georgia and into this judicial district.

12. Defendant Ruud is subject to personal jurisdiction in this judicial district because it has established minimum contacts with the forum, such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

13. Defendants are properly joined in this action because each is liable jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences, and any question of law or fact common to all defendants will arise in the action.

### **BACKGROUND**

14. Cooper is a global technology leader specializing in the design and manufacture of high performance Light Emitting Diode (“LED”) devices and apparatuses utilizing LEDs.

15. Cooper is the owner by assignment of all rights, title, and interest in and to United States Patent No. 8,210,722 entitled “LED Device for Wide Beam Generation” (“the ’722 patent”).

16. The ’722 patent was duly and legally issued on July 3, 2012, by the United States Patent and Trademark Office. A true and correct copy of the ’722 patent is attached hereto as Exhibit A.

17. Ruud manufactures and sells LED-based area and parking lot lighting, street lighting, parking structure lighting, accent lighting, architectural area lighting, pedestrian lighting, industrial lighting, and site lighting.

18. Ruud has made, sold, and offered for sale, and continues to make, sell, and offer for sale, LED-based products that infringe one or more claims of the '722 patent, including Ruud's Type II Optics products and Type III Optics products throughout the United States, including within this judicial district.

19. On information and belief, Ruud had knowledge of the '722 patent beginning before its issuance and still proceeded to prepare for and commence infringement of the '722 patent, and continued to do so after issuance of the patent. On information and belief, Ruud's infringement of the '722 patent is intentional.

20. Cree manufactures and sells lighting-class LEDs, LED lighting, LED components, and LED chips.

21. Cree's product families include LED fixtures and bulbs, LED chips, and high-brightness LEDs.

22. Cree has made, sold, and offered for sale, and continues to make, sell, and offer for sale, products that infringe one or more claims of the '722 patent, including Cree's XSP Series LED Streetlights that incorporate Type II Optics products and Type III Optics products, throughout the United States, including within this judicial district.

23. On information and belief, Cree had knowledge of the '722 patent beginning before its issuance and still proceeded to prepare for and commence infringement of the '722 patent, and continued to do so after issuance of the patent. On information and belief, Cree's infringement of the '722 patent is intentional.

**COUNT ONE**  
**DIRECT INFRINGEMENT OF THE '722 PATENT**  
**(AGAINST CREE)**

24. Each of the foregoing paragraphs is re-alleged and incorporated by reference as if set forth fully herein.

25. Cree has infringed one or more claims of the '722 patent at least by making, using, selling or offering to sell products that include Cree's XSP Series LED Streetlights that incorporate Type II Optics products and Type III Optics products. Such conduct by Cree is without Cooper's consent.

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

27. Cooper has been and continues to be irreparably harmed, and has suffered and continues to suffer damages, by Cree's infringement of the '722 patent. Cooper is entitled to recover damages adequate to compensate it for the infringement that has occurred in an amount to be determined at trial.

28. Cooper will continue to be harmed and damaged until Cree is enjoined from such direct infringement of the '722 patent by the Court.

**COUNT TWO**  
**DIRECT INFRINGEMENT OF THE '722 PATENT**  
**(AGAINST RUUD)**

29. Paragraphs 1-23 are re-alleged and incorporated by reference as if set forth fully herein.

30. Ruud has infringed one or more claims of the '722 patent at least by making, using, selling or offering to sell LED-based products that include Ruud's Type II Optics products

and Type III Optics products. Such conduct by Ruud is without Cooper's consent.

31. Such conduct by Ruud constitutes direct patent infringement, such infringement being literal and/or under the Doctrine of Equivalents, in violation of 35 U.S.C. § 271(a).

32. Cooper has been and continues to be irreparably harmed, and has suffered and continues to suffer damages, by Ruud's infringement of the '722 patent. Cooper is entitled to recover damages adequate to compensate it for the infringement that has occurred in an amount to be determined at trial.

33. Cooper will continue to be harmed and damaged until Ruud is enjoined from such direct infringement of the '722 patent by the Court.

**DEMAND FOR JURY**

Cooper demands a jury trial of all issues in this action so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

WHEREFORE, Cooper respectfully requests that the Court:

- A. Render judgment finding that Cree has infringed the '722 patent;
- B. Render judgment finding that Cree's infringement of the '722 patent is willful;
- C. Render judgment finding that Ruud has infringed the '722 patent;
- D. Render judgment finding that Ruud's infringement of the '722 patent is willful;
- E. Issue preliminary and permanent injunctions preventing Defendants, and those in active concert or participation with Defendants, from further infringement of the '722 patent;
- F. Award compensatory damages in an amount to be determined at trial;

- G. Award treble damages pursuant to 35 U.S.C. § 284;
- H. Declare this case is exceptional pursuant to 35 U.S.C. § 285, and award the costs and reasonable attorney fees incurred in connection with this action; and
- I. Grant such other and further relief as the Court and the jury deem just and proper.

Dated: September 7, 2012

COOPER LIGHTING, LLC

s/ Alexandra M. Dishun

Alexandra M. Dishun

Ga. Bar No. 184502

**LOCKE LORD LLP - ATLANTA**

3333 Piedmont Rd. NE, Suite 1200

Atlanta, Georgia 30305

Telephone: (404) 870-4600

Facsimile: (404) 806-5678

OF COUNSEL

Craig Weinstock (*Pro Hac Vice* to be filed)

[cweinstock@lockelord.com](mailto:cweinstock@lockelord.com)

Brent Benoit (*Pro Hac Vice* to be filed)

[bbenoit@lockelord.com](mailto:bbenoit@lockelord.com)

Matthew Reeves (*Pro Hac Vice* to be filed)

[mreeves@lockelord.com](mailto:mreeves@lockelord.com)

**LOCKE LORD LLP - HOUSTON**

2800 JPMorgan Chase Tower, 600 Travis

Houston, Texas 77002

Telephone: 713-226-1200

Facsimile: 713-229-2510

*Attorneys for Plaintiff*

**Cooper Lighting, LLC**