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12 Attorneys for Plaintiff
 13 LUMINUS DEVICES, INC.

14 **IN THE UNITED STATES DISTRICT COURT**
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 LUMINUS DEVICES, INC.,
 18 a Delaware corporation,

19 Plaintiff,

20 v.

21 LED Engin, Inc.,
 22 a Delaware corporation,

23 Defendant.

Case No.

**COMPLAINT FOR
 PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Luminus Devices, Inc. (“Luminus”), for its Complaint against Defendant LED Engin,
2 Inc., (“Defendant”), alleges as follows:

3 **THE PARTIES**

4 1. Luminus is a Delaware corporation with its principal place of business in Billerica,
5 Massachusetts.

6 2. Upon information and belief, Defendant is a Delaware Corporation with its principal
7 place of business in San Jose, California.

8 **NATURE OF THE ACTION**

9 3. This is an action for patent infringement.

10 4. Luminus is informed and believes, and thereupon alleges, that Defendant has been and is
11 infringing, contributing to the infringement of, and/or actively inducing others to infringe claims of U.S.
12 Patent No. 7,170,100 (“the ’100 Patent”).

13 **JURISDICTION**

14 5. This action arises under the patent laws of the United States, 35 U.S.C. §1, *et seq.*,
15 including 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and
16 1338(a).

17 **VENUE**

18 6. Venue is proper in this court under 28 U.S.C §§ 1391(b), 1391(c), 1391(d) and/or
19 1400(b) because a substantial part of the events giving rise to Luminus’ claims occurred in the Northern
20 District of California and because Defendant is subject to personal jurisdiction in the Northern District of
21 California.

22 **INTRADISTRICT ASSIGNMENT**

23 7. This is an intellectual property action and therefore shall be assigned on a district-wide
24 basis per Civil L.R. 3-2(c).

25 **FACTS**

26 8. Luminus develops and manufactures high performance light emitting diode (“LED”)
27 lighting devices which are used in lighting fixtures, theatrical lighting, projectors, signs, medical
28 equipment, UV curing systems, and other lighting applications.

1 9. Luminus has invested in research and development of LED technology and Luminus
2 relies on the United States patent system to protect the LED technology resulting from its research and
3 development. Luminus' success depends on research and development of LED technology and the
4 protection of the intellectual property resulting from such research and development.

5 **A. The Asserted Patent**

6 10. Luminus is the owner by assignment of the '100 Patent for "PACKAGING DESIGNS
7 FOR LEDS," issued on January 30, 2007 by the United States Patent and Trademark Office. A copy of
8 the '100 patent is annexed hereto as Exhibit A.

9 11. The inventors of the '100 patent, Alexi A. Erchak, Paul Panaccione, Robert F. Karlicek,
10 Jr., Michael Lim, Eleferios Lidorkis, Jo A. Penezia, and Christian Hoepfner, assigned all right title and
11 interest in the '100 Patent to Luminus, which assignment was recorded in the United States Patent and
12 Trademark Office on October 21, 2005, at Reel 016923, Frame 0553.

13 12. The '100 Patent is directed to light emitting diode devices.

14 **B. Defendant's Acts of Infringement**

15 13. Luminus is informed and believes, and thereupon alleges, that Defendant has made, used,
16 sold, imported, and/or offered for sale, and/or continued to make, use, sell, import, and/or offer for sale,
17 LED emitters in the United States.

18 14. The aforementioned Defendant products are hereinafter referred collectively as the
19 "Accused Products." The Accused Products include at least, but are not limited to, LZ4-04MDCA,
20 LZ4-00MC10, LZ4-04MDC9-0000, and LZ9-K0CW00-0065 LED emitters.

21 15. Luminus is informed and believes, and thereupon alleges, that every feature of at least
22 one claim of the '100 patent is found in each of the Accused Products.

23 16. Luminus is informed and believes, and thereupon alleges, that LZ4-04MDCA includes
24 every feature of at least claim 76 of the '100 Patent, including but not limited to distances between
25 adjacent edges of the LEDs comprising the array of less than 200 microns.

26 17. Luminus is informed and believes, and thereupon alleges, that LZ4-00MC10 includes
27 every feature of at least claim 19 of the '100 Patent, including but not limited to an array of light
28 emitting devices being positioned such that a ratio of a sum of a total area of all of the light emitting

1 devices in the array of light emitting devices to the area defined by the outer perimeter is at least about
2 0.75 and a layer that comprises at least one optical component.

3 18. Luminus is informed and believes, and thereupon alleges, that LZ4-04MDC9-0000
4 includes every feature of at least claim 1 of the '100 Patent, including but not limited to an array of light
5 emitting devices being positioned such that a ratio of a sum of a total area of all of the light emitting
6 devices in the array of light emitting devices to the area defined by the outer perimeter is at least about
7 0.75 and a layer disposed such that the distance between a surface of the array of light emitting devices
8 and a surface of the layer nearest to the surface of the array of light emitting devices is approximately
9 375 microns.

10 19. Luminus is informed and believes, and thereupon alleges, that LZ4-04MDC9-0000
11 includes every feature of at least claim 76 of the '100 Patent, including but not limited to distances
12 between adjacent edges of the LEDs comprising the array of less than 200 microns.

13 20. Luminus is informed and believes, and thereupon alleges, that LZ9-K0CW00-0065
14 includes every feature of at least claim 1 of the '100 Patent, including but not limited to an array of light
15 emitting devices being positioned such that a ratio of a sum of a total area of all of the light emitting
16 devices in the array of light emitting devices to the area defined by the outer perimeter is at least about
17 0.75 and a layer disposed such that the distance between a surface of the array of light emitting devices
18 and a surface of the layer nearest to the surface of the array of light emitting devices is approximately
19 356 microns.

20 21. Luminus is informed and believes, and thereupon alleges, that LZ9-K0CW00 includes
21 every feature of at least claim 19 of the '100 Patent, including but not limited to an array of light
22 emitting devices being positioned such that a ratio of a sum of a total area of all of the light emitting
23 devices in the array of light emitting devices to the area defined by the outer perimeter is at least about
24 0.75 and a layer that comprises at least one optical component.

25 22. Defendant's making, use, sale, offers for sale, and/or importation of the Accused Products
26 in the United States constitutes direct infringement of the '100 Patent.

27
28

FIRST CAUSE OF ACTION

Patent Infringement of U.S. Patent No. 7,170,100

Under 35 U.S.C. § 271, *et seq.*

23. Luminus realleges and incorporates by reference the allegations of Paragraphs 1 through 22.

24. Defendant has directly infringed the '100 patent by making, using, importing, selling or offering for sale the Accused Products in the United States.

25. The willful and intentional nature of Defendant's patent infringement makes this an exceptional case under 35 U.S.C. § 285.

26. As a result of Defendant's patent infringement, Luminus has suffered damages in an amount to be determined at trial.

27. As a result of Defendant's patent infringement, Luminus has also suffered irreparable injury to its business, reputation, and goodwill. Luminus will continue to suffer irreparable injury unless Defendant's misconduct is enjoined by the Court.

PRAYER FOR RELIEF

Wherefore, Luminus asks this Court to enter judgment in its favor against Defendant and grant the following relief:

1. a judgment that Defendant has infringed and continues to infringe the '100 Patent as alleged above;

2. a judgment accounting for all damages sustained by Luminus as a result of Defendant's acts of infringement of the '100 Patent;

3. a judgment enjoining Defendant, and all of their officers, directors, employees, agents, and representatives, from making, using, offering to sell, or selling any products that infringe the '100 Patent including at least, LZ4-04MDCA, LZ4-00MC10, LZ4-04MDC9-0000, and LZ9-K0CW00-0065;

