

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

2012 SEP 13 P 3:40

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

BLUESTONE INNOVATIONS, LLC,

Plaintiff,

v.

E&S INTERNATIONAL ENTERPRISES,  
INC., a/k/a ESI ENTERPRISES, INC., d/b/a  
VIORE, and d/b/a ISYMPHONY

Defendant.

NORFOLK DIVISION  
CASE NO. 2:12 CV 509  
R&D/TEM

**JURY DEMANDED**

**COMPLAINT**

Plaintiff Bluestone Innovations, LLC ("Bluestone") complains of defendant E&S Enterprises, Inc., a/k/a ESI Enterprises, Inc., d/b/a Viore, and also d/b/a iSymphony ("E&S" or "Defendant") as follows:

**THE PARTIES**

1. Bluestone is a Virginia limited liability company located at 1984 Isaac Newton Square, Suite 203, Reston Virginia 20190.

2. E&S International Enterprises, Inc. is a California corporation having a principal place of business located at 7801 Hayvenhurst Avenue, Van Nuys, California 91406. Upon information and belief, E&S International Enterprises, Inc. is also known as ESI Enterprises, Inc, operating from the same principal place of business in California.

3. Upon information and belief, E&S International Enterprises, Inc. and/or ESI Enterprises, Inc. conducts business under the fictitious business names "Viore" and "iSymphony."

## **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the patent laws of the United States (Title 35 of the United States Code). The Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Defendant has done business in this District and has committed acts of infringement in this District. Such acts include soliciting, advertising (including through websites), offering to sell, selling and/or distributing infringing products, either directly or through intermediaries and agents, within this District.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Defendant is subject to personal jurisdiction in this District and has committed acts of infringement in this District.

## **FACTUAL ALLEGATIONS**

### **A. The Patent-in-Suit**

7. United States Patent No. 6,163,557 ("the '557 patent"), entitled "Fabrication of Group III-V Nitrides on Mesas," was duly and legally issued by the United States Patent and Trademark Office on December 19, 2000.

8. Bluestone is the owner of the '557 patent by virtue of an assignment and owns all rights, title, and interest in the '557 patent subject to an exclusive field of use license held by a third party for the field of Optical Media Storage Devices and Components. Bluestone is not asserting claims of infringement of the '557 patent for any Optical Media Storage Device or Component made, used, sold, offered for sale, and/or imported into the United States by Defendant.

**B. Infringement of the Patent-in-Suit**

9. Defendant has been and is engaged in the manufacture, use, offer for sale, sale, and/or importation into the United States of Viore and iSymphony branded light emitting diode ("LED") backlit televisions. The specific model numbers of such products change frequently. Upon information and belief, Defendant has made, used, offered for sale, sold, and/or imported into the United States at least the Viore and iSymphony branded LED backlit televisions that are identified by model number in Exhibit A attached hereto.

10. Defendant's Viore LED22VF60 and iSymphony LED42IF80 LED backlit televisions contain LED semiconductor components that infringe at least one claim of the '557 patent. Upon information and belief, one or more of Defendant's Viore and iSymphony branded LED backlit televisions identified in Exhibit A hereto contain the same or substantially similar LED semiconductor components as those contained within Defendant's Viore LED22VF60 and iSymphony LED42IF80 LED backlit televisions, and to that extent, likewise infringe at least one claim of the '557 patent.

11. Upon information and belief, Defendant, through its confidential documents such as bills of materials and the like, can readily identify which of its Viore and iSymphony branded LED backlit televisions, including without limitation those identified in Exhibit A hereto, contain LED semiconductor components that are the same or substantially similar to the infringing LED semiconductor components contained in Defendant's Viore LED22VF60 and iSymphony LED42IF80 LED backlit televisions.

**COUNT I**  
**INFRINGEMENT OF THE '557 PATENT**

12. Bluestone realleges and incorporates by reference each and every allegation set forth in the proceeding paragraphs 1-11 as if fully set forth here.

13. Defendant has infringed at least claim 1 of the '557 patent through, among other activities, manufacturing, using, selling, offering to sell, and/or importing into the United States, Viore and iSymphony branded products that employ the inventions of the '557 patent within the meaning of 35 U.S.C. § 271(a). Examples of such infringing products are the Viore LED22VF60 and iSymphony LED42IF80 LED backlit televisions. Other Viore and iSymphony branded LED backlit televisions, including without limitation those identified in Exhibit A attached hereto, are also believed to infringe at least claim 1 of the '557 patent.

14. Defendants have infringed at least claim 23 of the '557 patent through their importation into the United States, or their offering to sell, selling and/or using within the United States, Insignia and Dynex branded products having components which were made by a process patented in the United States within the meaning of 35 U.S.C. § 271(g). Examples of such infringing products are the Viore LED22VF60 and iSymphony LED42IF80 LED backlit televisions. Other Viore and iSymphony branded LED backlit televisions, including without limitation those identified in Exhibit A attached hereto, are also believed to infringe at least claim 23 of the '557 patent.

15. As a direct and proximate result of Defendant's infringement, Bluestone has suffered, and will continue to suffer, serious irreparable injury for which Bluestone is entitled to recover damages adequate to compensate it for such infringement, but, in no event, less than a reasonable royalty.

#### **PRAYER FOR RELIEF**

WHEREFORE, Bluestone respectfully requests that this Court enter judgment in its favor and against Defendant and its respective subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Defendant and grant the following relief:

A. That this Court adjudge and decree that Defendant has been and is currently infringing the '557 patent;

B. That this Court award damages to Bluestone to compensate for each of the unlawful actions set forth in Bluestone's complaint;

C. That this Court award prejudgment interest on such damages to Bluestone from the date infringement of the '557 patent began;

D. That this Court determine that this patent infringement case is exceptional and award Bluestone its costs and attorneys' fees incurred in this action pursuant to 35 U.S.C. § 285; and

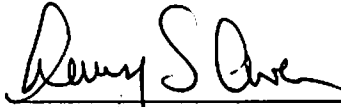
E. That this Court award such other relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Bluestone respectfully requests a trial by jury on all the issues triable thereby.

Dated: September 10, 2012

Respectfully submitted,



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Amy S. Owen (VSB #27692)

[aowen@cochranowen.com](mailto:aowen@cochranowen.com)

Ben Selan (VSB #65923)

[bselan@cochranowen.com](mailto:bselan@cochranowen.com)

COCHRAN & OWEN LLC

8000 Towers Crescent Drive, Suite 160

Vienna, VA 22182

Tel: (703) 847-4480

Fax: (703) 847-4499

*Of Counsel*

Dean D. Niro

[dniro@nshn.com](mailto:dniro@nshn.com)

David J. Mahalek

[mahalek@nshn.com](mailto:mahalek@nshn.com)

Robert A. Conley

[rconley@nshn.com](mailto:rconley@nshn.com)

NIRO, HALLER & NIRO

181 West Madison, Suite 4600

Chicago, IL 60602-4515

Tel: (312) 236-0733

Fax: (312) 236-3137

*Attorneys for Plaintiff*

*Bluestone Innovations, LLC*