

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SUNRISE TECHNOLOGIES, INC.

Plaintiff

v.

CIMCON LIGHTING, INC.

Defendant.

Civil Action No.: 1:15-cv-11545

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Sunrise Technologies, Inc. (“Sunrise” or “Plaintiff”) files this Complaint for Patent Infringement and Jury Demand against Defendant, Cimcon Lighting, Inc. (“Cimcon” or “Defendant”) and alleges as follows:

NATURE OF THE SUIT

1. This is an action for patent infringement under the Patent Laws of the United States of America, 35 U.S.C. § 100 *et seq.*

THE PARTIES

2. Sunrise is a Massachusetts corporation, having a principal place of business at 54 Commercial Street, Raynham, MA 02767.

3. Sunrise markets outdoor lighting control products under a variety of brand names, as well as a variety of wireless products.

4. On information and belief, Cimcon is a Delaware corporation, having a principal place of business at 234 Littleton Road, Westford, MA 01886. Sunrise is informed and believes that Cimcon makes, imports into the United States, sells, offers to sell and/or uses intelligent

wireless controllers that utilize a self-forming and self-healing RF mesh network used on individual light fixtures.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
6. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b).
7. On information and belief, Cimcon is subject to personal jurisdiction in the District of Massachusetts consistent with the principles of due process and the Massachusetts Long-Arm Statute because Cimcon has offered its products for sale in this District, has transacted business in this District, has committed and/or induced acts of patent infringement in this District, and/or has placed its products into the stream of commerce through established distribution channels with the expectation that such products will be purchased by residents of this District.

THE PATENT-IN-SUIT

8. Sunrise owns all rights, title, and interest in, and has standing to sue for infringement of United States Patent No. 7,825,793, entitled “Remote Monitoring and Control System,” which issued on November 2, 2010 (“the ‘793 patent”) (a true and correct copy is attached as Exhibit A).
9. The ‘793 patent is generally directed towards a communication system that communicates information between an end user device and a remote end user via a communication node mounted on the upper part of a utility pole. The communication node is capable of communicating with a nearby user device using a low-power communication protocol such as the ZigBee protocol, and transmits the communication to the end user via a neighborhood mesh network of nodes mounted on utility poles.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,825,793

10. The allegations of paragraphs 1 – 9 are restated and re-alleged as though fully set forth herein

11. On information and belief, Cimcon has infringed and continues to infringe, literally or under the doctrine of equivalents, the ‘793 patent by making, using, importing, offering to sell, and/or selling products or processes that practice one or more inventions claimed in the ‘793 patent, as well as infringing by knowingly, actively and intentionally inducing others to infringe the ‘793 patent, including but not limited to customers, and/or by contributing to the infringement of the ‘793 patent by others, including but not limited to customers. Such infringing conduct includes, but is not limited to, Cimcon’s marketing and sale of its iSLC line of intelligent wireless controllers.

12. On information and belief, Cimcon had actual notice of the ‘793 patent at least as early as December 8, 2011, at which time the Plaintiff sent Cimcon a letter informing Cimcon of its infringement.

13. Cimcon’s infringement of the ‘793 patent has been and remains willful and deliberate.

14. Cimcon’s activities have been without Sunrise’s authorization.

15. Cimcon has profited through its infringement of the ‘793 patent.

16. As a result of Cimcon’s infringement, Sunrise has been damaged and will be further damaged, and is entitled to be compensated for such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be ascertained, but that will be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Sunrise respectfully requests the Court to enter judgment against Cimcon and against its respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

(a) The entry of judgment in favor of Sunrise and against Cimcon.

(b) An award of damages against Cimcon adequate to make Sunrise whole for Cimcon's infringement, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;

(c) A finding that Cimcon's infringement of the '793 patent has been willful and deliberate;

(d) A finding that this case is exceptional and an award to Sunrise of its reasonable attorneys' fees and costs as provided by 35 U.S.C. § 285;

(e) A preliminary and permanent injunction prohibiting further infringement of the '793 patent; and

(f) Such other relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Sunrise demands a trial by jury on all issues so triable.

Respectfully submitted,

Sunrise Technologies, Inc.,

By its attorneys,

Dated: April 8, 2015

/s/ Michael A. Albert
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