

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

KONINKLIJKE PHILIPS N.V. and PHILIPS  
LIGHTING NORTH AMERICA CORPORATION,

Plaintiffs,

v.

AMERLUX, LLC and AMERLUX EXTERIOR,  
LLC,

Defendants.

CIVIL ACTION NO.: 15-CV-13086

**DEMAND FOR JURY TRIAL**

**COMPLAINT**

Plaintiffs Koninklijke Philips N.V. (“KPNV”) and Philips Lighting North America Corporation (“PLNA”) (collectively, “Philips”) bring this Complaint for patent infringement against defendants Amerlux, LLC, and Amerlux Exterior, LLC (collectively “Amerlux”).

**NATURE OF THE ACTION**

1. This is an action for patent infringement under 35 U.S.C. § 271, *et seq.*, by Philips against Amerlux for infringement of United States Patent Nos. 6,094,014 (“the ’014 patent”); 6,250,774 (“the ’774 patent”); 6,577,512 (“the ’512 patent”); 7,038,399 (“the ’399 patent”); 7,262,559 (“the ’559 patent”); and 8,220,958 (“the ’958 patent”) (collectively, the “patents-in-suit”).

**THE PARTIES**

2. Plaintiff Koninklijke Philips N.V., formerly known as 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, Amstelplein 2, 1096 BC Amsterdam, The Netherlands.

3. Plaintiff Philips Lighting North America Corporation is a corporation organized and existing under the laws of Delaware, is registered to do business in the Commonwealth of Massachusetts, and has a place of business and resides at 3 Burlington Woods Drive, Burlington, Massachusetts 01803.

4. Upon information and belief, Defendant Amerlux, LLC, is a corporation organized and existing under the laws of New Jersey, with a principal place of business at 178 Bauer Drive, Oakland, New Jersey 07436.

5. Upon information and belief, Defendant Amerlux Exterior, LLC (“Amerlux Exterior”) is a corporation organized and existing under the laws of New Jersey, with a principal place of business at 23 Daniel Road East, Fairfield, New Jersey 07004.

#### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

7. Upon information and belief, Defendants have made, used, provided, sold, offered to sell, imported, and/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.

8. Upon information and belief, Defendants maintain or have maintained continuous and systematic contacts with Massachusetts and this judicial district and have committed tortious activity within the district.

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b), as *inter alia* the Defendants are subject to personal jurisdiction in this district.

**FACTUAL BACKGROUND**

10. Upon information and belief, Defendants' LED Lighting Devices include, without limitation, products under the Acion, Avista, Cavaletto, Cameo-LDL, Chaperone, Classix, Concealed Modular Trough, Contour, Curvano, Cylindrix, Drama-LWG, Elianto, Evoke, Fiato, Fino, Gröv, Hornet, Insigna, Linea, Mini Cavaletto, Murro, Nitro, Passo, Producer, Puck Light, Quintetta, Rook, Round Adjustable, Salvus, Shallow Vertically Adjustable, SlimBar, SmartSite, Stellina, Valato, and Varieta brands. Defendants' LED Lighting Devices include lighting products such as accent display lighting products, task lighting products, wall wash and grazer lighting products, shelf lighting products, downlights, pendants, outdoor lighting products, and other luminaire-type lighting products.

**COUNT I: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,094,014**

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

12. On July 25, 2000, the Patent Office duly and legally issued the '014 patent, entitled "Circuit Arrangement, and Signaling Light Provided with the Circuit Arrangement," to Marcel J. M. Bucks et al. Plaintiff KPNV is the assignee and owner of the '014 patent, a copy of which is attached hereto as Exhibit A.

13. Upon information and belief, Defendants are engaged in activities that infringe the '014 patent under 35. U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation the Contour 3X3 Vertical, Nitro II Shallow LED, Evoke 4.75 Square Downlight, and Cylindrix III Vertical products, in the United States.

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

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

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

16. On June 26, 2001, the Patent Office duly and legally issued the '774 patent, entitled "Luminaire," to Simon H. A. Begemann et al. Plaintiff KPNV is the assignee and owner of the '774 patent, a copy of which is attached hereto as Exhibit B.

17. Upon information and belief, Defendants are engaged in activities that infringe the '774 patent under 35. U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation the Contour family of products, in the United States.

18. Upon information and belief, Defendants are aware of the '774 patent and their infringement is deliberate, willful, and in reckless disregard of Plaintiffs' patent rights.

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

**COUNT III: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,577,512**

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

21. On June 10, 2003, the Patent Office duly and legally issued the '512 patent, entitled "Power Supply for LEDs," to Ajay Tripathi et al. Plaintiff KPNV is the assignee and owner of the '512 patent, a copy of which is attached hereto as Exhibit C.

22. Upon information and belief, Defendants are engaged in activities that infringe the '512 patent under 35. U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation the Nitro II Shallow LED, Evoke 4.75 Square Downlight, and Cylindrix III Vertical products, in the United States.

23. Upon information and belief, Defendants are aware of the '512 patent and their infringement is deliberate, willful, and in reckless disregard of Plaintiffs' patent rights.

24. Plaintiffs have been and continue to be injured by the infringing activities of Defendants.

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

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

26. On May 2, 2006, the Patent Office duly and legally issued the '399 patent, entitled "Methods and Apparatus for Providing Power to Lighting Devices," to Ihor A. Lys et al. Plaintiff PLNA is the assignee and owner of the '399 patent, a copy of which is attached hereto as Exhibit D.

27. Upon information and belief, Defendants are engaged in activities that infringe the '399 patent under 35. U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation the Nitro II Shallow LED, Cylindrix III Vertical, Cylindrix II 17W, Evoke 2.9 Round Adjustable Gen 2, Evoke 2.9 Round Downlight Gen. 2, Evoke 2.9 Round Lens Wall Wash Gen. 2, Evoke 2.9 Round Pinhole Adjustable Gen. 2, Evoke 2.9 Square Adjustable Gen. 2, Evoke 2.9 Square Downlight Gen. 2, Evoke 2.9 Square Lens Wall Wash Gen. 2, Evoke 2.9 Square Pinhole Adjustable Gen. 2, Evoke 4.75 Round Adjustable HP LED, Evoke 4.75 Square Downlight, and Evoke 4.75 Square Adjustable HP LED, Hornet Recessed, Hornet HP 3.5" Square Adjustable, Hornet LED, Hornet LED Horizontal, Hornet Low Voltage LED, and Hornet Surface Canopy LED, Hornet Remodeler, and Hornet Semi-Recessed products, in the United States.

28. Upon information and belief, Defendants are aware of the '399 patent and their infringement is deliberate, willful, and in reckless disregard of Plaintiffs' patent rights.

29. Plaintiffs have been and continue to be injured by the infringing activities of Defendants.

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

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

31. On August 28, 2007, the Patent Office duly and legally issued the '559 patent, entitled "LEDs Driver," to Ajay Tripathi et al. Plaintiff KPNV is the assignee and owner of the '559 patent, a copy of which is attached hereto as Exhibit E.

32. Upon information and belief, Defendants are engaged in activities that infringe the '559 patent under 35. U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation the, Contour Vertical 3X3 Fixture, Nitro II Shallow LED, Cylindrix III Vertical, Cylindrix II 17W, Evoke 2.9 Round Adjustable Gen 2, Evoke 2.9 Round Downlight Gen. 2, Evoke 2.9 Round Lens Wall Wash Gen. 2, Evoke 2.9 Round Pinhole Adjustable Gen. 2, Evoke 2.9 Square Adjustable Gen. 2, Evoke 2.9 Square Downlight Gen. 2, Evoke 2.9 Square Lens Wall Wash Gen. 2, Evoke 2.9 Square Pinhole Adjustable Gen. 2, Evoke 4.75 Round Adjustable HP LED, Evoke 4.75 Square Downlight, and Evoke 4.75 Square Adjustable HP LED, Hornet Recessed, Hornet HP 3.5" Square Adjustable, Hornet Remodeler, Hornet LED, Hornet LED Horizontal, Hornet Low Voltage LED, Hornet Surface Canopy LED and Hornet Semi-Recessed products, in the United States.

33. Upon information and belief, Defendants are aware of the '559 patent and their infringement is deliberate, willful, and in reckless disregard of Plaintiffs' patent rights.

34. Plaintiffs have been and continue to be injured by the infringing activities of Defendants.

**COUNT VI: PATENT INFRINGEMENT OF U.S. PATENT NO. 8,220,958**

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

36. On July 17, 2012, the Patent Office duly and legally issued the '958 patent, entitled "Light-Beam Shaper," to Louis Montagne. Plaintiff KPNV is the assignee and owner of the '958 patent, a copy of which is attached hereto as Exhibit F.

37. Upon information and belief, Defendants are engaged in activities that infringe the '958 patent under 35. U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation the Salvus and SmartSite families of products, in the United States.

38. Plaintiffs have been and continue to be injured by the infringing activities of Defendants.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request the following relief:

(a) a declaration that Defendants infringe the patents-in-suit 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 Defendants and any of their officers, agents, employees, assigns, representatives, privies, successors, and those acting in concert or participation with it from infringing and/or inducing infringement of the patents-in-suit;

(c) an award of damages sufficient to compensate Plaintiffs for infringement of the patents-in-suit by Defendants, together with prejudgment and post-judgment interest;

(d) a declaration or order finding that Defendants' 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: August 5, 2015

Respectfully submitted,

/s/ Denise W. DeFranco

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