

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LEXINGTON LUMINANCE LLC

Plaintiff,

v.

**SERVICE LIGHTING AND
ELECTRICAL SUPPLIES, INC. d.b.a.
1000BULBS.COM**

Defendant.

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Civil Action No. 3:18-cv-1074

JURY DEMANDED

PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lexington Luminance LLC (“Lexington” or “Plaintiff”) files this complaint for patent infringement against Service Lighting and Electrical Supplies, Inc. doing business as 1000bulbs.com and states as follows:

THE PARTIES

1. Plaintiff Lexington Luminance LLC is a limited liability company organized under the laws of Massachusetts with its principal place of business at 468 Lowell Street, Lexington, Massachusetts 02420.
2. On information and belief, Defendant Service Lighting and Electrical Supplies, Inc. doing business as 1000bulbs.com (“1000bulbs”) is a company organized and existing under the laws of the State of Texas with its principal place of business at 2140 Merritt Drive, Garland, Texas 75041.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. Jurisdiction as to these claims is conferred on this Court by 35 U.S.C. §§1331 and 1338(a).

4. Venue is proper in this District under 28 U.S.C. 1400(b). On information and belief, Defendant has committed acts of infringement in this District by selling and/or offering for sale the products alleged herein to infringe Lexington's patent through its location at 2140 Merritt Drive, Garland, Texas 75041. The foregoing location constitutes a regular and established place of business with this District. Thus, venue is also proper in this District because Defendant maintains a regular and established place of business within this District.

5. This Court has personal jurisdiction over the Defendant. Defendant has conducted and does conduct business within the State of Texas and within this District. Defendant purposefully and voluntarily sold one or more of the infringing products with the expectation that they will be purchased by and used by consumers in this District. These infringing products have been and continue to be purchased by and used by consumers in this District. Defendant has committed acts of patent infringement within the United States and, more particularly, within this District.

PATENT INFRINGEMENT

6. Lexington incorporates by reference the paragraphs above as if fully set forth herein.

7. On August 30, 2005, United States Patent No. 6,936,851 B2 entitled "Semiconductor Light-Emitting Device and Method for Manufacturing the Same" was duly and legally issued after full and fair examination. Lexington is the owner of all right, title, and interest in and to the patent by assignment, with full right to bring suit to enforce the patent, including the right to

recover for past infringement damages and the right to recover future royalties, damages, and income.

8. On September 30, 2013, an *ex parte* reexamination no. 90/012,964 was initiated for United States Patent No. 6,936,851 B2. An *ex parte* reexamination certificate was issued on December 5, 2014 for United States Patent No. 6,936,851 C1. The patent, together with the *ex parte* reexamination certificate, is attached hereto as Exhibit A. United States Patent No. 6,936,851 B2 and 6,936,851 C1 are collectively known as the '851 Patent.

9. The '851 Patent is valid and enforceable.

10. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the applicable marking and/or notice requirements of 35 U.S.C. § 287.

11. Upon information and belief, Defendant has infringed and/or continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '851 Patent in this judicial district and elsewhere in the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling, and/or importing lighting products and other electronic devices including, without limitation, Bulbrite LED T14 Tubular Bulb, model number 776511, and other similar products, which perform substantially the same function as the devices embodied in one or more claims of the '851 Patent in substantially the same way to achieve the same result.

12. The devices above are collectively referred to as the "Accused Products."

13. On information and belief, the Accused Products use Light-Emitting Diodes ("LEDs") that infringe one or more claims of the '851 Patent, including, at least, claim 1, as explained in the following paragraphs.

14. The LEDs used in the Accused Products are semiconductor light-emitting devices.

15. The LEDs used in the Accused Products contain a substrate.
16. The LEDs used in the Accused Products contain a textured district defined on the surface of said substrate comprising a plurality of etched trenches having a sloped etching profile with a smooth rotation of micro-facets without a prescribed angle of inclination.
17. The LEDs used in the Accused Products contain a first layer disposed on said textured district comprising a plurality of inclined lower portions, said first layer and said substrate form a lattice-mismatched misfit system, said substrate having at least one of a group consisting of group III-V, group IV, group II-VI elements and alloys, ZnO, spinel and sapphire.
18. The LEDs used in the Accused Products use a gallium nitride first layer.
19. The LEDs used in the Accused Products contain a sapphire substrate.
20. The LEDs used in the Accused Products contain a light-emitting structure containing an active layer disposed on said first layer, whereby said plurality of inclined lower portions are configured to guide extended lattice defects away from propagating into the active layer.
21. Defendant has been at no time, either expressly or impliedly, licensed under the '851 Patent.
22. Defendant's acts of infringement have caused damage to Plaintiff. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the wrongful acts of Defendant in an amount subject to proof at trial.
23. By this Complaint, Defendant is on notice of the '851 Patent, the products that infringe the '851 Patent, and how they infringe. Defendant will be liable for contributory and/or

inducing infringement if Defendant's infringing conduct continues. For example, Defendant will be liable for inducement of infringement under 35 U.S.C. § 271(b) when, without limitation, it intentionally induces or encourages the direct infringement of the '851 Patent by Defendant's customers, by intentionally directing them and encouraging them to use within the United States one or more devices that embody the patented invention or when Defendant's customers use the Accused Products in the ordinary, customary, and intended way. On information and belief, Defendant provides support to instruct its customers on how to use the infringing technology.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER

WHEREFORE, Plaintiff prays for judgment that:

1. Defendant has infringed the '851 Patent;
2. Plaintiff recover actual damages under 35 U.S.C. § 284;
3. Plaintiff be awarded supplemental damages for any continuing post-verdict infringement up until final judgment;
4. Plaintiff be awarded a compulsory ongoing royalty;
5. Plaintiff be awarded an accounting of damages;
6. Plaintiff be awarded enhanced damages for willful infringement as permitted under the law;
7. A judgment and order requiring Defendant to pay to Plaintiff pre-judgment and post-judgment interest on the damages awarded, including an award of pre-judgment interest, pursuant to 35 U.S.C. § 284, from the date of each act of infringement of the '851 Patent by

Defendant to the day a damages judgment is entered, and a further award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid, at the maximum rate allowed by law;

8. An award to Plaintiff of the costs of this action and its reasonable attorneys' fees pursuant to 35 U.S.C. §285;

9. Such other and further relief as the Court deems just and equitable.

DATED: April 26, 2018

Respectfully submitted,

/s/Robert D. Katz

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**ATTORNEYS FOR PLAINTIFF
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