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10 *Bluestone Innovations LLC*

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

| | | | |
|----|-------------------------------------|---|------------------------------|
| 15 | BLUESTONE INNOVATIONS, LLC, a |) | Case No.: |
| | Virginia limited liability company, |) | |
| 16 | |) | COMPLAINT FOR: |
| | Plaintiff, |) | |
| 17 | |) | Patent Infringement |
| | vs. |) | |
| 18 | |) | DEMAND FOR JURY TRIAL |
| 19 | AMAZON.COM, INC., a Delaware |) | |
| | corporation, |) | |
| 20 | |) | |
| | Defendant. |) | |
| 21 | |) | |
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ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Bluestone Innovations LLC (“Plaintiff”) makes the following allegations against Amazon.com, Inc. (“Defendant”):

PARTIES

1. Plaintiff is a Virginia limited liability company, having a principal place of business of 1984 Isaac Newton Sq., Ste. 203, Reston, VA 20190.

2. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 410 Terry Ave., North, Seattle, WA 98109. Defendant may be served via its registered agent for service of process: Corporation Service Company, 251 Little Falls Dr., Wilmington, DE 19808.

JURISDICTION AND VENUE

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

4. Venue is proper in this district under 28 U.S.C. § 1400(b). Defendant has committed acts of infringement in this Judicial District and has a regular place of business in San Francisco, CA.

5. On information and belief, Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the California Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in California and in this Judicial District.

U.S. PATENT NO. 6,163,557

6. Plaintiff is the owner by assignment of United States Patent No. 6,163,557 (the “’557 Patent”) entitled “Fabrication of Group III-V Nitrides on Mesas.” The ’557 Patent issued on December 19, 2000. A true and correct copy of the ’557 Patent is attached as Exhibit A.

7. Clarence J. Dunnrowicz, David P. Bour and Linda T. Romano are listed as the inventors on the ’557 Patent.

8. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, predecessors in interest to the ’557 Patent complied with such requirements.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,163,557

9. Upon information and belief, Defendant has been and is now infringing at least claims 1, 9, and 23 of the ’557 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying, distributing, selling, and/or offering for sale LED Lightbulbs with epitaxial film (including, without limitation, at least the Amazon Basics 100 Watt A21 LED Bulb (the “Accused Instrumentalities”)) covered by one or more claims of the ’557 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the ’557 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’557 Patent pursuant to 35 U.S.C. § 271(a).

10. The Accused Instrumentalities infringe claim 1 of the ’557 Patent. They include a structure comprising: a substrate including at least one upstanding, each mesa having a top surface mesa (e.g., a GaN film with patterned electrodes with Mesas having a top surface on a sapphire substrate); and a group III-V nitride epitaxial film on the top surface of at least one mesa (e.g., a GaN film is on the top surface of the mesas); wherein the at least one mesa including surfaces oriented along

1 crack planes of the epitaxial film (*e.g.*, the mesa side surfaces are oriented along the crack planes of the
2 GaN film). *See* Exhibit A-1.

3 11. The Accused Instrumentalities infringe claim 9 of the '557 Patent. They include a
4 plurality of mesas spaced from each other by a distance of less than about 50 microns (*e.g.*, the plurality
5 of mesas are separated by a distance of less than 5 microns). *See* Exhibit A-1.
6

7 12. Defendant infringed the method of claim 23 of the '557 Patent by manufacturing the
8 Accused Instrumentalities. Defendant providing a substrate (*e.g.*, a sapphire substrate); and patterning
9 the substrate to form at least one mesa, each mesa including a top surface (*e.g.*, the sapphire substrate
10 is patterned to include multiple mesas with a top surface); epitaxially growing a group III-V nitride
11 epitaxial film on the top surface of at least one mesa (*e.g.*, a GaN film is place over the top surfaces of
12 the mesas) the at least one mesa including surfaces oriented along crack planes of the epitaxial film
13 (*e.g.*, the mesa side surfaces are oriented along the crack planes of the GaN film). *See* Exhibit A-1.
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15 13. As a result of Defendant's infringement of the '557 Patent, Plaintiff has suffered
16 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
17 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the
18 invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue
19 to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.
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21 14. Unless a permanent injunction is issued enjoining Defendant and its agents, servants,
22 employees, representatives, affiliates, and all others acting on in active concert therewith from
23 infringing the '557 Patent, Plaintiff will be greatly and irreparably harmed.
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25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff respectfully requests that this Court enter:

- 27 1. A judgment in favor of Plaintiff that Defendant has infringed the '557 Patent;
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