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21 *Attorneys for Plaintiff Harvatek Corp.*

22 **IN THE UNITED STATES DISTRICT COURT**
23 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

24 HARVATEK CORPORATION

25 Plaintiff,

26 v.

27 CREE, INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff Harvatek Corporation (“Harvatek” or “Plaintiff”), for its Complaint against Defendant Cree, Inc. (“Cree” or “Defendant”), alleges the following:

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NATURE OF THE ACTION

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

THE PARTIES

3. Plaintiff Harvatek is a company is organized under the laws of Taiwan and its principal place of business is No. 18, Lane 522, Sec. 5, Chung Hwa Road, Hsinchu City 30094, Taiwan (R.O.C.).

4. Upon information and belief, Defendant Cree, Inc. is a corporation organized and existing under the laws of North Carolina, with a place of business at 340 Storke Road, Goleta, CA 93117 and a place of business at 4600 Silicon Drive, Durham, North Carolina 27703. Upon information and belief, Defendant sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

8. Upon information and belief, each Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals and business in California. Further, this Court has personal jurisdiction over Cree, Inc. because it has purposely availed itself of the privileges and benefits of the laws of the State of California, at least by maintaining a facility in Goleta, California.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,841,934

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2 9. The allegations set forth in the foregoing paragraphs 1 through 8 are incorporated
3 into this First Claim for Relief.

4 10. On January 11, 2005, U.S. Patent No. 6,841,934 (“the ’934 patent”), entitled
5 “White Light Source from Light Emitting Diode,” was duly and legally issued by the United
6 States Patent and Trademark Office. A true and correct copy of the ’934 patent is attached as
7 Exhibit 1.

8 11. Harvatek is the assignee and owner of all right, title and interest in and to the ’934
9 patent, including the right to assert all causes of action arising under the patent and the right to
10 any remedies for infringement of it.

11 12. Claim 1 of the ’934 patent recites an LED white light source comprising a light
12 emitting diode chip having a bottom electrode and a second electrode, and emitting short
13 wavelength color light; a split metal substrate having a first metal section and a second metal
14 section, separate from each other, wherein the first metal section is mounted with said bottom
15 electrode and said second section is connected to the second electrode; a fluorescent glue
16 covering the LED chip and inner ends of the first section and the second section, and converting
17 the short wavelength color light into white light; and terminals for the LED formed by the outer
18 ends of the first metal section and the second metal section, not covered by the fluorescent glue.

19 13. Upon information and belief, the Defendant has and continues to directly infringe
20 claim 1 of the ’934 patent under 35 U.S.C. § 271 by making, using, selling, importing and/or
21 providing and causing to be used LED products such as the CREE CLM1 Series LEDs, which
22 comprise an LED white light source including a light emitting diode chip having a bottom
23 electrode and a second electrode, and emitting short wavelength color light; a split metal
24 substrate having a first metal section and a second metal section, separate from each other,
25 wherein the first metal section is mounted with the bottom electrode and the second section is
26 connected to the second electrode; a fluorescent glue, covering the LED chip and inner ends of
27 the first section and the second section, and converting the short wavelength color light into

1 white light; and terminals for the LED formed by the outer ends of the first metal section and the
2 second metal section, not covered by the fluorescent glue.

3 14. Claim 2 of the '934 patent, which depends from claim 1, recites the LED white
4 light source in claim 1 further comprising at least one through hole in the first metal section and
5 the second metal section for the fluorescent glue to fill and to strengthen the adhesion between
6 the fluorescent glue and the substrate.

7 15. The CREE CLM1 Series LEDs infringe claim 2 of the '934 patent; including at
8 least one through hole in the first metal section and the second metal section for the fluorescent
9 glue to fill and to strengthen the adhesion between the fluorescent glue and the substrate.

10 16. Claim 3 of the '934 patent, which depends from claim 1, recites the LED white
11 light source in claim 1 further comprising a wall erected around the fluorescent glue to contain
12 the fluorescent glue.

13 17. The CREE CLM1 Series LEDs infringe claim 3 of the '934 patent by including a
14 wall erected around the fluorescent glue to contain the fluorescent glue.

15 18. Claim 7 of the '934 patent, which depends from claim 1, recites the LED white
16 light source in claim 1 wherein the LED is selected from the group consisting of short
17 wavelength blue light, purple light, blue- purple light, and ultraviolet light.

18 19. The CREE CLM1 Series LEDs infringe claims 7 of the '934 patent; the LED is
19 selected from the group consisting of short wavelength blue light, purple light, blue-purple light,
20 and ultraviolet light.

21 20. Claim 8 of the '934 patent which depends from claim 1 recites the LED white
22 light source in claim 1 wherein the second electrode is a top electrode wire bonded to the second
23 metal section.

24 21. The CREE CLM1 Series LEDs infringe claim 8 of the '934 patent; the second
25 electrode is a top electrode wire bonded to the second metal section.

26 22. Defendant's aforesaid activities have been without authority and/or license from
27 Plaintiff. Such activities constitute Defendant's infringement of the '934 patent by at least

1 Defendant's making, using, offering for sale, selling, advertising, and/or, importing at least the
2 products described herein, that infringe, either directly or indirectly, the patented invention, and
3 Defendant will continue to do so unless enjoined by the Court.

4 **JURY DEMAND**

5 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Harvatek demands a trial by
6 jury on all issues triable as such.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff Harvatek demands judgment for itself and against Defendant as
9 follows:

- 10 A. An adjudication that Defendant has infringed the '934 patent;
- 11 B. An award of damages to be paid by Defendant adequate to compensate Harvatek
12 for Defendant's past infringement of the '934 patent, and any continuing or future infringement
13 through the date such judgment is entered, including interest, costs, expenses and an accounting
14 of all infringing acts including, but not limited to, those acts not presented at trial;
- 15 C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of
16 Plaintiff's reasonable attorneys' fees; and
- 17 D. An award to Harvatek of such further relief at law or in equity as the Court deems
18 just and proper.
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1 Dated: 1/26/2016

/s/ Seth W. Wiener

2 Seth W. Wiener

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4 *Attorneys for Plaintiff Harvatek Corp.*

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