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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

LIGHTING SCIENCE GROUP
CORPORATION,

Plaintiff,

v.

SEA GULL LIGHTING PRODUCTS LLC,
and GENERATION BRANDS LLC

Defendants.

Civil Action No. 6:16cv338-orl-22GJK

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lighting Science Group Corporation, through its attorneys, alleges the following:

PARTIES

1. Plaintiff Lighting Science Group Corporation (“LSG”) is a corporation organized and existing under the laws of Delaware, with its principal place of business at 1830 Penn Street, Melbourne, Florida 32901.

2. Upon information and belief, Defendant Sea Gull Lighting Products LLC is a corporation organized under the laws of Delaware and is headquartered in Skokie, Illinois, and is a wholly owned subsidiary of Defendant Generation Brands LLC (with Defendant Sea Gull Lighting Products LLC, collectively “Defendants”), which is a corporation organized under the laws of Delaware and is headquartered in Skokie, Illinois, but each does business throughout the United States, including Florida.

JURISDICTION AND VENUE

3. This is a claim for patent infringement and arises under the patent laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over the Defendants because the Defendants are transacting business within this District and have committed acts and, on information and belief, will continue to commit acts within this District giving rise to this action, including offering to sell and selling infringing products and/or placing infringing products, directly or through intermediaries (including distributors, retailers, and others), into the stream of commerce in such a way as to reach customers in this District. Defendants have purposefully and voluntarily sold one or more of its infringing products with the expectation that they will be purchased by consumers in this District. These infringing products have been and continue to be purchased by consumers in this District. Defendants have committed acts of patent infringement within the United States and more particularly, within this District.

5. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

COUNT I
(Infringement of U.S. Patent No. 8,201,968)

6. Plaintiff repeats and re-alleges Paragraphs 1-5 as though fully set forth herein.

7. Plaintiff is the owner by assignment of United States Patent No. 8,201,968, entitled “Low Profile Light,” which was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) on June 19, 2012 (the “’968 Patent”). A true and correct copy of the ‘968 Patent is attached hereto as Exhibit A.

8. The ‘968 Patent is valid and enforceable and Plaintiff has the full right to recover

for past infringement damages and the right to recover future royalties, damages and income.

9. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff, and all predecessors in interest and/or implied or express licensees of the '968 Patent, if any, have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '968 Patent on all goods made, offered for sale, sold, and/or imported into the United States that embody one or more claims of that patent and/or providing actual or constructive notice to Defendants.

10. Defendants have infringed and will continue to infringe at least Claims 1, 2, 5, 6, 11, 14, 15, 16, 20, 21, 22, and 23 of the '968 Patent by, among other activities, making, using, selling or offering to sell in or importing into the United States its Traverse II Collection products. Defendants are liable for direct infringement, either literally or under the doctrine of equivalents, as well as indirect infringement by way of inducement and or contributory infringement of the '968 Patent pursuant to 35 U.S.C. §271 (a), (b), (c), (f), and or (g).

11. Defendants have infringed and will continue to infringe at least Claims 1, 2, 5, 7, 9, 14, 15, 19, 20, 21, 22, and 23 of the '968 Patent by, among other activities, making, using, selling or offering to sell in or importing into the United States its Traverse Collection products. Defendants are liable for direct infringement, either literally or under the doctrine of equivalents, as well as indirect infringement by way of inducement and or contributory infringement of the '968 Patent pursuant to 35 U.S.C. §271 (a), (b), (c), (f), and or (g).

12. Upon information and belief, Defendants have been and are continuing to induce infringement of the '968 Patent under 35 U.S.C. §271(b) and contributes to infringement of the '968 Patent under 35 U.S.C. §271(c), in conjunction with such act of making, using, offering for sale, and or importing into the United States, without authority, products that fall within the scope of one or more claims of the '968 Patent. Such infringement occurs directly by the distributors,

retailers, resellers, customers, users and or licensees of the infringing products. The infringing products have no substantial non-infringing uses.

13. Plaintiff has at no time either expressly or impliedly licensed Defendants to practice the '968 Patent.

14. Defendants' infringement has injured Plaintiff, and Plaintiff is entitled to recover damages adequate to compensate it for such infringement.

15. Upon information and belief, Defendants' acts of infringement are willful, warranting the assessment of increased damages pursuant to 35 U.S.C. § 284, and warrant a finding that this is an exceptional case, pursuant to 35 U.S.C. § 285.

16. Defendants have previously purchased products from Plaintiff related to the '968 Patent from a period beginning May 16, 2011 and ending February 16, 2015. Defendants began production and sale of the infringing products after purchase of Plaintiff's products. Such conduct further supports the willfulness of Defendants' actions, further warranting the assessment of increased damages pursuant to 35 U.S.C. § 284, and further warranting a finding that this is an exceptional case, pursuant to 35 U.S.C. § 285.

17. Defendants' infringing activities have injured and will continue to injure Plaintiff, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further manufacture, use, sale, importation, and/or offer for sale of products that come within the scope of the claims of the '968 Patent.

COUNT II
(Infringement of U.S. Patent No. 8,967,844)

18. Plaintiff repeats and re-alleges Paragraphs 1-5 as though fully set forth herein.

19. Plaintiff LSG is the owner by assignment of United States Patent No. 8,967,844

entitled "Low Profile Light And Accessory Kit For The Same," which was duly and legally issued by the USPTO on March 3, 2015 (the " '844 Patent"). A true and correct copy of the '844 Patent is attached hereto as Exhibit B.

20. The '844 Patent is valid and enforceable and Plaintiff has the full right to recover for past infringement damages and the right to recover future royalties, damages and income.

21. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff, and all predecessors in interest and/or implied or express licensees of the '844 Patent, if any, have complied with the marking requirements of 35 U.S.C. § 287 by placing a notice of the '844 Patent on all goods made, offered for sale, sold, and/or imported into the United States that embody one or more claims of that patent and/or providing actual or constructive notice to Defendants.

22. Upon information and belief, Defendants have infringed and will continue to infringe at least Claims 1-5, 7, 9, 10, 12-17, and 20-24 of the '844 Patent by, among other activities, making, using, selling or offering to sell in or importing into the United States its Traverse Collection products. Defendants are liable for direct infringement, either literally or under the doctrine of equivalents, as well as indirect infringement by way of inducement and or contributory infringement of the '844 Patent pursuant to 35 U.S.C. §271 (a), (b), (c), (f), and or (g).

23. Upon information and belief, Defendants have infringed and will continue to infringe at least Claims 1-5, 7, 8, 12-16, and 20-24 of the '844 Patent by, among other activities, making, using, selling or offering to sell in or importing into the United States its Traverse Collection products. Defendants are liable for direct infringement, either literally or under the doctrine of equivalents, as well as indirect infringement by way of inducement and or contributory infringement of the '844 Patent pursuant to 35 U.S.C. §271 (a), (b), (c), (f), and or (g).

24. Upon information and belief, Defendants have been and are continuing to induce

infringement of the '844 under 35 U.S.C. §271(b) and contributes to infringement of the '844 Patent under 35 U.S.C. §271(c), in conjunction with such act of making, using, offering for sale, and or importing into the United States, without authority, products that fall within the scope of one or more claims of the '844 Patent. Such infringement occurs directly by the distributors, retailers, resellers, customers, users and or licensees of the infringing products. The infringing products have no substantial non-infringing uses.

25. Plaintiff has at no time either expressly or impliedly licensed Defendants to practice the '844 Patent.

26. Defendants' infringement has injured Plaintiff, and Plaintiff is entitled to recover damages adequate to compensate it for such infringement.

27. Upon information and belief, Defendants' acts of infringement are willful, warranting the assessment of increased damages pursuant to 35 U.S.C. § 284, and warrant a finding that this is an exceptional case, pursuant to 35 U.S.C. § 285.

28. Defendants have previously purchased products from Plaintiff related to the '844 Patent from a period beginning May 16, 2011 and ending February 16, 2015. Defendants began production and sale of the infringing products after purchase of Plaintiff's products. Such conduct further supports the willfulness of Defendants' actions, further warranting the assessment of increased damages pursuant to 35 U.S.C. § 284, and further warranting a finding that this is an exceptional case, pursuant to 35 U.S.C. § 285.

29. Defendants' infringing activities have injured and will continue to injure Plaintiff, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further manufacture, use, sale, importation, and/or offer for sale of products that come within the scope of the claims of the '844 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully asks this Court to enter judgment against Defendants and against its respective subsidiaries, successors, parents, affiliates, offices, directors, agents, servants, and employees, and all persons in privity or active concert or participation with Defendants, granting the following relief:

- A. the entry of judgment in favor of Plaintiff and against Defendants for the infringement of the '968 and the '844 Patents;
- B. a preliminary injunction prohibiting further infringement of each of the '968 Patent and the '844 Patent by Defendants, their agents, employees, representatives, successors and assigns and those acting in privity or in concert with them;
- C. a permanent injunction prohibiting further infringement of each of the '968 Patent and the '844 Patent by Defendants, their agents, employees, representatives, successors and assigns and those acting in privity or in concert with them;
- D. an award of actual damages against Defendants for damages arising from the infringement of each of the '968 Patent and the '844 Patent, including treble damages for willful infringement, pursuant to 35 U.S.C. § 284;
- E. an award of damages against Defendants for pre-judgment and post-judgment interest on the damages awarded, including an award of prejudgment interest, pursuant to 35 U.S.C. §284, from the date of each act of infringement of the '968 Patent and the '844 Patent by Defendants to the day a damages judgment is entered and a further award of post-judgment interest, pursuant to 28 U.S.C. §1961, continuing until such judgment is paid, at the maximum rate allowed by

law;

- F. the entry of judgment that this case is exceptional, and award treble damages, attorney fees, and the costs of this action, pursuant to 35 U.S.C. § 285;
- G. in the event a final injunction is not granted, a compulsory ongoing royalty; and
- H. such other relief to which Plaintiff is entitled under law, and any other and further relief that this Court or a jury may deem just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury on all issues so triable.



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