

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

KONINKLIJKE PHILIPS ELECTRONICS N.V.  
AND PHILIPS SOLID-STATE LIGHTING  
SOLUTIONS, INC.

Plaintiffs,

v.

NEXXUS LIGHTING, INC.

Defendant.

CIVIL ACTION NO. 12-cv-10549

**DEMAND FOR JURY TRIAL**

**COMPLAINT**

Plaintiffs Koninklijke Philips Electronics N.V. and Philips Solid-State Lighting Solutions, Inc. (collectively, “Philips”) bring this complaint for patent infringement against Defendant Nexxus Lighting, Inc.

**NATURE OF ACTION**

1. In this action, Plaintiffs allege that Defendant infringes United States Patent Nos. 6,013,988; 6,250,774; 7,038,399; 7,358,679; 7,737,643; and 7,802,902 under 35 U.S.C. § 271.

**PARTIES**

2. Plaintiff Koninklijke Philips Electronics N.V. is a corporation organized and existing under the laws of the Netherlands, with a principal place of business at Breitner Center, Amstelplein 2, 1096 BC Amsterdam, The Netherlands.

3. Plaintiff Philips Solid-State Lighting Solutions, Inc. is a corporation organized and existing under the laws of Delaware, with a principal place of business at 3 Burlington Woods Drive, Burlington, MA 01803.

4. Upon information and belief, Defendant Nexxus Lighting, Inc. (“Nexxus”) is a corporation organized and existing under the laws of Delaware, with a principal place of business at 124 Floyd Smith Drive, Suite 300, Charlotte, NC 28262.

### **JURISDICTION AND VENUE**

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

6. Upon information and belief, Defendant has made, used, provided, sold, offered to sell, imported, or distributed to others for such purposes, lighting products and systems employing light-emitting diodes (“LEDs”) for illumination (“LED Lighting Devices”) throughout the United States, including Massachusetts and this judicial district.

7. Upon information and belief, Defendant maintains or has maintained continuous and systematic contacts with Massachusetts and this judicial district and has committed tortious activity within the district.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b), as *inter alia* the Defendants are subject to personal jurisdiction in this district.

### **FACTUAL BACKGROUND**

9. Upon information and belief, Defendant’s LED Lighting Devices include products under the ARRAY® and LUMIFICIENT™ marks. Defendant’s LED Lighting Devices under the ARRAY® mark include retrofit bulbs for installation in conventional light bulb sockets and/or designed to resemble conventional, non-LED-based bulbs including, among others, PAR38 products, PAR30 products, PAR20 products, R30 products, MR16 products (including the high-output MR-16HO product), R16 products, and GU10 products. Defendant’s LED Lighting Devices under the LUMIFICIENT™ mark include LED-based signage and strip lighting products including, among others, dimmable accent lighting systems.

**COUNT I: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,013,988**

10. Plaintiffs incorporate by reference paragraphs 1-9 as if fully set forth herein.

11. On January 11, 2000, the United States Patent and Trademark Office (“Patent Office”) duly and legally issued United States Patent No. 6,013,988 (“the ’988 Patent”), entitled “Circuit Arrangement and Signalling Light Provided With the Circuit Arrangement,” to Marcel J. M. Bucks et al. Plaintiff Koninklijke Philips Electronics N.V. is the owner of the ’988 Patent, a copy of which is attached as Exhibit A.

12. Upon information and belief, Defendant is engaged in activities that infringe the ’988 Patent by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its PAR38 products, in the United States, and/or by actively inducing and contributing to infringement by others under 35 U.S.C. §§ 271(b) and (c).

13. Plaintiffs have been and continue to be injured by the infringing activities of Defendant.

**COUNT II: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,250,774**

14. Plaintiffs incorporate by reference paragraphs 1-9 as if fully set forth herein.

15. On June 26, 2001, the Patent Office duly and legally issued United States Patent No. 6,250,774 (“the ’774 Patent”), entitled “Luminaire,” to Simon H. A. Begemann et al. Plaintiff Koninklijke Philips Electronics N.V. is the owner of the ’774 Patent, a copy of which is attached as Exhibit B.

16. Upon information and belief, Defendant is engaged in activities that infringe the ’774 Patent by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation certain of its PAR38 products, R16-GU10 products, and MR-16 and MR-16HO products, in the United States, and/or by actively inducing and contributing to infringement by others under 35 U.S.C. §§ 271(b) and (c).

17. Upon information and belief, Defendant has been aware of the '774 Patent since at least as early as January 2012, and its infringement is deliberate, willful, and in reckless disregard of Philips' patent rights.

18. Plaintiffs have been and continue to be injured by the infringing activities of Defendant.

**COUNT III: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,038,399**

19. Plaintiffs incorporate by reference paragraphs 1-9 as if fully set forth herein.

20. On May 2, 2006, the Patent Office duly and legally issued United States Patent No. 7,038,399 ("the '399 Patent"), entitled "Methods and Apparatus for Providing Power to Lighting Devices," to Ihor A. Lys et al. Plaintiff Philips Solid-State Lighting Solutions, Inc. is the owner of the '399 Patent, a copy of which is attached as Exhibit C.

21. Upon information and belief, Defendant is engaged in activities that infringe the '399 Patent by making, using, offering to sell, selling and/or importing LED Lighting Devices, including dimmable products such as, without limitation, its PAR38 products, in the United States, and/or by actively inducing and contributing to infringement by others under 35 U.S.C. §§ 271(b) and (c).

22. Upon information and belief, Defendant has been aware of the '399 Patent since at least as early as December 2006, and its infringement is deliberate, willful, and in reckless disregard of Philips' patent rights.

23. Plaintiffs have been and continue to be injured by the infringing activities of Defendant.

**COUNT IV: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,358,679**

24. Plaintiffs incorporate by reference paragraphs 1-9 as if fully set forth herein.

25. On April 15, 2008, the Patent Office duly and legally issued United States Patent No. 7,358,679 (“the ’679 Patent”), entitled “Dimmable LED-Based MR16 Lighting Apparatus and Methods,” to Ihor A. Lys et al. Plaintiff Philips Solid-State Lighting Solutions, Inc. is the owner of the ’679 Patent, a copy of which is attached as Exhibit D.

26. Upon information and belief, Defendant is engaged in activities that infringe the ’679 Patent by making, using, offering to sell, selling and/or importing LED Lighting Devices, including dimmable products such as, without limitation, its MR16 and MR-16HO products and R16-GU10 products, in the United States, and/or by actively inducing and contributing to infringement by others under 35 U.S.C. §§ 271(b) and (c).

27. Upon information and belief, Defendant has been aware of the ’679 Patent since at least as early as January 2012, and its infringement is deliberate, willful, and in reckless disregard of Philips’ patent rights.

28. Plaintiffs have been and continue to be injured by the infringing activities of Defendant.

**COUNT V: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,737,643**

29. Plaintiffs incorporate by reference paragraphs 1-9 as if fully set forth herein.

30. On June 15, 2010, the Patent Office duly and legally issued United States Patent No. 7,737,643 (“the ’643 Patent”), entitled “LED Power Control Methods and Apparatus,” to Ihor A. Lys. Plaintiff Philips Solid-State Lighting Solutions, Inc. is the owner of the ’643 Patent, a copy of which is attached as Exhibit E.

31. Upon information and belief, Defendant is engaged in activities that infringe the ’643 Patent by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its PAR38 products, in the United States, and/or by actively inducing and contributing to infringement by others under 35 U.S.C. §§ 271(b) and (c).

32. Upon information and belief, Defendant has been aware of the '643 Patent since at least as early as January 2012, and its infringement is deliberate, willful, and in reckless disregard of Philips' patent rights.

33. Plaintiffs have been and continue to be injured by the infringing activities of Defendants.

**COUNT VI: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,802,902**

34. Plaintiffs incorporate by reference paragraphs 1-9 as if fully set forth herein.

35. On September 28, 2010, the Patent Office duly and legally issued United States Patent No. 7,802,902 ("the '902 Patent"), entitled "LED Lighting Fixtures," to Timothy B. Moss et al. Plaintiff Koninklijke Philips Electronics N.V. is the owner of the '902 Patent, a copy of which is attached as Exhibit F.

36. Upon information and belief, Defendant is engaged in activities that infringe the '902 Patent by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its PAR38 products, PAR30 products, R30 products, MR16 and MR16-HO products, and R16-GU10 products, in the United States, and/or by actively inducing and contributing to infringement by others under 35 U.S.C. §§ 271(b) and (c).

37. Upon information and belief, Defendant has been aware of the '902 Patent since at least as early as January 2012, and its infringement is deliberate, willful, and in reckless disregard of Philips' patent rights.

38. Plaintiffs have been and continue to be injured by the infringing activities of Defendant.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request the following relief:

(a) a declaration that Defendant infringes the '988, '774, '399, '679, '643, and '902 Patents and a final judgment incorporating same;

(b) entry of preliminary and/or permanent equitable relief, including but not limited to a preliminary and/or permanent injunction that enjoins Defendant and any of its officers, agents, employees, assigns, representatives, privies, successors, and those acting in concert or participation with them from infringing and/or inducing or contributing to the infringement of the '988, '774, '399, '679, '643, and '902 Patents;

(c) an award of damages sufficient to compensate Philips for infringement of the '988, '774, '399, '679, '643, and '902 Patents by Defendant, together with prejudgment and post-judgment interest;

(d) a declaration or order finding that Defendant's infringement is willful and/or an order increasing damages under 35 U.S.C. § 284;

(e) a judgment holding that this is an exceptional case under 35 U.S.C. § 285 and awarding Philips its reasonable attorneys fees, costs, and expenses; and

(f) such other relief deemed just and proper.

**JURY DEMAND**

Under Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby demand trial by jury of all issues so triable by a jury in this action.

DATED: March 26, 2012

Respectfully submitted,

/s/ Denise W. DeFranco

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