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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12

13	EPISTAR CORPORATION,)	CASE NO.: 2:17-cv-03219
14)	
14	Plaintiff,)	COMPLAINT FOR PATENT
15)	INFRINGEMENT
15	v.)	
16)	
16)	JURY TRIAL DEMANDED
17	Lowe’s Companies, Inc.,)	
17	Lowe’s Home Centers, LLC)	
18)	
18	Defendants.)	
19)	
20)	
20)	

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23 Pursuant to Section 1338 of Title 28 of the United States Code, Plaintiff
24 Epistar Corporation (“Plaintiff” or “Epistar”) alleges for its Complaint against
25 Lowe’s Companies, Inc. and Lowe’s Home Centers, LLC (collectively “Lowe’s”
26 or “Defendants”), on personal knowledge as to Epistar’s own actions and on
27 information and belief as to the actions of others, as follows:

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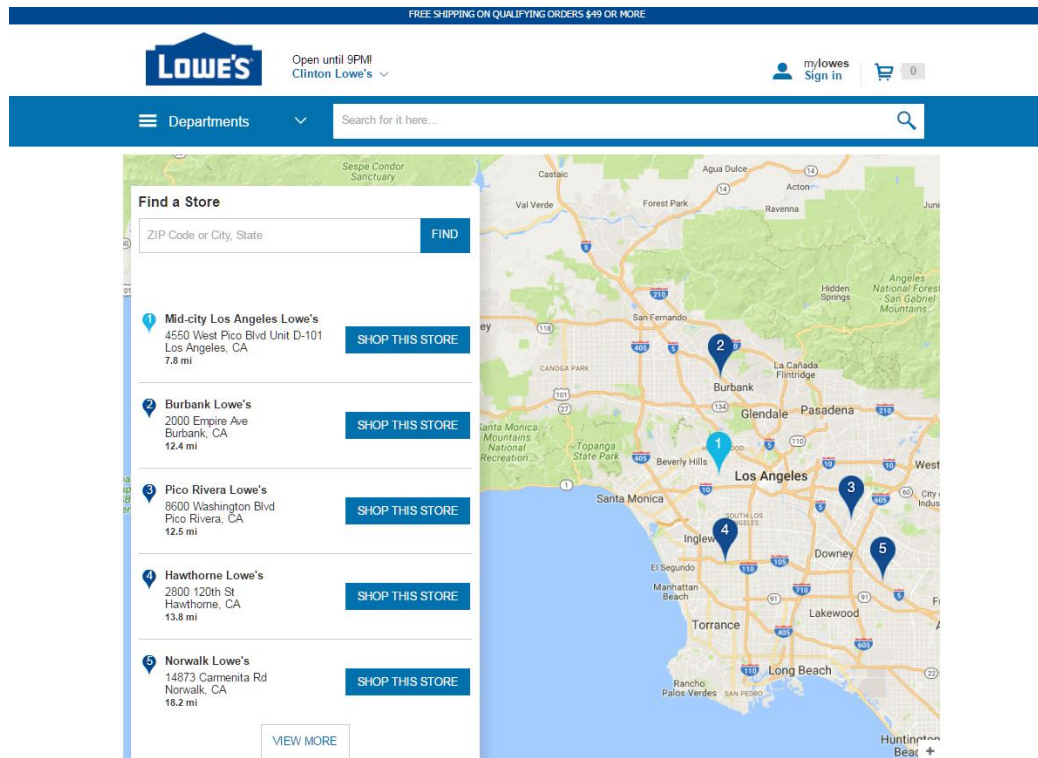


Figure 1.



Figure 2.

1 9. Defendants partner to sell infringing Kichler branded products in
2 the store located within this District at 4550 West Pico Blvd. Unit D-101, Los
3 Angeles, CA, 90019. See Figures 3-5.



14
15 **Figure 3.**



Figure 4.

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Figure 5.

10 10. Defendants partners to sell infringing Kichler branded products and
11 Utilitech branded products by accessing Lowe’s website in this District. *See e.g.*,
12 Figure 6, available at [https://www.lowes.com/pd/Kichler-Lighting-60-W-](https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781)
13 [Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781](https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781)
14 (last visited Mar. 9, 2017); Figure 7, available at
15 [https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-](https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-Light-Fixture-Light-Bulb/999957715)
16 [Light-Fixture-Light-Bulb/999957715](https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-Light-Fixture-Light-Bulb/999957715) (last accessed Apr. 25, 2017); Kichler at
17 Lowe’s, available at <https://www.lowes.com/b/kichler.html> (last accessed Mar. 9,
18 2017) (“Kichler and Lowe’s are here to help you find the best lighting plan for
19 your home.”); Figures 2-4.

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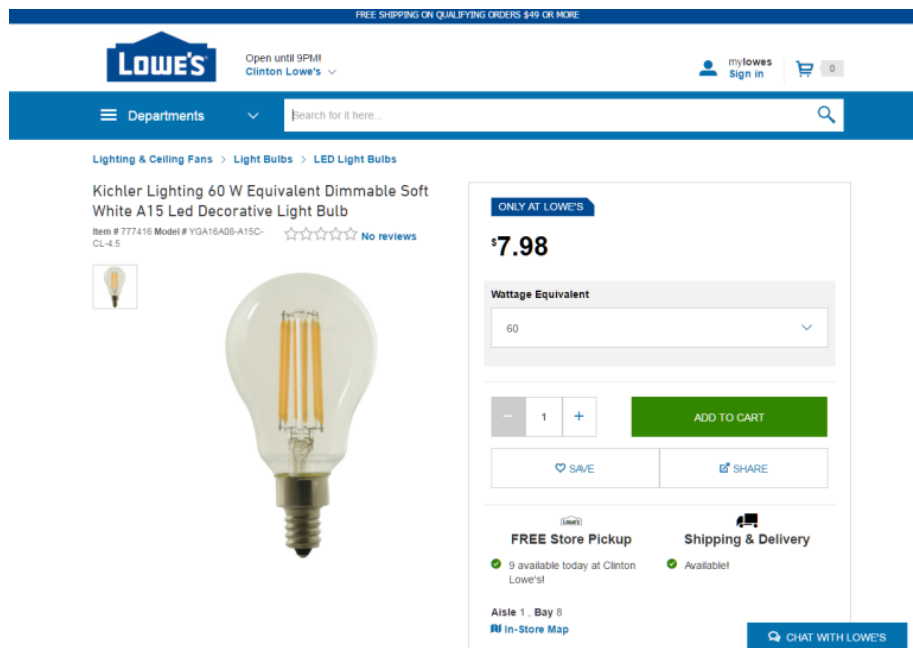


Figure 6.



Figure 7.

11. Because Defendants have availed themselves of the privileges of conducting activities in this District, Defendants are subject to personal jurisdiction in this District.

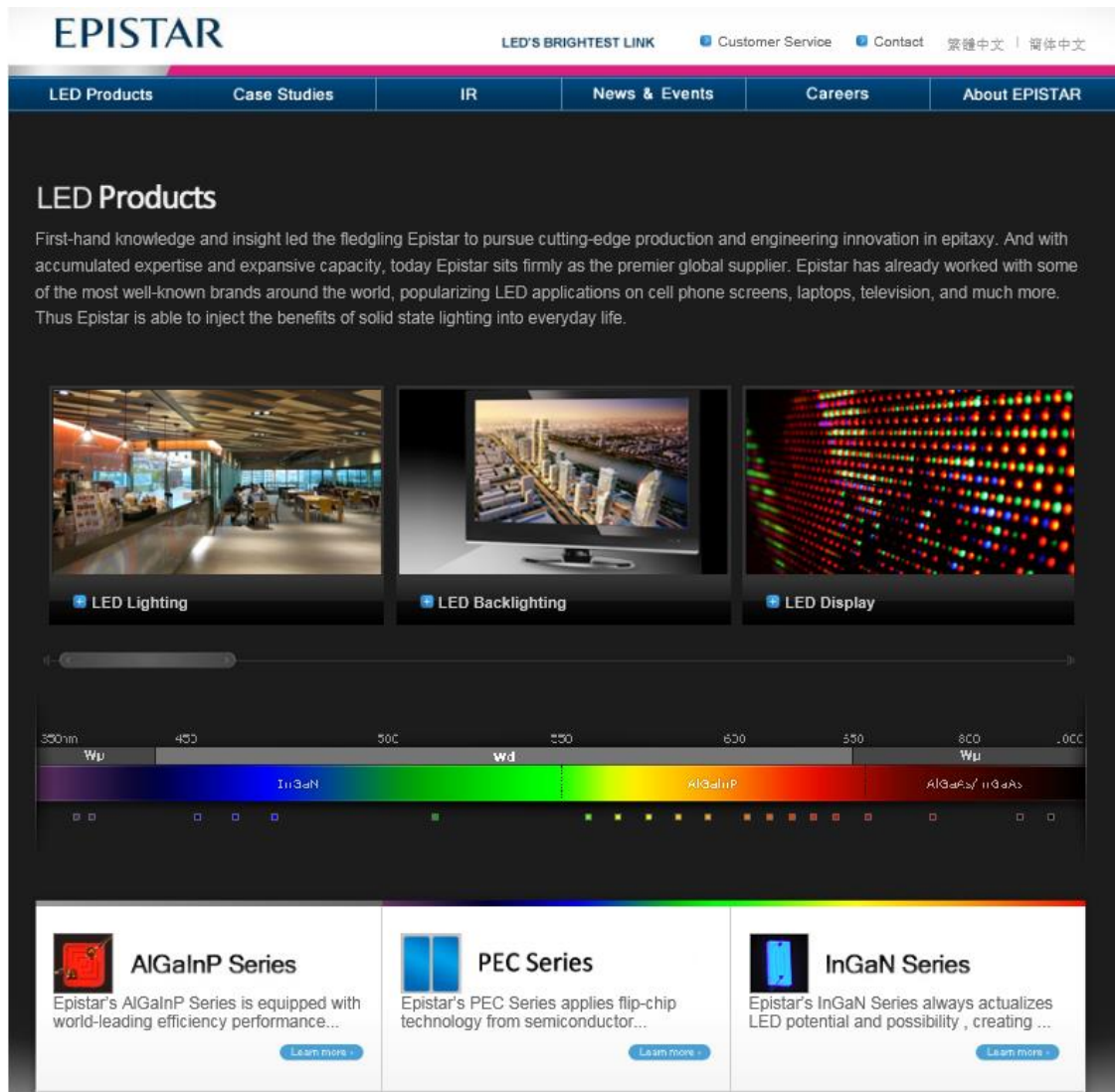


Figure 8.

17. Epistar is one of the largest manufacturers of light-emitting diodes (LEDs) in the world, with approximately 4,100 employees and millions of U.S. dollars invested annually in research and development work. To date, Epistar’s investment has resulted in over 3,000 patents.

Lowe’s Companies, Inc. and Lowe’s Home Centers, LLC

18. Defendant LCI is headquartered in Mooresville, North Carolina.

19. Defendant LHC is headquartered in North Wilkesboro, North Carolina.

1 20. Defendants have, and continue to, offer for sale and sell infringing
2 LED bulbs since at least as early as 2016, including, but not limited to, the Kichler
3 Lighting 60 W Equivalent Dimmable Soft White A15 Led Decorative Light Bulb
4 (Manufacturer Part Number: YGA16A08-A15C-CL-5W), UTILITECH 60 W
5 Equivalent Warm White A19 LED Light Fixture Light Bulb (Manufacturer Part
6 Number: YGA03A41-A19-9W-830), and similar products (the “Accused
7 Products”). *See e.g.*, [https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-](https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781)
8 [Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781](https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781) (last accessed
9 Mar. 9, 2017); [https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-](https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-Light-Fixture-Light-Bulb/999957715)
10 [White-A19-LED-Light-Fixture-Light-Bulb/999957715](https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-Light-Fixture-Light-Bulb/999957715) (last accessed Apr. 25,
11 2017); *see also* [https://www.lowes.com/l/led-](https://www.lowes.com/l/led-lighting.html?searchTerm=led%20lighting)
12 [lighting.html?searchTerm=led%20lighting](https://www.lowes.com/l/led-lighting.html?searchTerm=led%20lighting) (last accessed Mar. 9, 2017) (“At
13 Lowe’s, we have a full selection of LED lighting for all your needs, inside or
14 out.”).

15 21. The Accused Products contain a variety of electrical components
16 used to control various aspects of the operation of the LED bulb. The Accused
17 Products are assembled with pre-configured electrical components.

18 22. As its web page explains, the Kichler Lighting 60 W Equivalent
19 Dimmable Soft White A15 LED Decorative Light Bulb has “[d]immable,
20 customizable levels of brightness to set your desired ambient lighting mood” with
21 a “[u]nique strand-style LED arrangement [that] provides a classic replica of
22 antique light bulbs.” *See* [https://www.lowes.com/pd/Kichler-Lighting-60-W-](https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781)
23 [Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781](https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781)
24 (last accessed Mar. 9, 2017).

25 23. The Kichler Lighting 60 W Equivalent Dimmable Soft White A15
26 LED Decorative Light Bulb retails for around \$8 per LED bulb.

27 24. As its web page explains, the UTILITECH 60 W Equivalent Warm
28 White A19 LED Light Fixture Light Bulb “[i]ncludes one 9-watt (60-watt

1 equivalent) warm white A19 LED bulb” that “[l]asts for 2,000 hours.” See
2 [https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-](https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-Light-Fixture-Light-Bulb/999957715)
3 [Light-Fixture-Light-Bulb/999957715](https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-Light-Fixture-Light-Bulb/999957715) (last accessed Apr. 25, 2017).

4 25. The UTILITECH 60 W Equivalent Warm White A19 LED Light
5 Fixture Light Bulb retails for around \$1 per LED bulb.

6 **The Commercial LED Market**

7 26. With constant innovation in emission efficiency and product design
8 by companies like Epistar, the commercial LED industry is still growing at a
9 promising rate. Industry reports indicate that “LED Lighting market to Worth
10 USD 33.1B as Market Penetration Rate Hit 52% by 2017.”

11 [http://www.ledinside.com/intelligence/2016/11/ledinside_led_lighting_market_to](http://www.ledinside.com/intelligence/2016/11/ledinside_led_lighting_market_to_worth_usd_33_1b_as_market_penetration_rate_hit_52_by_2017)
12 [worth_usd_33_1b_as_market_penetration_rate_hit_52_by_2017](http://www.ledinside.com/intelligence/2016/11/ledinside_led_lighting_market_to_worth_usd_33_1b_as_market_penetration_rate_hit_52_by_2017) (last accessed
13 March 14, 2017). “In addition, American major manufacturers are actively
14 developing LED lighting business, with the rising LED lighting penetration rate.”
15 *Id.*

16 **The Patents-in-Suit**

17 27. The Patents-in-Suit represent key achievements of Epistar’s
18 continuous research and development efforts. These patents enhance the
19 performance of LED filament bulbs and, as a result, help drive demand for
20 Epistar’s products.

21 28. On February 12, 2002, the United States Patent and Trademark
22 Office duly and legally issued U.S. Patent No. 6,346,771 (“the ’771 patent”),
23 entitled “High Power LED Lamp,” to Hassan Paddy Abdel Salam. Epistar is the
24 owner of the ’771 patent. A true and correct copy of the ’771 patent is attached
25 hereto as Exhibit 1.

26 29. On July 14, 2009, the United States Patent and Trademark Office
27 duly and legally issued U.S. Patent No. 7,560,738 (“the ’738 patent”), entitled
28 “Light-Emitting Diode Array Having An Adhesive Layer,” to Wen-Huang Liu.

1 Epistar is the owner of the '738 patent. A true and correct copy of the '738 patent
2 is attached hereto as Exhibit 2.

3 30. On July 29, 2014, the United States Patent and Trademark Office
4 duly and legally issued U.S. Patent No. 8,791,467 (“the '467 patent”), entitled
5 “Light Emitting Diode And Method Of Making The Same,” to Kuang-Neng Yang.
6 Epistar is the owner of the '467 patent. A true and correct copy of the '467 patent
7 is attached hereto as Exhibit 3.

8 31. On July 23, 2013, the United States Patent and Trademark Office
9 duly and legally issued U.S. Patent No. 8,492,780 (“the '780 patent”), entitled
10 “Light-Emitting Device and Manufacturing Method Thereof,” to Chen Ke Hsu,
11 Win Jim Su, Chia-Ming Chuang, and Chen Ou. Epistar is the owner of the '780
12 patent. A true and correct copy of the '780 patent is attached hereto as Exhibit 4.

13 32. On November 19, 2013, the United States Patent and Trademark
14 Office duly and legally issued U.S. Patent No. 8,587,020 (“the '020 patent”),
15 entitled “LED Lamps,” to Salam Hassan. Epistar is the owner of the '020 patent.
16 A true and correct copy of the '020 patent is attached hereto as Exhibit 5.

17 33. Since early 2016 Epistar has directly communicated on multiple
18 occasions to Defendants that the Accused Products infringe Epistar’s patents.
19 Defendants had actual knowledge of the asserted '771 patent, '738 patent, '780
20 patent and '020 patent and/or their respective applications at least as of April 7,
21 2016. Defendants had actual knowledge of the asserted '467 patent and/or its
22 respective applications at least as of November 9, 2016. Despite this actual
23 knowledge, and without communicating any theory of noninfringement or making
24 any good-faith efforts to avoid infringing the Patents-in-Suit, Defendants continued
25 to infringe, and profit from, the Accused products. Defendants actively,
26 knowingly, and intentionally sell and offer to sell the Accused Products that
27 infringe on the Patents-in-Suit.

28 **FIRST CAUSE OF ACTION**

(Infringement of U.S. Patent No. 6,346,771)

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2 34. Epistar repeats and re-alleges the allegations of paragraphs 1
3 through 33 in their entirety.

4 35. Defendants have infringed, either literally and/or under the doctrine
5 of equivalents, one or more claims of the '771 patent, and continue to infringe in
6 this District, by making, using, selling, offering for sale, and/or importing into the
7 United States products including, but not limited to, the Kichler Lighting 60 W
8 Equivalent Dimmable Soft White A15 LED Decorative Light Bulb, without the
9 permission of Epistar. Defendants are thus liable for direct infringement of the
10 '771 patent pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing
11 Defendants' infringement of at least claim 38 of the '771 patent is attached as
12 Exhibit 6.

13 36. Defendants had pre-suit knowledge of the '771 patent and that the
14 products and systems identified herein infringe, either literally and/or under the
15 doctrine of equivalents, one or more claims of the '771 patent. Defendants have
16 knowingly and intentionally induced and encouraged the direct infringement of the
17 '771 patent by Defendants' customers, resellers, retailers, and end users by
18 intentionally directing them and encouraging them to make, use, sell, and/or offer
19 to sell within the United States and/or to import into the United States one or more
20 devices that embody the patented invention and that incorporate the accused
21 products and systems identified above. On information and belief, Defendants
22 provide support to instruct their customers on how to use the infringing
23 technology. Defendants are therefore liable for indirect infringement of the '771
24 patent pursuant to 35 U.S.C. § 271(b).

25 37. Defendants had pre-suit knowledge of the '771 patent and that the
26 products and systems identified infringe, either literally and/or under the doctrine
27 of equivalents, one or more claims of the '771 patent. Defendants have and
28 continue to contributorily infringe, and will continue to contributorily infringe,

1 either literally and/or under the doctrine of equivalents, one or more claims of the
2 '771 patent. Defendants have knowingly and intentionally contributorily infringed
3 the '771 patent by offering to sell, selling, and/or importing into the United States a
4 component constituting a material part of the invention disclosed in the '771
5 patent, knowing the same to be made or adapted specifically for use in the
6 infringement of the '771 patent, and not a staple article or commodity of commerce
7 suitable for substantial non-infringing use. Defendants are therefore liable for
8 indirect infringement of the '771 patent pursuant to 35 U.S.C. § 271(c).

9 38. Unless enjoined by this Court, Defendants will continue to infringe
10 the '771 patent, and Epistar will continue to suffer irreparable harm for which there
11 is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and
12 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

13 39. Defendants acted in a manner that was willful, malicious, in bad-
14 faith, deliberate, consciously wrongful, or flagrant. As a result of Defendants'
15 infringement of the '771 patent, Epistar has been and continues to be irreparably
16 injured in its business and property rights, and is entitled to recover damages for
17 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

18 **SECOND CAUSE OF ACTION**

19 **(Infringement of U.S. Patent No. 7,560,738)**

20 40. Epistar repeats and re-alleges the allegations of paragraphs 1
21 through 39 in their entirety.

22 41. Defendants have infringed, either literally and/or under the doctrine
23 of equivalents, one or more claims of the '738 patent, and continue to infringe in
24 this District by making, using, selling, offering for sale, and/or importing into the
25 United States products including, but not limited to, the Kichler Lighting 60 W
26 Equivalent Dimmable Soft White A15 LED Decorative Light Bulb, without the
27 permission of Epistar. Defendants are thus liable for direct infringement of the
28 '738 patent pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing

1 Defendants' infringement of at least claim 1 of the '738 patent is attached as
2 Exhibit 7.

3 42. Defendants had pre-suit knowledge of the '738 patent and that the
4 products and systems identified herein infringe, either literally and/or under the
5 doctrine of equivalents, one or more claims of the '738 patent. Defendants have
6 knowingly and intentionally induced and encouraged the direct infringement of the
7 '738 patent by Defendants' customers, resellers, retailers, and end users by
8 intentionally directing them and encouraging them to make, use, sell, and/or offer
9 to sell within the United States and/or to import into the United States one or more
10 devices that embody the patented invention, and that incorporate the accused
11 products and systems identified above. On information and belief, Defendants
12 provide support to instruct its customers on how to use the infringing technology.
13 Defendants are therefore liable for indirect infringement of the '738 patent
14 pursuant to 35 U.S.C. § 271(b).

15 43. Defendants had pre-suit knowledge of the '738 patent and that the
16 products and systems identified infringe, either literally and/or under the doctrine
17 of equivalents, one or more claims of the '738 patent. Defendants have and
18 continue to contributorily infringe, and will continue to contributorily infringe,
19 either literally and/or under the doctrine of equivalents, one or more claims of the
20 '738 patent. Defendants have knowingly and intentionally contributorily infringed
21 the '738 patent by offering to sell, selling, and/or importing into the United States a
22 component constituting a material part of the invention disclosed in the '738
23 patent, knowing the same to be made or adapted specifically for use in the
24 infringement of the '738 patent, and not a staple article or commodity of commerce
25 suitable for substantial non-infringing use. Defendants are therefore liable for
26 indirect infringement of the '738 patent pursuant to 35 U.S.C. § 271(c).

27 44. Unless enjoined by this Court, Defendants will continue to infringe
28 the '738 patent, and Epistar will continue to suffer irreparable harm for which there

1 is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and
2 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

3 45. Defendants acted in a manner that was willful, malicious, in bad-
4 faith, deliberate, consciously wrongful, or flagrant. As a result of Defendants'
5 infringement of the '738 patent, Epistar has been and continues to be irreparably
6 injured in its business and property rights, and is entitled to recover damages for
7 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

8 **THIRD CAUSE OF ACTION**

9 **(Infringement of U.S. Patent No. 8,791,467)**

10 46. Epistar repeats and re-alleges the allegations of paragraphs 1
11 through 45 in their entirety.

12 47. Defendants have infringed, either literally and/or under the doctrine
13 of equivalents, one or more claims of the '467 patent and continues to infringe in
14 this District, by making, using, selling, offering for sale, and/or importing into the
15 United States products including, but not limited to, the Kichler Lighting 60 W
16 Equivalent Dimmable Soft White A15 LED Decorative Light Bulb, without the
17 permission of Epistar. Defendants are thus liable for direct infringement of the
18 '467 patent pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing
19 Defendants' infringement of at least claim 1 of the '467 patent is attached as
20 Exhibit 8.

21 48. Defendants had pre-suit knowledge of the '467 patent and that the
22 products and systems identified herein infringe, either literally and/or under the
23 doctrine of equivalents, one or more claims of the '467 patent. Defendants have
24 knowingly and intentionally induced and encouraged the direct infringement of the
25 '467 patent by Defendants' customers, resellers, retailers, and end users by
26 intentionally directing them and encouraging them to make, use, sell, and/or offer
27 to sell within the United States and/or to import into the United States one or more
28 devices that embody the patented invention and that incorporate the accused

1 products and systems identified above. On information and belief, Defendants
2 provide support to instruct their customers on how to use the infringing
3 technology. Defendants are therefore liable for indirect infringement of the '467
4 patent pursuant to 35 U.S.C. § 271(b).

5 49. Defendants had pre-suit knowledge of the '467 patent and that the
6 products and systems identified infringe, either literally and/or under the doctrine
7 of equivalents, one or more claims of the '467 patent. Defendants have and
8 continue to contributorily infringe, and will continue to contributorily infringe,
9 either literally and/or under the doctrine of equivalents, one or more claims of the
10 '467 patent. Defendants have knowingly and intentionally contributorily infringed
11 the '467 patent by offering to sell, selling, and/or importing into the United States a
12 component constituting a material part of the invention disclosed in the '467
13 patent, knowing the same to be made or adapted specifically for use in the
14 infringement of the '467 patent, and not a staple article or commodity of commerce
15 suitable for substantial non-infringing use. Defendants are therefore liable for
16 indirect infringement of the '467 patent pursuant to 35 U.S.C. § 271(c).

17 50. Unless enjoined by this Court, Defendants will continue to infringe
18 the '467 patent, and Epistar will continue to suffer irreparable harm for which there
19 is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and
20 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

21 51. Defendants acted in a manner that was willful, malicious, in bad-
22 faith, deliberate, consciously wrongful, or flagrant. As a result of Defendants'
23 infringement of the '467 patent, Epistar has been and continues to be irreparably
24 injured in its business and property rights, and is entitled to recover damages for
25 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

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FOURTH CAUSE OF ACTION

(Infringement of U.S. Patent No. 8,492,780)

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3 52. Epistar repeats and re-alleges the allegations of paragraphs 1
4 through 51 in their entirety.

5 53. Defendants have infringed, either literally and/or under the doctrine
6 of equivalents, one or more claims of the '780 patent and continue to infringe in
7 this District, by making, using, selling, offering for sale, and/or importing into the
8 United States products including, but not limited to, the Kichler Lighting 60 W
9 Equivalent Dimmable Soft White A15 LED Decorative Light Bulb and the
10 UTILITECH 60 W Equivalent Warm White A19 LED Light Fixture Light Bulb,
11 without the permission of Epistar. Defendants are thus liable for direct
12 infringement of the '780 patent pursuant to 35 U.S.C. § 271(a). A representative
13 claim chart detailing Defendants' infringement of at least claim 1 of the '780
14 patent is attached as Exhibit 9.

15 54. Defendants had pre-suit knowledge of the '780 patent and that the
16 products and systems identified herein infringe, either literally and/or under the
17 doctrine of equivalents, one or more claims of the '780 patent. Defendants have
18 knowingly and intentionally induced and encouraged the direct infringement of the
19 '780 patent by Defendants' customers, resellers, retailers, and end users by
20 intentionally directing them and encouraging them to make, use, sell, and/or offer
21 to sell within the United States and/or to import into the United States one or more
22 devices that embody the patented invention and that incorporate the accused
23 products and systems identified above. On information and belief, Defendants
24 provide support to instruct their customers on how to use the infringing
25 technology. Defendants are therefore liable for indirect infringement of the '780
26 patent pursuant to 35 U.S.C. § 271(b).

27 55. Defendants had pre-suit knowledge of the '780 patent and that the
28 products and systems identified infringe, either literally and/or under the doctrine

1 of equivalents, one or more claims of the '780 patent. Defendants have and
2 continue to contributorily infringe, and will continue to contributorily infringe,
3 either literally and/or under the doctrine of equivalents, one or more claims of the
4 '780 patent. Defendants have knowingly and intentionally contributorily infringed
5 the '780 patent by offering to sell, selling, and/or importing into the United States a
6 component constituting a material part of the invention disclosed in the '780
7 patent, knowing the same to be made or adapted specifically for use in the
8 infringement of the '780 patent, and not a staple article or commodity of commerce
9 suitable for substantial non-infringing use. Defendants are therefore liable for
10 indirect infringement of the '780 patent pursuant to 35 U.S.C. § 271(c).

11 56. Unless enjoined by this Court, Defendants will continue to infringe
12 the '780 patent, and Epistar will continue to suffer irreparable harm for which there
13 is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and
14 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

15 57. Defendants acted in a manner that was willful, malicious, in bad-
16 faith, deliberate, consciously wrongful, or flagrant. As a result of Defendants'
17 infringement of the '780 patent, Epistar has been and continues to be irreparably
18 injured in its business and property rights, and is entitled to recover damages for
19 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

20 **FIFTH CAUSE OF ACTION**

21 **(Infringement of U.S. Patent No. 8,587,020)**

22 58. Epistar repeats and re-alleges the allegations of paragraphs 1
23 through 57 in their entirety.

24 59. Defendants have infringed, either literally and/or under the doctrine
25 of equivalents, one or more claims of the '020 patent and continues to infringe in
26 this District, by making, using, selling, offering for sale, and/or importing into the
27 United States products including, but not limited to, the Kichler Lighting 60 W
28 Equivalent Dimmable Soft White A15 LED Decorative Light Bulb and the

1 UTILITECH 60 W Equivalent Warm White A19 LED Light Fixture Light Bulb,
2 without the permission of Epistar. Defendants are thus liable for direct
3 infringement of the '020 patent pursuant to 35 U.S.C. § 271(a). A representative
4 claim chart detailing Defendants' infringement of at least claim 1 of the '020
5 patent is attached as Exhibit 10.

6 60. Defendants had pre-suit knowledge of the '020 patent and that the
7 products and systems identified herein infringe, either literally and/or under the
8 doctrine of equivalents, one or more claims of the '020 patent. Defendants have
9 knowingly and intentionally induced and encouraged the direct infringement of the
10 '020 patent by Defendants' customers, resellers, retailers, and end users by
11 intentionally directing them and encouraging them to make, use, sell, and/or offer
12 to sell within the United States and/or to import into the United States one or more
13 devices that embody the patented invention and that incorporate the accused
14 products and systems identified above. On information and belief, Defendants
15 provide support to instruct their customers on how to use the infringing
16 technology. Defendants are therefore liable for indirect infringement of the '020
17 patent pursuant to 35 U.S.C. § 271(b).

18 61. Defendants had pre-suit knowledge of the '020 patent and that the
19 products and systems identified infringe, either literally and/or under the doctrine
20 of equivalents, one or more claims of the '020 patent. Defendants have and
21 continue to contributorily infringe, and will continue to contributorily infringe,
22 either literally and/or under the doctrine of equivalents, one or more claims of the
23 '020 patent. Defendants have knowingly and intentionally contributorily infringed
24 the '020 patent by offering to sell, selling, and/or importing into the United States a
25 component constituting a material part of the invention disclosed in the '020
26 patent, knowing the same to be made or adapted specifically for use in the
27 infringement of the '020 patent, and not a staple article or commodity of commerce
28

1 suitable for substantial non-infringing use. Defendants are therefore liable for
2 indirect infringement of the '020 patent pursuant to 35 U.S.C. § 271(c).

3 62. Unless enjoined by this Court, Defendants will continue to infringe
4 the '020 patent, and Epistar will continue to suffer irreparable harm for which there
5 is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and
6 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

7 Defendants acted in a manner that was willful, malicious, in bad-faith,
8 deliberate, consciously wrongful, or flagrant. As a result of Defendants'
9 infringement of the '020 patent, Epistar has been and continues to be irreparably
10 injured in its business and property rights, and is entitled to recover damages for
11 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff requests entry of judgment in its favor and against
14 Defendants as follows:

15 a. That Defendants are liable for infringement, contributing to the
16 infringement, and/or inducing the infringement of one or more claims of the
17 Patents-in-Suit, as alleged herein;

18 b. That such infringement is willful;

19 c. That Defendants and their parents, subsidiaries, affiliates, successors,
20 predecessors, assigns, and the officers, directors, agents, servants, and employees
21 of each of the foregoing, customers and/or licensees and those persons acting in
22 concert or participation with any of them, are enjoined and restrained from
23 continued infringement, including but not limited to using, making, importing,
24 offering for sale and/or selling products that infringe, and from contributorily
25 and/or inducing the infringement of the Patents-in-Suit prior to their expiration,
26 including any extensions;

27 d. An Order directing Defendants to file with this Court and serve upon
28 Plaintiff's counsel within 30 days after the entry of the Order of Injunction a report

1 setting forth the manner and form in which Defendants have complied with the
2 injunction;

3 e. An award of damages adequate to compensate Plaintiff for the
4 infringement that has occurred, in accordance with 35 U.S.C. § 284, in lost profits,
5 price erosion and/or reasonable royalty, including pre-judgment and post-judgment
6 interest at the highest rates allowed by law;

7 f. An accounting and/or supplemental damages for all damages
8 occurring after any discovery cutoff and through the Court's decision regarding the
9 imposition of a permanent injunction;

10 g. An award of attorneys' fees based on this being an exceptional case
11 pursuant to 35 U.S.C. § 285, including prejudgment interest on such fees;

12 h. Costs and expenses in this action;

13 i. Such other and further relief, in law and in equity, as this Court may
14 deem just and appropriate.

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20 Dated: April 28, 2017

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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By: /s/ James C. Yoon
James C. Yoon

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Attorney for Epistar Corporation

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, plaintiff Epistar Corporation demands a trial by jury of this action.

Dated: April 28, 2017

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ James C. Yoon
James C. Yoon

Attorney for Epistar Corporation

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