

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GE Lighting Solutions, LLC,)	
)	Civil Action No.:
Plaintiff)	
)	Judge:
v.)	
)	COMPLAINT FOR PATENT
Lights of America, Inc.,)	INFRINGEMENT AND
)	DEMAND FOR JURY TRIAL
Defendant.)	
_____)	

Plaintiff, GE Lighting Solutions, LLC (“GE Lighting Solutions”), by its attorneys and for its Complaint against Defendant, Lights of America, Inc. (“LOA” or “the Defendant”), alleges and states as follows:

THE PARTIES

GE Lighting Solutions, LLC

1. GE Lighting Solutions is a Delaware Limited Liability Company having its principal place of business located at 1975 Noble Road, NELA Park, East Cleveland, OH 44112.

2. GE Lighting Solutions is part of the General Electric Company, formed in 1892 (“GE”). Thomas Edison, inventor of the first successful incandescent electric lamp, was a co-founder of the General Electric Company, which combined his Edison General Electric Company with the Thomson-Houston Company.

3. In 1900, GE opened the first industrial research and development laboratory in the United States. At that research lab in 1908, GE scientist William Coolidge invented the ductile tungsten filament that made GE’s incandescent lamp significantly more durable than the original design. The invention, much like Edison’s first successful incandescent lamp, marked GE’s

technological leadership in the lighting industry, as well as its goal of bringing innovation to the marketplace.

4. Shortly thereafter, GE began construction of a location for its lamp operations. That campus, Nela Park in Cleveland, Ohio, became the first industrial park in the world and was listed as a Historic Place in the U.S. Department of the Interior's National Register in 1975.

5. Over the years, GE scientists have amassed thousands of patents, and two Nobel prizes. The first practical visible-spectrum Light Emitting Diode ("LED") was developed in 1962 by Nick Holonyak, Jr., while working at GE.

6. Since Dr. Holonyak's invention, GE has continued to research and develop the LED, including for use as a replacement for traditional incandescent and halogen light bulbs ("lamps").

7. LED replacement lamps have been developed in the majority of commonly used formats, including household general purpose lighting, decorative, directional, and floodlighting. LED lighting can enable energy savings of at least 75%, compared with traditional incandescent light sources, while lasting up to 50 times longer.

8. The two patents asserted by GE Lighting Solutions in this Complaint are a result of GE Lighting Solutions' research and development in the field of LED replacement lamps.

Lights of America, Inc.

9. Upon information and belief, Defendant Lights of America, Inc. is a California corporation, having a place of business at 611 Reyes Dr., Walnut, CA 91789.

10. Upon information and belief, the Defendant imports, makes, sells, offers to sell, and/or uses LED lamps for use in general and commercial lighting applications, including for use as a replacement for traditional incandescent and halogen lamps.

JURISDICTION AND VENUE

11. This is a complaint for patent infringement pursuant to 35 U.S.C. § 271.

12. This Court has original and exclusive subject matter jurisdiction over GE Lighting Solutions' claims pursuant to 28 U.S.C. §§ 1331, 1332, and 1338(a).

13. This Court has personal jurisdiction over LOA by virtue of the fact that LOA does business in the State of Ohio, and sells its products, including the LED lamps for use in general and commercial lighting applications identified in this Complaint, in the State of Ohio.

14. Venue in this Court is appropriate based on 28 U.S.C. §§ 1391 and 1400(b).

THE PATENTS-IN-SUIT

15. On September 7, 2004, U.S. Patent No. 6,787,999 ("the '999 patent") entitled "LED-BASED MODULAR LAMP" was duly and legally issued to Tomislav J. Stimac, James T. Petroski, Robert J. Schindler and Greg E. Burkholder. A true and correct copy of the '999 patent is attached to this Complaint as Exhibit A.

16. GE Lighting Solutions, LLC is the owner by assignment of all legal rights, title, and interest in and to the '999 patent.

17. On October 5, 2004, U.S. Patent No. 6,799,864 ("the '864 patent") entitled "HIGH POWER LED POWER PACK FOR SPOT MODULE ILLUMINATION" was duly and legally issued to Christopher L. Bohler, Anthony D. Pollard, Greg E. Burkholder, James T. Petroski, Matthew L. Sommers, Robert F. Karlicek, Jr., Stanton E. Weaver, Jr., and Charles A. Becker. A true and correct copy of the '864 patent is attached to this Complaint as Exhibit B.

18. GE Lighting Solutions, LLC is the owner by assignment of all legal rights, title, and interest in and to the '864 patent.

COUNT I
Infringement of U.S. Patent No. 6,787,999

19. Plaintiff realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 18 above as though fully set forth herein.

20. Upon information and belief, LOA has infringed and continues to infringe the '999 patent by, without Plaintiff's authority, importing, making, selling, offering to sell, and/or using certain LED lamps that embody the patented invention of the '999 patent, including without limitation the LOA 2325LEDE12-LF4, 2426LED-LF3, 2849DLED-LF4, 2112DLEDR20-41K, 2102LEDR30-LF4, 2102LEDR30-41K, 2212DLEDNR30-LF3, 2101LEDE26-41K, 2101LEDG10-41K, 2002LEDP30-65K, and 2113DLEDP38-LF4 products, and will continue to do so unless enjoined by this Court. A chart comparing certain claims of the '999 patent to the LOA 2113DLEDP38-LF4 product is attached hereto as Exhibit C and incorporated by reference.

21. Upon information and belief, the Defendant has caused or will cause, by its infringing conduct, irreparable harm to GE Lighting Solutions for which there is no adequate remedy at law.

22. As a result of the Defendant's actions, GE Lighting Solutions has suffered and continues to suffer substantial injury, including irreparable injury, which will result in damages to GE Lighting Solutions, including loss of sales and profits, which GE Lighting Solutions would have made but for the infringement by the Defendant, unless the Defendant is enjoined by this Court.

COUNT II
Infringement of U.S. Patent No. 6,799,864

23. Plaintiff realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 22 above as though fully set forth herein.

24. Upon information and belief, LOA has infringed and continues to infringe the '864 patent by, without Plaintiff's authority, importing, making, selling, offering to sell, and/or using certain LED lamps that embody the patented invention of the '864 patent, including without limitation the LOA 2325LEDE12-LF4, 2426LED-LF3, 2849DLED-LF4, 2112DLEDR20-41K, 2102LEDR30-LF4, 2102LEDR30-41K, 2212DLEDNR30-LF3, 2101LEDE26-41K, 2101LEDG10-41K, and 2113DLEDP38-LF4 products, and will continue to do so unless enjoined by this Court. A chart comparing certain claims of the '864 patent to the LOA 2113DLEDP38-LF4 product is attached hereto as Exhibit D and incorporated by reference.

25. Upon information and belief, the Defendant has caused or will cause, by its infringing conduct, irreparable harm to GE Lighting Solutions for which there is no adequate remedy at law.

26. As a result of the Defendant's actions, GE Lighting Solutions has suffered and continues to suffer substantial injury, including irreparable injury, which will result in damages to GE Lighting Solutions, including loss of sales and profits, which GE Lighting Solutions would have made but for the infringement by the Defendant, unless the Defendant is enjoined by this Court.

REQUESTED RELIEF

WHEREFORE, Plaintiff GE Lighting Solutions, LLC prays that this Court:

- A. Enter judgment that the Defendant has infringed the '999 and '864 patents.
- B. Issue an Order directing the Defendant and its officers, agents, servants, employees, and attorneys, and those acting in concert and participation with them who receive actual notice of the Order, to destroy all infringing products as well as all molds, machines, tooling, or other equipment used in the manufacture of products infringing the '999 and '864 patents.
- C. Permanently enjoin the Defendant and its officers, agents, servants, employees, and attorneys, and those in active concert or participation with them who receive actual notice of the Order, from importing, manufacturing, using, selling and/or offering for sale devices which infringe the '999 and '864 patents.
- D. Enter judgment and issue an Order requiring Defendant to pay damages to GE Lighting Solutions under 35 U.S.C. § 284, together with costs and prejudgment and post-judgment interest.
- E. Adjudge and decree this case exceptional under 35 U.S.C. § 285 and award GE Lighting Solutions its costs and reasonable attorneys' fees.
- F. Grant and award any and all relief found necessary and proper under these circumstances.

DEMAND FOR JURY TRIAL

GE Lighting Solutions requests a trial by jury on all issues triable to a jury.

Dated: December 28, 2012

Respectfully submitted,

Buckingham, Doolittle & Burroughs, LLP

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