

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LED Tech Development, LLC,

Plaintiff

v.

The Coleman Company, Inc.,

Defendant.

Case No. 12-1259-SLR

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff LED Tech Development, LLC (“LED Tech”) alleges as follows:

PARTIES

1. LED Tech is a Delaware limited liability company with a principal place of business located at 719 West Front St., Suite 242, Tyler, Texas 75702.

2. Defendant The Coleman Company, Inc. ("Coleman") is a Delaware corporation with a principal place of business at 3600 N. Hydraulic, Wichita, Kansas 67230. Coleman has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, as its agent for service of process.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Coleman because Coleman has established minimum contacts with the forum state of Delaware. Coleman, directly and/or through third-party manufacturers, manufactures or assembles products that, on information and belief, are and have been offered for sale, sold, purchased, and used within the state of Delaware. In addition, Coleman, directly and/or through their distribution networks, regularly place their products within the stream of commerce, with the knowledge and/or understanding that such products will be sold in Delaware. In addition, Coleman is a corporation organized and existing under the laws of the State of Delaware. Thus, Coleman has purposefully availed itself of the benefits of the state of Delaware and the exercise of jurisdiction over Coleman would not offend traditional notions of fair play and substantial justice.

5. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(d) and 1400(b) because Coleman is subject to personal jurisdiction in this District, and has committed acts of patent infringement in this District.

FACTUAL BACKGROUND

6. LED Tech is the owner by assignment of U.S. Patent No. 6,095,661 (the “’661 patent”). The ’661 patent is entitled “Method and Apparatus for an L.E.D. Flashlight.” The ’661 patent issued on August 1, 2000. A true and correct copy of the ’661 patent is attached hereto as Exhibit A.

7. LED Tech is the owner by assignment of U.S. Patent No. 7,393,119 (the “’119 patent”). The ’119 patent is entitled “Method and Apparatus for Constant Light Output Pulsed L.E.D. Illumination.” The ’119 patent issued on July 1, 2008. A true and correct copy of the ’119 patent is attached hereto as Exhibit B.

8. LED Tech is the owner by assignment of U.S. Patent No. 6,808,287 (the “’287 patent”). The ’287 patent is entitled “Method and Apparatus for a Pulsed L.E.D. Illumination Source.” The ’287 patent issued on October 26, 2004. A true and correct copy of the ’287 patent is attached hereto as Exhibit C.

COUNT I
(Infringement of U.S. Patent No. 6,095,661)

9. Coleman has been and still is infringing at least claims 12, 21, and 22 of the ’661 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing, without license or authority, LED lighting products utilizing pulse-width modulation signals to drive light-emitting diodes, including, but not limited to, its Exponent 2 CR123A Lithium Flashlight.

10. To the extent that facts learned in discovery show that Coleman's infringement of the ’661 patent is or has been willful, LED Tech reserves the right to request such a finding at the time of trial.

11. To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the ’661 patent.

12. As a result of Coleman's infringement of the ’661 patent, LED Tech has suffered monetary damages in an amount adequate to compensate for Coleman's infringement, but in no event less than a reasonable royalty for the use made of the invention by Coleman, together with interest and costs as fixed by the Court, and LED Tech will continue to suffer damages in the future unless Coleman's infringing activities are enjoined by this Court.

13. Unless a permanent injunction is issued enjoining Coleman and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert

therewith from infringing the '661 patent, LED Tech will be greatly and irreparably harmed.

COUNT II
(Infringement of U.S. Patent No. 7,393,119)

14. Coleman has been and still is infringing at least claims 1 and 11 of the '119 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing, without license or authority, LED lighting products utilizing pulse-width modulation signals to drive light-emitting diodes, including, but not limited to, its Exponent 2 CR123A Lithium Flashlight.

15. To the extent that facts learned in discovery show that Coleman's infringement of the '119 patent is or has been willful, LED Tech reserves the right to request such a finding at the time of trial.

16. To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the '119 patent.

17. As a result of Coleman's infringement of the '119 patent, LED Tech has suffered monetary damages in an amount adequate to compensate for Coleman's infringement, but in no event less than a reasonable royalty for the use made of the invention by Coleman, together with interest and costs as fixed by the Court, and LED Tech will continue to suffer damages in the future unless Coleman's infringing activities are enjoined by this Court.

18. Unless a permanent injunction is issued enjoining Coleman and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '119 patent, LED Tech will be greatly and irreparably harmed.

COUNT III
(Infringement of U.S. Patent No. 6,808,287)

19. Coleman has been and still is infringing at least claim 1 of the '287 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing, without license or authority, LED lighting products utilizing pulse-width modulation signals to drive light-emitting diodes, including, but not limited to, its Exponent 2 CR123A Lithium Flashlight.

20. To the extent that facts learned in discovery show that Coleman's infringement of the '287 patent is or has been willful, LED Tech reserves the right to request such a finding at the time of trial.

21. To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the '287 patent.

22. As a result of Coleman's infringement of the '287 patent, LED Tech has suffered monetary damages in an amount adequate to compensate for Coleman's infringement, but in no event less than a reasonable royalty for the use made of the invention by Coleman, together with interest and costs as fixed by the Court, and LED Tech will continue to suffer damages in the future unless Coleman's infringing activities are enjoined by this Court.

23. Unless a permanent injunction is issued enjoining Coleman and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '287 patent, LED Tech will be greatly and irreparably harmed.

PRAYER FOR RELIEF

LED Tech prays for the following relief:

1. A judgment that Coleman has infringed one or more claims of the '661, '119, and '287 patents;
2. A permanent injunction enjoining Coleman and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with it, from infringing the '661, '119, and '287 patents;
3. An award of damages resulting from Coleman's acts of infringement in accordance with 35 U.S.C. § 284;
4. A judgment and order requiring Coleman to provide an accounting and to pay supplemental damages to LED Tech, including, without limitation, prejudgment and post-judgment interest; and
5. Any and all other relief to which LED Tech may show itself to be entitled.

JURY TRIAL DEMANDED

LED Tech hereby demands a trial by jury of all issues so triable.

November 26, 2012

BAYARD, P.A.

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