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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 OSRAM GMBH
15 Plaintiff,
16 v.

CV 11-02699

Case No. 02699
COMPLAINT FOR PATENT
INFRINGEMENT

MEJ

17 LG ELECTRONICS, INC., LG INNOTEK
18 CO., LTD., LG ELECTRONICS U.S.A., INC.,
and LG INNOTEK U.S.A., INC.
19 Defendants.

DEMAND FOR JURY TRIAL

20
21 Plaintiff OSRAM GmbH ("OSRAM") complains and alleges as follows against defendants
22 LG Electronics, Inc., LG Innotek Co., Ltd., LG Electronics U.S.A., Inc., and LG Innotek U.S.A.,
23 Inc. (collectively "LG" or "Defendants"):

24 NATURE OF THE ACTION

25 1. OSRAM brings this action to obtain damages for LG's unlawful infringement of
26 OSRAM's valuable patent rights on light-emitting diode ("LED") technology and to enjoin LG's
27 continuing infringement.

1 2. OSRAM was founded over 100 years ago and is one of the two largest lighting
2 manufacturers in the world. Light from OSRAM shines in about 150 countries. OSRAM has
3 40,000 employees worldwide, supplying customers around the globe from its 46 production sites
4 in 17 countries.

5 3. OSRAM is a high-tech company in the lighting industry and has maintained a
6 strong commitment to research and development, particularly in the field of LEDs. Business in
7 this area is growing rapidly and has taken on major strategic importance. LEDs are also an
8 energy-efficient “green” technology. OSRAM’s milestones in the development of LED
9 technology include the first surface-mounted LEDs and the first LEDs that emit white light
10 (“white LEDs”) using conversion technology, and these innovative technologies are the subject of
11 patents asserted in this complaint.

12 4. OSRAM developed novel conversion technology for white LEDs, which enables
13 production of white LEDs using blue-emitting semiconductors and suitable phosphor converters,
14 and first introduced white LEDs using conversion technology in 1996.

15 5. There is enormous demand within the lighting industry for the technologies
16 developed by OSRAM, in part because white LEDs are becoming the most widespread type of
17 LED. Typical applications include backlighting of displays and both interior and exterior vehicle
18 lighting, and white LEDs are now being used increasingly for general illumination.

19 6. With several thousand patents and patent applications, OSRAM holds a strong
20 intellectual property position in the field of LED technology. As a result of the enormous demand
21 for the technologies developed by OSRAM, and in particular for OSRAM’s conversion for white
22 LEDs, OSRAM has licensed many major companies around the world.

23 7. Unlike the many other respected companies who have obtained licenses from
24 OSRAM to use OSRAM’s valuable patented LED technologies, LG has continued to engage in
25 unauthorized, infringing use of OSRAM’s patented LED technologies and has refused to
26 recognize the value of OSRAM’s patents.

1 8. OSRAM therefore brings this action against LG for patent infringement under the
2 patent laws of the United States, Title 35, United States Code. OSRAM seeks damages, injunctive
3 relief, and other relief due to LG's unlawful conduct.

4 **PARTIES**

5 9. OSRAM GmbH is a German corporation with its principal place of business at
6 Hellabrunner Strasse 1, 81543 Munich, Germany.

7 10. LG Electronics, Inc. ("LGE") is a Korean corporation with its principal place of
8 business at LG Twin Towers, 20, Yeouido-dong, Yeongdungpo-gu, Seoul 150-721, Korea. LGE
9 manufactures and provides a wide range of products incorporating LEDs, including, e.g.,
10 televisions, computer monitors, and mobile devices, which are offered for sale and sold within the
11 United States.

12 11. LG Innotek Co., Ltd. ("LGIT") is a Korean corporation with its principal place of
13 business at Seoul Square 20F, Namdaemunno 5-ga, Jung-gu, Seoul 100-714, Korea. LGIT
14 manufactures LEDs, lighting modules containing LEDs for use in LED luminaires, and backlight
15 units for use in, e.g., televisions, computer monitors, and mobile devices, which are upon
16 information and belief offered for sale and sold within the United States.

17 12. LG Electronics U.S.A., Inc. ("LGE USA") is a Delaware corporation with its
18 principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. Upon
19 information and belief, LGE USA also has an office at 150 East Brokaw Road, San Jose,
20 California 95112. Upon information and belief, LGE USA is a wholly owned subsidiary of LGE.
21 LGE USA imports and supplies consumer electronics incorporating LEDs, including, e.g.,
22 televisions and computer monitors, to retailers in the United States.

23 13. LG Innotek U.S.A., Inc. ("LGIT USA") is a California corporation with its
24 principal place of business at 10225 Willow Creek Road, San Diego, California 92131. LGIT
25 USA also has an office at 2540 North First Street, Suite 400, San Jose, California 95131. Upon
26 information and belief, LGIT USA is a wholly owned subsidiary of LGIT. Upon information and
27 belief, LGIT USA offers LED-containing products manufactured by LGIT for sale in the United
28 States.

1 **JURISDICTION**

2 14. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
3 §§ 1331 and 1338(a).

4 15. This Court has personal jurisdiction over Defendants because, upon information
5 and belief, Defendants have continuous and systematic contacts with this forum by virtue of the
6 domestic Defendants' maintaining offices in the forum, and the foreign Defendants' interacting
7 with their U.S. subsidiaries' offices located within this forum. This Court also has personal
8 jurisdiction over Defendants because Defendants have purposefully directed their infringing
9 activities at this forum, and this litigation arises from injuries arising out of that infringement.
10 Furthermore, this Court has personal jurisdiction over Defendants because they place infringing
11 products into the stream of commerce, with the knowledge or understanding that such products are
12 offered for sale and sold in and from this forum. The infringing acts committed by LG cause
13 injury to OSRAM within this forum.

14 **VENUE**

15 16. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon
16 information and belief, Defendants reside in this judicial district or otherwise are subject to suit in
17 this judicial district, upon information and belief have committed acts of infringement in this
18 judicial district, and have regular and established places of business in this judicial district.

19 **INTRADISTRICT ASSIGNMENT**

20 17. LGIT USA and, upon information and belief, LGE USA have regular and
21 established places of business in San Jose, within Santa Clara County. OSRAM has a U.S.
22 subsidiary located in Sunnyvale, within Santa Clara County. Under Civil Local Rule 3-2(c),
23 Intellectual Property Actions are assigned on a district-wide basis.

24 **PATENTS IN SUIT**

25 18. U.S. Patent No. 6,812,500 ("the '500 patent"), entitled "Light-Radiating
26 Semiconductor Component with a Luminescence Conversion Element," issued on November 2,
27 2004, naming inventors Ulrike Reeh, Klaus Höhn, Norbert Stath, Günter Waitl, Peter Schlotter,
28

1 Jürgen Schneider, and Ralf Schmidt. A true and correct copy of the '500 patent is attached hereto
2 as Exhibit 1.

3 19. U.S. Patent No. 7,078,732 ("the '732 patent"), entitled "Light-Radiating
4 Semiconductor Component with a Luminescence Conversion Element," issued on July 18, 2006,
5 naming inventors Ulrike Reeh, Klaus Höhn, Norbert Stath, Günter Waitl, Peter Schlotter, Jürgen
6 Schneider, and Ralf Schmidt. A true and correct copy of the '732 patent is attached hereto as
7 Exhibit 2.

8 20. U.S. Patent No. 7,126,162 ("the '162 patent"), entitled "Light-Radiating
9 Semiconductor Component with a Luminescence Conversion Element," issued on October 24,
10 2006, naming inventors Ulrike Reeh, Klaus Höhn, Norbert Stath, Günter Waitl, Peter Schlotter,
11 Jürgen Schneider, and Ralf Schmidt. A true and correct copy of the '162 patent is attached hereto
12 as Exhibit 3.

13 21. U.S. Patent No. 7,151,283 ("the '283 patent"), entitled "Light-Radiating
14 Semiconductor Component with a Luminescence Conversion Element," issued on December 19,
15 2006, naming inventors Ulrike Reeh, Klaus Höhn, Norbert Stath, Günter Waitl, Peter Schlotter,
16 Jürgen Schneider, and Ralf Schmidt. A true and correct copy of the '283 patent is attached hereto
17 as Exhibit 4.

18 22. U.S. Patent No. 7,629,621 ("the '621 patent"), entitled "Light-Radiating
19 Semiconductor Component with a Luminescence Conversion Element," issued on December 8,
20 2009, naming inventors Ulrike Reeh, Klaus Höhn, Norbert Stath, Günter Waitl, Peter Schlotter,
21 Jürgen Schneider, and Ralf Schmidt. A true and correct copy of the '621 patent is attached hereto
22 as Exhibit 5.

23 23. U.S. Patent No. 6,975,011 ("the '011 patent"), entitled "Optoelectronic
24 Semiconductor Component Having Multiple External Connections," issued on December 13,
25 2005, naming inventors Karlheinz Arndt, Herbert Brunner, Franz Schellhorn, and Günter Waitl.
26 A true and correct copy of the '011 patent is attached hereto as Exhibit 6.

27 24. U.S. Patent No. 7,199,454 ("the '454 patent"), entitled "Optoelectronic
28 Semiconductor Component," issued on April 3, 2007, naming inventors Karlheinz Arndt, Herbert

1 Brunner, Franz Schellhorn, and Günter Waitl. A true and correct copy of the '454 patent is
2 attached hereto as Exhibit 7.

3 25. U.S. Patent No. 7,271,425 ("the '425 patent"), entitled "Optoelectronic
4 Component," issued on September 18, 2007, naming inventors Karlheinz Arndt, Georg Bogner,
5 Günter Waitl, and Mattias Winter. A true and correct copy of the '425 patent is attached hereto as
6 Exhibit 8.

7 26. U.S. Patent No. 6,849,881 ("the '881 patent"), entitled "Optical Semiconductor
8 Device Comprising a Multiple Quantum Well Structure," issued on February 1, 2005, naming
9 inventors Volker Harle, Berthold Hahn, Hans-Jürgen Lugauer, Helmut Bolay, Stefan Bader,
10 Dominik Eisert, Uwe Strauss, Johannes Völkl, Ulrich Zehnder, Alfred Lell, and Andreas Weimar.
11 A true and correct copy of the '881 patent is attached hereto as Exhibit 9.

12 27. U.S. Patent No. 7,106,090 ("the '090 patent"), entitled "Optical Semiconductor
13 Device With Multiple Quantum Well Structure," issued on September 12, 2006, naming inventors
14 Volker Harle, Berthold Hahn, Hans-Jurgen Lugauer, Helmut Bolay, Stefan Bader, Dominik Eisert,
15 Uwe Strauss, Johannes Volkl, Ulrich Zehnder, Alfred Lell, and Andreas Weimer. A true and
16 correct copy of the '090 patent is attached hereto as Exhibit 10.

17 28. U.S. Patent No. 6,459,130 ("the '130 patent"), entitled "Optoelectronic
18 Semiconductor Component," issued on October 1, 2002, naming inventors Karlheinz Arndt,
19 Herbert Brunner, Franz Schellhorn, and Günter Waitl. A true and correct copy of the '130 patent
20 is attached hereto at Exhibit 11.

21 29. U.S. Patent No. 6,927,469 ("the '469 patent"), entitled "Optoelectronic
22 Semiconductor Component," issued on August 9, 2005, naming inventors Karlheinz Arndt,
23 Herbert Brunner, Franz Schellhorn, and Günter Waitl. A true and correct copy of the '469 patent
24 is attached hereto at Exhibit 12.

25 30. The '500 patent, the '732 patent, the '162 patent, the '283 patent, the '621 patent,
26 the '011 patent, the '454 patent, the '425 patent, the '881 patent, the '090 patent, the '130 patent,
27 and the '469 patent are assigned to plaintiff OSRAM GmbH.
28

1 **COUNT I**

2 **(Infringement of the '500 Patent)**

3 31. OSRAM incorporates and realleges the allegations set forth in foregoing
4 paragraphs 1 through 30, as if fully set forth herein.

5 32. LG has been and is infringing the '500 patent, directly and/or indirectly, by
6 making, using, offering to sell, and/or selling within the United States, and/or importing into the
7 United States white LEDs or products containing white LEDs, and/or actively inducing such
8 activities, without authority from OSRAM. These infringing products include white LEDs
9 manufactured by LGIT. As exemplary only, and without prejudice to OSRAM's right to pursue
10 infringement of additional claims, LG has been and is infringing claim 1 of the '500 patent. As
11 just a few examples, and without narrowing in any way OSRAM's identification of unlicensed
12 white LEDs and products containing such LEDs as infringing the '500 patent, LG's infringing
13 products include without limitation model names LEMWS37P80LZ00, LEMWS59T80LZ00,
14 LEMWS59T70GZ00, LEMWS52P80LZ00, LEMWH51W80LZ00, LEMW51X75GZ00, and
15 LEMWS52P75GZ00, and any and all products containing one or more of such infringing LEDs
16 (e.g., upon information and belief, the Flatron E2290).

17 33. LG's infringement of the '500 patent has injured OSRAM, and thus OSRAM is
18 entitled to recover damages adequate to compensate for LG's infringement, together with interest
19 and costs.

20 34. Before the filing of this action, OSRAM specifically informed LG of the '500
21 patent, so LG has had actual knowledge of the '500 patent. LG purposefully continued its
22 infringing activity despite knowledge of the '500 patent and, upon information and belief, despite
23 an objectively high likelihood that its action constituted infringement of one or more valid claims
24 of the '500 patent.

25 35. Upon information and belief, LG has been and is willfully infringing the '500
26 patent, and thus OSRAM is entitled to recover increased damages under 35 U.S.C. § 284. Upon
27 information and belief, LG's willful infringement of the '500 patent makes this case exceptional,
28 and thus OSRAM is entitled to recover attorneys' fees under 35 U.S.C. § 285.

1 36. LG's infringement of the '500 patent has caused irreparable injury to OSRAM and
2 will continue to cause irreparable injury until LG is enjoined from further infringement.

3 **COUNT II**

4 **(Infringement of the '732 Patent)**

5 37. OSRAM incorporates and realleges the allegations set forth in foregoing
6 paragraphs 1 through 36, as if fully set forth herein.

7 38. LG has been and is infringing the '732 patent, directly and/or indirectly, by
8 making, using, offering to sell, and/or selling within the United States, and/or importing into the
9 United States white LEDs or products containing white LEDs, and/or actively inducing such
10 activities, without authority from OSRAM. These infringing products include white LEDs
11 manufactured by LGIT. As exemplary only, and without prejudice to OSRAM's right to pursue
12 infringement of additional claims, LG has been and is infringing claim 1 of the '732 patent. As
13 just a few examples, and without narrowing in any way OSRAM's identification of unlicensed
14 white LEDs and products containing such LEDs as infringing the '732 patent, LG's infringing
15 products include without limitation model names LEMWS59T70GZ00, LEMWS52P80LZ00,
16 LEMW51X75GZ00, and LEMWS52P75GZ00, and any and all products containing one or more
17 of such infringing LEDs.

18 39. LG's infringement of the '732 patent has injured OSRAM, and thus OSRAM is
19 entitled to recover damages adequate to compensate for LG's infringement, together with interest
20 and costs.

21 40. Before the filing of this action, OSRAM specifically informed LG of the '732
22 patent, so LG has had actual knowledge of the '732 patent. LG purposefully continued its
23 infringing activity despite knowledge of the '732 patent and, upon information and belief, despite
24 an objectively high likelihood that its action constituted infringement of one or more valid claims
25 of the '732 patent.

26 41. Upon information and belief, LG has been and is willfully infringing the '732
27 patent, and thus OSRAM is entitled to recover increased damages under 35 U.S.C. § 284. Upon
28

1 information and belief, LG's willful infringement of the '732 patent makes this case exceptional,
2 and thus OSRAM is entitled to recover attorneys' fees under 35 U.S.C. § 285.

3 42. LG's infringement of the '732 patent has caused irreparable injury to OSRAM and
4 will continue to cause irreparable injury until LG is enjoined from further infringement.

5 **COUNT III**

6 **(Infringement of the '162 Patent)**

7 43. OSRAM incorporates and realleges the allegations set forth in foregoing
8 paragraphs 1 through 42, as if fully set forth herein.

9 44. LG has been and is infringing the '162 patent, directly and/or indirectly, by
10 making, using, offering to sell, and/or selling within the United States, and/or importing into the
11 United States white LEDs or products containing white LEDs, and/or actively inducing such
12 activities, without authority from OSRAM. These infringing products include white LEDs
13 manufactured by LGIT. As exemplary only, and without prejudice to OSRAM's right to pursue
14 infringement of additional claims, LG has been and is infringing claim 1 of the '162 patent. As
15 just a few examples, and without narrowing in any way OSRAM's identification of unlicensed
16 white LEDs and products containing such LEDs as infringing the '162 patent, LG's infringing
17 products include without limitation model names LEMWS37P80LZ00, LEMWS59T80LZ00,
18 LEMWS59T70GZ00, LEMWS52P80LZ00, LEMWH51W80LZ00, LEMW51X75GZ00, and
19 LEMWS52P75GZ00, and any and all products containing one or more of such infringing LEDs
20 (e.g., upon information and belief, the Flatron E2290).

21 45. LG's infringement of the '162 patent has injured OSRAM, and thus OSRAM is
22 entitled to recover damages adequate to compensate for LG's infringement, together with interest
23 and costs.

24 46. Before the filing of this action, OSRAM specifically informed LG of the '162
25 patent, so LG has had actual knowledge of the '162 patent. LG purposefully continued its
26 infringing activity despite knowledge of the '162 patent and, upon information and belief, despite
27 an objectively high likelihood that its action constituted infringement of one or more valid claims
28 of the '162 patent.

1 47. Upon information and belief, LG has been and is willfully infringing the '162
2 patent, and thus OSRAM is entitled to recover increased damages under 35 U.S.C. § 284. Upon
3 information and belief, LG's willful infringement of the '162 patent makes this case exceptional,
4 and thus OSRAM is entitled to recover attorneys' fees under 35 U.S.C. § 285.

5 48. LG's infringement of the '162 patent has caused irreparable injury to OSRAM and
6 will continue to cause irreparable injury until LG is enjoined from further infringement.

7 **COUNT IV**

8 **(Infringement of the '283 Patent)**

9 49. OSRAM incorporates and realleges the allegations set forth in foregoing
10 paragraphs 1 through 48, as if fully set forth herein.

11 50. LG has been and is infringing the '283 patent, directly and/or indirectly, by
12 making, using, offering to sell, and/or selling within the United States, and/or importing into the
13 United States white LEDs or products containing white LEDs, and/or actively inducing such
14 activities, without authority from OSRAM. These infringing products include white LEDs
15 manufactured by LGIT. As exemplary only, and without prejudice to OSRAM's right to pursue
16 infringement of additional claims, LG has been and is infringing claim 1 of the '283 patent. As
17 just a few examples, and without narrowing in any way OSRAM's identification of unlicensed
18 white LEDs and products containing such LEDs as infringing the '283 patent, LG's infringing
19 products include without limitation model names LEMWS37P80LZ00, LEMWS59T80LZ00,
20 LEMWS59T70GZ00, LEMWS52P80LZ00, LEMWH51W80LZ00, LEMW51X75GZ00, and
21 LEMWS52P75GZ00, and any and all products containing one or more of such infringing LEDs.

22 51. LG's infringement of the '283 patent has injured OSRAM, and thus OSRAM is
23 entitled to recover damages adequate to compensate for LG's infringement, together with interest
24 and costs.

25 52. Before the filing of this action, OSRAM specifically informed LG of the '283
26 patent, so LG has had actual knowledge of the '283 patent. LG purposefully continued its
27 infringing activity despite knowledge of the '283 patent and, upon information and belief, despite
28

1 an objectively high likelihood that its action constituted infringement of one or more valid claims
2 of the '283 patent.

3 53. Upon information and belief, LG has been and is willfully infringing the '283
4 patent, and thus OSRAM is entitled to recover increased damages under 35 U.S.C. § 284. Upon
5 information and belief, LG's willful infringement of the '283 patent makes this case exceptional,
6 and thus OSRAM is entitled to recover attorneys' fees under 35 U.S.C. § 285.

7 54. LG's infringement of the '283 patent has caused irreparable injury to OSRAM and
8 will continue to cause irreparable injury until LG is enjoined from further infringement.

9 **COUNT V**

10 **(Infringement of the '621 Patent)**

11 55. OSRAM incorporates and realleges the allegations set forth in foregoing
12 paragraphs 1 through 54, as if fully set forth herein.

13 56. LG has been and is infringing the '621 patent, directly and/or indirectly, by
14 making, using, offering to sell, and/or selling within the United States, and/or importing into the
15 United States white LEDs or products containing white LEDs, and/or actively inducing such
16 activities, without authority from OSRAM. These infringing products include white LEDs
17 manufactured by LGIT. As exemplary only, and without prejudice to OSRAM's right to pursue
18 infringement of additional claims, LG has been and is infringing claim 1 of the '621 patent. As
19 just a few examples, and without narrowing in any way OSRAM's identification of unlicensed
20 white LEDs and products containing such LEDs as infringing the '621 patent, LG's infringing
21 products include without limitation model names LEMWS37P80LZ00, LEMWS59T80LZ00,
22 LEMWS59T70GZ00, LEMWS52P80LZ00, LEMWH51W80LZ00, LEMW51X75GZ00, and
23 LEMWS52P75GZ00, and any and all products containing one or more of such infringing LEDs
24 (e.g., upon information and belief, the Flatron E2290).

25 57. LG's infringement of the '621 patent has injured OSRAM, and thus OSRAM is
26 entitled to recover damages adequate to compensate for LG's infringement, together with interest
27 and costs.

1 58. Before the filing of this action, OSRAM specifically informed LG of the '621
2 patent, so LG has had actual knowledge of the '621 patent. LG purposefully continued its
3 infringing activity despite knowledge of the '621 patent and, upon information and belief, despite
4 an objectively high likelihood that its action constituted infringement of one or more valid claims
5 of the '621 patent.

6 59. Upon information and belief, LG has been and is willfully infringing the '621
7 patent, and thus OSRAM is entitled to recover increased damages under 35 U.S.C. § 284. Upon
8 information and belief, LG's willful infringement of the '621 patent makes this case exceptional,
9 and thus OSRAM is entitled to recover attorneys' fees under 35 U.S.C. § 285.

10 60. LG's infringement of the '621 patent has caused irreparable injury to OSRAM and
11 will continue to cause irreparable injury until LG is enjoined from further infringement.

12 **COUNT VI**

13 **(Infringement of the '130 Patent)**

14 61. OSRAM incorporates and realleges the allegations set forth in foregoing
15 paragraphs 1 through 60, as if fully set forth herein.

16 62. LG has been and is infringing the '130 patent, directly and/or indirectly, by
17 making, using, offering to sell, and/or selling within the United States, and/or importing into the
18 United States LEDs having the claimed structure or products containing such LEDs, and/or
19 actively inducing such activities, without authority from OSRAM. These infringing products
20 include LEDs manufactured by LGIT. As exemplary only, and without prejudice to OSRAM's
21 right to pursue infringement of additional claims, LG has been and is infringing claim 1 of the
22 '130 patent. As an example, and without narrowing in any way OSRAM's identification of
23 unlicensed LEDs having the claimed structure and products containing such LEDs as infringing
24 the '130 patent, upon information and belief LG's infringing products include without limitation
25 model name 47LW5600, which upon information and belief contains one or more infringing
26 LEDs.

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1 63. LG's infringement of the '130 patent has injured OSRAM, and thus OSRAM is
2 entitled to recover damages adequate to compensate for LG's infringement, together with interest
3 and costs.

4 64. Upon information and belief, LG purposefully continued its infringing activity
5 despite knowledge of the '130 patent and, upon information and belief, despite an objectively high
6 likelihood that its action constituted infringement of one or more valid claims of the '130 patent.

7 65. Upon information and belief, LG has been and is willfully infringing the '130
8 patent, and thus OSRAM is entitled to recover increased damages under 35 U.S.C. § 284. Upon
9 information and belief, LG's willful infringement of the '130 patent makes this case exceptional,
10 and thus OSRAM is entitled to recover attorneys' fees under 35 U.S.C. § 285.

11 66. LG's infringement of the '130 patent has caused irreparable injury to OSRAM and
12 will continue to cause irreparable injury until LG is enjoined from further infringement.

13 **COUNT VII**

14 **(Infringement of the '469 Patent)**

15 67. OSRAM incorporates and realleges the allegations set forth in foregoing
16 paragraphs 1 through 66, as if fully set forth herein.

17 68. LG has been and is infringing the '469 patent, directly and/or indirectly, by
18 making, using, offering to sell, and/or selling within the United States, and/or importing into the
19 United States LEDs having the claimed structure or products containing such LEDs, and/or
20 actively inducing such activities, without authority from OSRAM. These infringing products
21 include LEDs manufactured by LGIT. As exemplary only, and without prejudice to OSRAM's
22 right to pursue infringement of additional claims, LG has been and is infringing claim 1 of the
23 '469 patent. As an example, and without narrowing in any way OSRAM's identification of
24 unlicensed LEDs having the claimed structure and products containing such LEDs as infringing
25 the '469 patent, upon information and belief LG's infringing products include without limitation
26 model name 47LW5600, which upon information and belief contains one or more infringing
27 LEDs.
28

1 69. LG's infringement of the '469 patent has injured OSRAM, and thus OSRAM is
2 entitled to recover damages adequate to compensate for LG's infringement, together with interest
3 and costs.

4 70. Upon information and belief, LG purposefully continued its infringing activity
5 despite knowledge of the '469 patent and, upon information and belief, despite an objectively high
6 likelihood that its action constituted infringement of one or more valid claims of the '469 patent.

7 71. Upon information and belief, LG has been and is willfully infringing the '469
8 patent, and thus OSRAM is entitled to recover increased damages under 35 U.S.C. § 284. Upon
9 information and belief, LG's willful infringement of the '469 patent makes this case exceptional,
10 and thus OSRAM is entitled to recover attorneys' fees under 35 U.S.C. § 285.

11 72. LG's infringement of the '469 patent has caused irreparable injury to OSRAM and
12 will continue to cause irreparable injury until LG is enjoined from further infringement.

13 COUNT VIII

14 **(Infringement of the '011 Patent)**

15 73. OSRAM incorporates and realleges the allegations set forth in foregoing
16 paragraphs 1 through 72, as if fully set forth herein.

17 74. LG has been and is infringing the '011 patent, directly and/or indirectly, by
18 making, using, offering to sell, and/or selling within the United States, and/or importing into the
19 United States LEDs having the claimed structure or products containing such LEDs, and/or
20 actively inducing such activities, without authority from OSRAM. These infringing products
21 include LEDs manufactured by LGIT. As exemplary only, and without prejudice to OSRAM's
22 right to pursue infringement of additional claims, LG has been and is infringing claim 1 of the
23 '011 patent. As just a few examples, and without narrowing in any way OSRAM's identification
24 of unlicensed LEDs having the claimed structure and products containing such LEDs as infringing
25 the '011 patent, LG's infringing products include without limitation model names
26 LEMWS52P80LZ00 and LEMWS52P75GZ00, and any and all products containing one or more
27 of such infringing LEDs (e.g., upon information and belief, the 47LW5600).

28

1 of such infringing LEDs (e.g., upon information and belief, the Flatron E2290, 47LW5600, and
2 32LE5300).

3 81. LG's infringement of the '454 patent has injured OSRAM, and thus OSRAM is
4 entitled to recover damages adequate to compensate for LG's infringement, together with interest
5 and costs.

6 82. Upon information and belief, LG purposefully continued its infringing activity
7 despite knowledge of the '454 patent and, upon information and belief, despite an objectively high
8 likelihood that its action constituted infringement of one or more valid claims of the '454 patent.

9 83. Upon information and belief, LG has been and is willfully infringing the '454
10 patent, and thus OSRAM is entitled to recover increased damages under 35 U.S.C. § 284. Upon
11 information and belief, LG's willful infringement of the '454 patent makes this case exceptional,
12 and thus OSRAM is entitled to recover attorneys' fees under 35 U.S.C. § 285.

13 84. LG's infringement of the '454 patent has caused irreparable injury to OSRAM and
14 will continue to cause irreparable injury until LG is enjoined from further infringement.

15 **COUNT X**

16 **(Infringement of the '425 Patent)**

17 85. OSRAM incorporates and realleges the allegations set forth in foregoing
18 paragraphs 1 through 84, as if fully set forth herein.

19 86. LG has been and is infringing the '425 patent, directly and/or indirectly, by
20 making, using, offering to sell, and/or selling within the United States, and/or importing into the
21 United States LEDs having the claimed structure or products containing such LEDs, and/or
22 actively inducing such activities, without authority from OSRAM. These infringing products
23 include LEDs manufactured by LGIT. As exemplary only, and without prejudice to OSRAM's
24 right to pursue infringement of additional claims, LG has been and is infringing claim 1 of the
25 '425 patent. As just a few examples, and without narrowing in any way OSRAM's identification
26 of unlicensed LEDs and products containing such LEDs as infringing the '425 patent, LG's
27 infringing products include without limitation model names LEMWS52P80LZ00 and
28 LEMWS52P75GZ00, and any and all products containing one or more of such infringing LEDs.

1 87. LG's infringement of the '425 patent has injured OSRAM, and thus OSRAM is
2 entitled to recover damages adequate to compensate for LG's infringement, together with interest
3 and costs.

4 88. Upon information and belief, LG purposefully continued its infringing activity
5 despite knowledge of the '425 patent and, upon information and belief, despite an objectively high
6 likelihood that its action constituted infringement of one or more valid claims of the '425 patent.

7 89. Upon information and belief, LG has been and is willfully infringing the '425
8 patent, and thus OSRAM is entitled to recover increased damages under 35 U.S.C. § 284. Upon
9 information and belief, LG's willful infringement of the '425 patent makes this case exceptional,
10 and thus OSRAM is entitled to recover attorneys' fees under 35 U.S.C. § 285.

11 90. LG's infringement of the '425 patent has caused irreparable injury to OSRAM and
12 will continue to cause irreparable injury until LG is enjoined from further infringement.

13 **COUNT XI**

14 **(Infringement of the '881 Patent)**

15 91. OSRAM incorporates and realleges the allegations set forth in foregoing
16 paragraphs 1 through 90, as if fully set forth herein.

17 92. LG has been and is infringing the '881 patent, directly and/or indirectly, by
18 making, using, offering to sell, and/or selling within the United States, and/or importing into the
19 United States LEDs having the claimed structure or products containing such LEDs, and/or
20 actively inducing such activities, without authority from OSRAM. These infringing products
21 include LEDs manufactured by LGIT. As exemplary only, and without prejudice to OSRAM's
22 right to pursue infringement of additional claims, LG has been and is infringing claim 1 of the
23 '881 patent. As just a few examples, and without narrowing in any way OSRAM's identification
24 of unlicensed LEDs and products containing such LEDs as infringing the '881 patent, LG's
25 infringing products include without limitation model names LEMWS59T80LZ00 and
26 LEMWS52P75GZ00, and any and all products containing one or more of such infringing LEDs.
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1 93. LG's infringement of the '881 patent has injured OSRAM, and thus OSRAM is
2 entitled to recover damages adequate to compensate for LG's infringement, together with interest
3 and costs.

4 94. Upon information and belief, LG purposefully continued its infringing activity
5 despite knowledge of the '881 patent and, upon information and belief, despite an objectively high
6 likelihood that its action constituted infringement of one or more valid claims of the '881 patent.

7 95. Upon information and belief, LG has been and is willfully infringing the '881
8 patent, and thus OSRAM is entitled to recover increased damages under 35 U.S.C. § 284. Upon
9 information and belief, LG's willful infringement of the '881 patent makes this case exceptional,
10 and thus OSRAM is entitled to recover attorneys' fees under 35 U.S.C. § 285.

11 96. LG's infringement of the '881 patent has caused irreparable injury to OSRAM and
12 will continue to cause irreparable injury until LG is enjoined from further infringement.

COUNT XII

(Infringement of the '090 Patent)

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15 97. OSRAM incorporates and realleges the allegations set forth in foregoing
16 paragraphs 1 through 96, as if fully set forth herein.

17 98. LG has been and is infringing the '090 patent, directly and/or indirectly, by
18 making, using, offering to sell, and/or selling within the United States, and/or importing into the
19 United States LEDs having the claimed structure or products containing such LEDs, and/or
20 actively inducing such activities, without authority from OSRAM. These infringing products
21 include LEDs manufactured by LGIT. As exemplary only, and without prejudice to OSRAM's
22 right to pursue infringement of additional claims, LG has been and is infringing claim 1 of the
23 '090 patent. As just a few examples, and without narrowing in any way OSRAM's identification
24 of unlicensed LEDs and products containing such LEDs as infringing the '090 patent, LG's
25 infringing products include without limitation model names LEMWS59T80LZ00 and
26 LEMWS52P75GZ00, and any and all products containing one or more of such infringing LEDs.

1 99. LG's infringement of the '090 patent has injured OSRAM, and thus OSRAM is
2 entitled to recover damages adequate to compensate for LG's infringement, together with interest
3 and costs.

4 100. Upon information and belief, LG purposefully continued its infringing activity
5 despite knowledge of the '090 patent and, upon information and belief, despite an objectively high
6 likelihood that its action constituted infringement of one or more valid claims of the '090 patent.

7 101. Upon information and belief, LG has been and is willfully infringing the '090
8 patent, and thus OSRAM is entitled to recover increased damages under 35 U.S.C. § 284. Upon
9 information and belief, LG's willful infringement of the '090 patent makes this case exceptional,
10 and thus OSRAM is entitled to recover attorneys' fees under 35 U.S.C. § 285.

11 102. LG's infringement of the '090 patent has caused irreparable injury to OSRAM and
12 will continue to cause irreparable injury until LG is enjoined from further infringement.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, OSRAM respectfully requests that the Court grant relief as follows:

15 A. A judgment for OSRAM against LG on all counts asserted in this Complaint;

16 B. A judgment that LG has infringed the '500 patent, the '732 patent, the '162 patent,
17 the '283 patent, the '621 patent, the '011 patent, the '454 patent, the '425 patent, the '881 patent,
18 the '090 patent, the '130 patent, and the '469 patent;

19 C. An order and judgment preliminarily and permanently enjoining LG and its
20 officers, agents, servants, employees, attorneys and all persons in active concert or participation
21 with any of them, and their parents, subsidiaries, divisions, successors and assigns, from infringing
22 the '500 patent, the '732 patent, the '162 patent, the '283 patent, the '621 patent, the '011 patent,
23 the '454 patent, the '425 patent, the '881 patent, the '090 patent, the '130 patent, and the '469
24 patent;

25 D. A judgment awarding OSRAM damages in the amount sufficient to compensate it
26 for LG's infringement, together with prejudgment and post-judgment interest and costs, pursuant
27 to 35 U.S.C. § 284;
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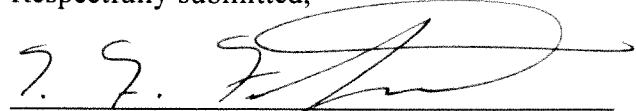
1 E. A judgment trebling the damages awarded to OSRAM by reason of LG's willful
2 infringement, pursuant to 35 U.S.C. § 284;

3 F. A judgment declaring this case "exceptional" under 35 U.S.C. § 285 and awarding
4 OSRAM its attorneys' fees, expenses and costs incurred in this action; and

5 G. A judgment awarding OSRAM such other and further relief as this Court deems
6 just and proper.

7
8 Dated: June 2, 2011

Respectfully submitted,

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JURY DEMAND

Plaintiff OSRAM hereby demands a trial by jury of any and all issues properly triable by jury.

Dated: June 2, 2011

Respectfully submitted,



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