

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

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

Plaintiffs,

v.

AURORA LIGHTING, INC.,

Defendant.

CIVIL ACTION NO. 12-cv-12049

DEMAND FOR JURY TRIAL

COMPLAINT

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

NATURE OF ACTION

1. In this action, Plaintiffs allege that Defendant infringes United States Patent Nos. 6,250,774; 6,561,690; 6,788,011; 7,038,399; 7,161,311; 7,262,559; and 7,659,673 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, Amstelvein 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 Aurora Lighting, Inc. is a corporation organized and existing under the laws of Florida, with a principal place of business at 19329 US Highway 19 North, Suite 100, Clearwater, FL 33764.

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 Defendant is subject to personal jurisdiction in this district.

FACTUAL BACKGROUND

9. Upon information and belief, Defendant’s LED Lighting Devices include products under the AURORA[®], LUNA[®], and SOLA[®] marks. Defendant’s LED Lighting Devices include retrofit bulbs for installation in conventional light bulb sockets and/or designed to resemble conventional, non-LED-based bulbs including, among others, A19 products, PAR38 products, PAR30 products, PAR20 products, PAR16 products, MR16 products, T8 tube products, GU10 products, and Candle products. Defendant’s LED Lighting Devices also include other lighting products including, among others, downlight flat panel products, high bay

products, floodlight products, spotlight products, canopy and wallwasher products, submersible products, and street light products.

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

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

11. On June 26, 2001, the United States Patent & Trademark Office (“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 assignee and owner of the ’774 Patent, a copy of which is attached as Exhibit A.

12. 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, its PAR16, PAR20, PAR30, PAR38, downlight and wallwasher 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. Upon information and belief, Defendant is aware of the ’774 Patent and its infringement is deliberate, willful, and in reckless disregard of Plaintiffs’ patent rights.

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

COUNT II: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,561,690

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

16. On May 13, 2003, the Patent Office duly and legally issued United States Patent No. 6,561,690 (“the ’690 Patent”), entitled “Luminaire Based on the Light Emission of Light-Emitting Diodes,” to Christophe Balestrieri et al. Plaintiff Koninklijke Philips Electronics N.V. is the assignee and owner of the ’690 Patent, a copy of which is attached as Exhibit B.

17. Upon information and belief, Defendant is engaged in activities that infringe the '690 Patent by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation, its PAR30 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).

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

COUNT III: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,788,011

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

20. On September 7, 2004, the Patent Office duly and legally issued United States Patent No. 6,788,011 (“the '011 Patent”), entitled “Multicolored LED Lighting Method and Apparatus,” to George G. Mueller et al. Plaintiff Philips Solid-State Lighting Solutions, Inc. is the assignee and owner of the '011 Patent, a copy of which is attached as Exhibit C.

21. Upon information and belief, Defendant is engaged in activities that infringe the '011 Patent by making, using, offering to sell, selling and/or importing LED Lighting Devices, such as, including without limitation, its wallwasher 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. Plaintiffs have been and continue to be injured by the infringing activities of Defendant.

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

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

24. 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 assignee and owner of the '399 Patent, a copy of which is attached as Exhibit D.

25. 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, without limitation, its A19, PAR16, PAR20, PAR30, PAR38, MR16, and downlight 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).

26. Upon information and belief, Defendant is aware of the '399 Patent and its infringement is deliberate, willful, and in reckless disregard of Plaintiffs' patent rights.

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

COUNT V: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,161,311

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

29. On January 9, 2007, the Patent Office duly and legally issued United States Patent No. 7,161,311 ("the '311 Patent"), entitled "Multicolored LED Lighting Method and Apparatus," to George G. Mueller et al. Plaintiff Philips Solid-State Lighting Solutions, Inc. is the assignee and owner of the '311 Patent, a copy of which is attached as Exhibit E.

30. Upon information and belief, Defendant is engaged in activities that infringe the '311 Patent by making, using, offering to sell, selling and/or importing LED Lighting Devices, including, without limitation, its A19 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).

31. Upon information and belief, Defendant is aware of the '311 Patent and its infringement is deliberate, willful, and in reckless disregard of Plaintiffs' patent rights.

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

COUNT VI: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,262,559

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

34. On August 28, 2007, the Patent Office duly and legally issued United States Patent No. 7,262,559 (“the ’559 Patent”), entitled “LEDs Driver,” to Ajay Tripathi et al. Plaintiff Koninklijke Philips Electronics N.V. is the assignee and owner of the ’559 Patent, a copy of which is attached as Exhibit F.

35. Upon information and belief, Defendant is engaged in activities that infringe the ’559 Patent by making, using, offering to sell, selling and/or importing LED Lighting Devices, including, without limitation, its A19 and PAR30 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).

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

COUNT VII: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,659,673

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

38. On February 9, 2010, the Patent Office duly and legally issued United States Patent No. 7,659,673 (“the ’673 Patent”), entitled “Methods and Apparatus for Providing a Controllably Variable Power to a Load,” to Ihor A. Lys. Plaintiff Philips Solid-State Lighting Solutions, Inc. is the assignee and owner of the ’673 Patent, a copy of which is attached as Exhibit G.

39. Upon information and belief, Defendant is engaged in activities that infringe the ’673 Patent by making, using, offering to sell, selling and/or importing LED Lighting Devices, including, without limitation, its A19 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).

40. 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 '774, '690, '011, '399, '311, '559, and '673 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 infringement of the '774, '690, '011, '399, '311, '559, and '673 Patents;

(c) an award of damages sufficient to compensate Plaintiffs for infringement of the '774, '690, '011, '399, '311, '559, and '673 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 Plaintiffs their 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: November 2, 2012

Respectfully submitted,

/s/ Denise W. DeFranco

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AND

**PHILIPS SOLID STATE LIGHTING
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