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9 Lighting Science Group Corporation

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 LIGHTING SCIENCE GROUP
13 CORPORATION,

14 Plaintiff,

15 vs.

16 SHENZHEN JIAWEI PHOTOVOLTAIC
17 LIGHTING CO., LTD., and JIAWEI
18 TECHNOLOGY (USA), LIMITED,

19 Defendants.

No.

**COMPLAINT FOR PATENT
INFRINGEMENT AND JURY
DEMAND**

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1 Plaintiff Lighting Science Group Corporation (“LSGC”), through its undersigned
2 counsel, for its complaint against Shenzhen Jiawei Photovoltaic Lighting Co., Ltd.
3 (“Shenzhen Jiawei”) and Jiawei Technology (USA), Limited (“Jiawei USA”) (collectively,
4 “Defendants”) alleges as follows:

5 **NATURE OF THE ACTION**

6 This is an action for patent infringement of three patents assigned to and owned by
7 LSGC that are infringed by Defendants, to wit U.S. Pat. No. 8,201,968 (the “’968 patent”),
8 U.S. Pat. No. 8,672,518 (the “’518 patent”), and U.S. Pat. No. 8,967,844 (the “’844
9 patent”) (collectively, the “asserted patents”). A copy of the ’968 patent is attached hereto
10 as **Exhibit A**; a copy of the ’518 patent is attached hereto as **Exhibit B**; a copy of the ’844
11 patent is attached hereto as **Exhibit C**.

12 **PARTIES AND JURISDICTION**

13 1. Plaintiff Lighting Science Group Corporation is a Delaware corporation
14 with its principal place of business at 1350 Division Road, Suite 204, West Warwick,
15 Rhode Island 02893.

16 2. Upon information and belief, Defendant Shenzhen Jiawei Photovoltaic
17 Lighting Co., Ltd. is a Chinese corporation having a principal place of business in
18 Shenzhen, People’s Republic of China. According to its website, Defendant Shenzhen
19 Jiawei Photovoltaic Lighting Co., Ltd. has one or more wholly-owned subsidiaries in
20 North America, and warehousing and distribution centers in the United States of America
21 including, upon information and belief, a distribution center in Hayward, California. *See*
22 <http://www.jiawei.com/en/SinglePage.aspx?NodeCode=111030008002>.

23 3. Upon information and belief, Defendant Jiawei Technology (USA), Limited
24 is a Delaware corporation with its principal place of business in Hayward, California.
25 Upon information and belief, Defendant Jiawei Technology (USA), Limited is a wholly-
26 owned subsidiary of Shenzhen Jiawei. Shenzhen Jiawei identifies Jiawei Technology
27 (USA), Ltd. in Hayward, California on its “Contact Us” page of its website. *See*

1 <http://www.jiawei.com/en/Contact.aspx?NodeCode=111038>.

2 4. This action arises under the Patent Act, 35 U.S.C. §§ 271 *et seq.* This Court
3 has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

4 5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b)
5 because, upon information and belief, Defendants are subject to personal jurisdiction in
6 this district and at least some of the actions complained of occurred in this district. On
7 information and belief, Defendants have committed acts of patent infringement with
8 respect to the asserted patents, including without limitation by the importation of goods
9 that infringe the asserted patents into this district, either directly or through intermediaries.

10 6. More particularly, upon information and belief, Defendant Shenzhen Jiawei
11 manufactured the infringing products described and complained of herein in China, and
12 exported those products into the United States, including into the port of Oakland in this
13 district. Upon information and belief, those goods were shipped from China to Defendant
14 Jiawei USA, which took possession of the goods in this district, and which in turn resold
15 and/or distributed those goods to customers in the United States.

16 **FACTS**

17 7. Plaintiff LSGC is a world leader in the invention, development, and sale of
18 LED lighting solutions. LSGC's lighting scientists have earned more than 375 patents for
19 their innovations in the LED field.

20 8. Among LSGC's diverse product array of LED lighting solutions is a line of
21 highly efficient lighting devices that can be retrofitted into existing lighting units, offered
22 to the public under the brand GLIMPSE®.

23 9. LSGC'S GLIMPSE® lighting products have enjoyed significant success in
24 the market.

25 10. The function of the GLIMPSE® lighting products are protected by patents,
26 including the asserted patents.

27 11. Upon information and belief, Defendants have infringed and will continue

1 to infringe at least one claim of each of the asserted patents by making, using, selling or
2 offering to sell in, or importing into, the United States a downlight luminaire offered, at a
3 minimum, under the Utilitech brand with a model number DLS03-06E30D1E-WH-F1 (the
4 “accused product”), and, upon information and belief, to other companies under different
5 brand names.

6 12. Specifically, upon information and belief, Defendant Shenzhen Jiawei
7 manufactured the accused product in China, and thereafter exported the accused product to
8 the United States, shipping the product to, at least, the port of Oakland, California.

9 13. Additionally, upon information and belief, Defendant Jiawei USA received
10 the accused product from Shenzhen Jiawei in, at least, Oakland, California and thereafter
11 distributed and/or resold the accused product to its customers in the United States.

12 14. Upon information and belief, as a result of the foregoing manufacture,
13 importation, and distribution of the accused product by Defendants, the accused product is
14 offered for sale throughout the United States at retail locations including, at least, Lowe’s
15 Home Improvement stores.

16 15. Upon information and belief, “Utilitech” is a trademark registered with the
17 United States Patent and Trademark Office, and is registered to LF, LLC, a Delaware
18 Limited Liability Company affiliated with Lowe’s Home Improvement Stores. The
19 “Utilitech” brand is, upon information and belief, a “house brand” of Lowe’s Home
20 Improvement stores.

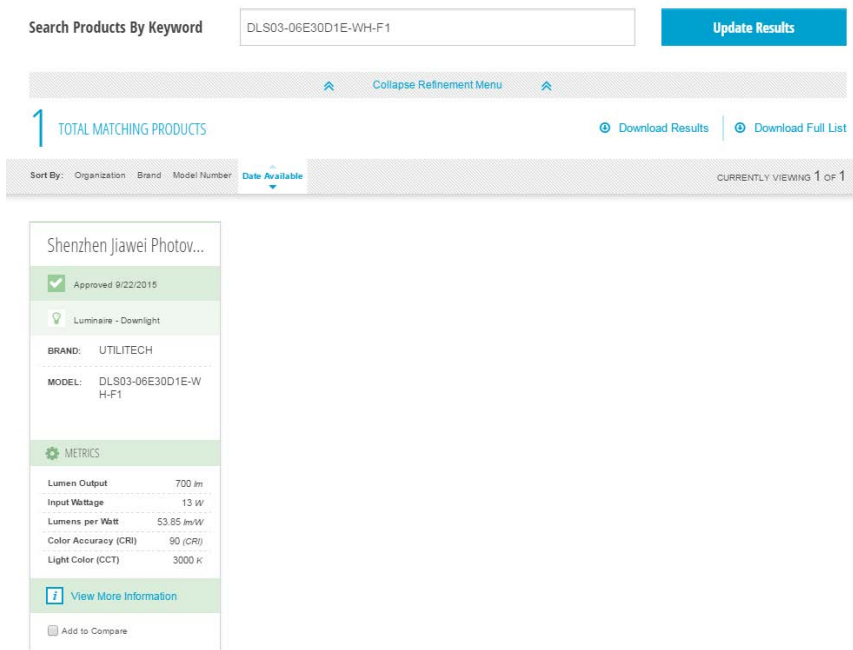
21 16. Upon information and belief, the use of the “Utilitech” brand on the accused
22 product indicates that Shenzhen Jiawei manufactures and exports the accused product to
23 the United States, and Jiawei USA imports into the United States and thereafter distributes
24 the accused product, specifically for resale at Lowe’s Home Improvement stores.

25 17. The source of the accused product is demonstrated by the “Lighting Facts”
26 database maintained by the United States Department of Energy, available at
27 www.lightingfacts.com. According to that website, “LED Lighting Facts® is a program of

1 the U.S. Department of Energy that showcases LED products for general illumination from
2 manufacturers who commit to testing products and reporting performance results according
3 to industry standards.”

4 18. The Lighting Facts website enables users to search for products that have
5 received an LED Lighting Facts label by manufacturer, model number, and other
6 characteristics.

7 19. A search for the accused product by model number shows that the product
8 is manufactured by Defendant Shenzhen Jiawei:



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20 20. Expanding the “View More Information” option in the above displayed
21 content shows the following information regarding the manufacturer:

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Shenzhen Jiawei Photovoltaic Lighting Co.,Ltd Approved 9/22/2015
AVAILABILITY: Yes - Standard Stocked Product or In-Stores

BRAND: UTILITECH
MODEL: DLS03-06E30D1E-WH-F1
TYPE: Luminaire - Downlight

REQUIRED METRICS:	Lumen Output	Input Wattage	Lumens per Watt	Color Accuracy (CRI)	Light Color (CCT)
	700 lm	13 W	53.85 lm/W	90 (CRI)	3000 K

ADDITIONAL METRICS:

Input Voltage: 120
Power Type: AC

11 21. Upon information and belief, Defendants’ conduct constitutes direct
12 infringement of the asserted patents, whether such infringement is literal or under the
13 doctrine of equivalents.

14 22. Upon information and belief, Defendants are continuing to engage in their
15 infringing activities. The accused product remains for sale including, at least, on the
16 Lowe’s Home Improvement stores website, for example at the following link:
17 [http://www.lowes.com/pd/Utilitech-65-Watt-Equivalent-White-LED-Recessed-Retrofit-](http://www.lowes.com/pd/Utilitech-65-Watt-Equivalent-White-LED-Recessed-Retrofit-Downlight-Fits-Housing-Diameter-5-in-or-6-in/50437832)
18 [Downlight-Fits-Housing-Diameter-5-in-or-6-in/50437832](http://www.lowes.com/pd/Utilitech-65-Watt-Equivalent-White-LED-Recessed-Retrofit-Downlight-Fits-Housing-Diameter-5-in-or-6-in/50437832).

19 23. The accused product has no substantially non-infringing use.

20 24. LSGC has not licensed or authorized any of the actions of Defendants,
21 either expressly or by implication. Defendants have no license to practice any of the
22 asserted patents.

23 25. LSGC has been injured by the infringing conduct of Defendants, and is
24 entitled to damages adequate to compensate it for such infringement.

25 26. Defendants’ infringing conduct has caused and continues to cause
26 irreparable injury to LSGC, for which remedies at law are inadequate to compensate
27 LSGC. The award of a permanent injunction against further manufacture, use, sale,

1 importation, and/or offer for sale of products that infringe any of the asserted patents is
2 warranted.

3 **FIRST CAUSE OF ACTION**

4 **Infringement of U.S. Pat. No. 8,201,968**

5 27. LSGC incorporates by reference each of the allegations set forth above.

6 28. LSGC is, and at all relevant times has been, the owner by assignment of
7 U.S. Pat. No. 8,201,968, entitled “Low Profile Light,” duly issued by the United States
8 Patent and Trademark Office on June 19, 2012.

9 29. The ’968 patent is in full force and effect, and is valid and enforceable.

10 30. LSGC has, at all relevant times, complied with any and all marking
11 requirements of 35 U.S.C. § 287 by placing a notice of the ’968 patent on substantially all
12 goods made, offered for sale, sold, and/or imported into the United States that embody one
13 or more claims of that patent and/or by providing actual or constructive notice to
14 Defendants of the patent.

15 31. Upon information and belief, Defendants have infringed and will continue
16 to infringe at least Claim 1 of the ’968 patent by, *inter alia*, making, using, selling or
17 offering to sell in, or importing into, the United States its downlight luminaire offered
18 under the Utilitech brand with a model number DLS03-06E30D1E-WH-F1 (the “accused
19 product”), as detailed in the attached preliminary and exemplary infringement chart,
20 **Exhibit D**. This chart is not intended to limit LSGC’s right to modify this chart or any
21 other claim chart or allege that other activities of Defendants infringe the identified claims
22 or any other claims of the ’968 patent or any other patents. Exhibit D is hereby
23 incorporated by reference in its entirety. Each claim element in Exhibit D that is mapped
24 to the accused product shall be considered an allegation within the meaning of the Federal
25 Rules of Civil Procedure and therefore a response to each allegation is required.

26 32. Defendants’ actions constitute direct infringement of the ’968 patent, either
27 literally or under the doctrine of equivalents.

1 33. Upon information and belief, Defendants are continuing to engage in their
2 infringing activities, including inducing infringement of the '968 patent among
3 Defendants' distributors, retailers, resellers, customers, users, and/or licensees of the
4 accused product.

5 34. The accused product has no substantially non-infringing use.

6 35. LSGC has not licensed or authorized any of the actions of Defendants,
7 either expressly or by implication. Defendants have no license to practice the '968 patent.

8 36. LSGC has been injured by the infringing conduct of Defendants, and is
9 entitled to damages adequate to compensate it for such infringement.

10 37. Defendants' infringing conduct has caused and continues to cause
11 irreparable injury to LSGC, for which remedies at law are inadequate to compensate
12 LSGC. The award of a permanent injunction against further manufacture, use, sale,
13 importation, and/or offer for sale of products that infringe any of the asserted patents is
14 warranted.

15 **SECOND CAUSE OF ACTION**

16 **Infringement of U.S. Pat. No. 8,672,518**

17 38. LSGC incorporates by reference each of the allegations set forth above.

18 39. LSGC is, and at all relevant times has been, the owner by assignment of
19 U.S. Pat. No. 8,672,518, entitled "Low Profile Light and Accessory Kit for the Same,"
20 duly issued by the United States Patent and Trademark Office on March 18, 2014.

21 40. The '518 patent is in full force and effect, and is valid and enforceable.

22 41. LSGC has, at all relevant times, complied with any and all marking
23 requirements of 35 U.S.C. § 287 by placing a notice of the '518 patent on substantially all
24 goods made, offered for sale, sold, and/or imported into the United States that embody one
25 or more claims of that patent and/or by providing actual or constructive notice to
26 Defendants of the patent.

27 42. Upon information and belief, Defendants have infringed and will continue

1 to infringe at least Claim 1 of the '518 patent by, *inter alia*, making, using, selling or
2 offering to sell in, or importing into, the United States its downlight luminaire offered
3 under the Utilitech brand with a model number DLS03-06E30D1E-WH-F1 (the "accused
4 product"), as detailed in the attached preliminary and exemplary infringement chart,
5 **Exhibit E**. This chart is not intended to limit LSGC's right to modify this chart or any
6 other claim chart or allege that other activities of Defendants infringe the identified claims
7 or any other claims of the '518 patent or any other patents. Exhibit E is hereby
8 incorporated by reference in its entirety. Each claim element in Exhibit E that is mapped
9 to the accused product shall be considered an allegation within the meaning of the Federal
10 Rules of Civil Procedure and therefore a response to each allegation is required.

11 43. Defendants' actions constitute direct infringement of the '518 patent, either
12 literally or under the doctrine of equivalents.

13 44. Upon information and belief, Defendants are continuing to engage in their
14 infringing activities.

15 45. The accused product has no substantially non-infringing use.

16 46. LSGC has not licensed or authorized any of the actions of Defendants,
17 either expressly or by implication. Defendants have no license to practice the '518 patent.

18 47. LSGC has been injured by the infringing conduct of Defendants, and is
19 entitled to damages adequate to compensate it for such infringement.

20 48. Defendant's infringing conduct has caused and continues to cause
21 irreparable injury to LSGC, for which remedies at law are inadequate to compensate
22 LSGC. The award of a permanent injunction against further manufacture, use, sale,
23 importation, and/or offer for sale of products that infringe any of the asserted patents is
24 warranted.

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THIRD CAUSE OF ACTION

Infringement of U.S. Pat. No. 8,967,844

49. LSGC incorporates by reference each of the allegations set forth above.

50. LSGC is, and at all relevant times has been, the owner by assignment of U.S. Pat. No. 8,967,844, entitled “Low Profile Light and Accessory Kit for Same,” duly issued by the United States Patent and Trademark Office on March 3, 2015.

51. The ’844 patent is in full force and effect, and is valid and enforceable.

52. LSGC has, at all relevant times, complied with any and all marking requirements of 35 U.S.C. § 287 by placing a notice of the ’844 patent on substantially 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 by providing actual or constructive notice to Defendants of the patent.

53. Upon information and belief, Defendants have infringed and will continue to infringe at least Claim 1 of the ’844 patent by, *inter alia*, making, using, selling or offering to sell in, or importing into, the United States its downlight luminaire offered under the Utilitech brand with a model number DLS03-06E30D1E-WH-F1 (the “accused product”), as detailed in the attached preliminary and exemplary infringement chart, **Exhibit F**. This chart is not intended to limit LSGC’s right to modify this chart or any other claim chart or allege that other activities of Defendants infringe the identified claims or any other claims of the ’844 patent or any other patents. Exhibit F is hereby incorporated by reference in its entirety. Each claim element in Exhibit F that is mapped to the accused product shall be considered an allegation within the meaning of the Federal Rules of Civil Procedure and therefore a response to each allegation is required.

54. Defendants’ actions constitute direct infringement of the ’844 patent, either literally or under the doctrine of equivalents.

55. Upon information and belief, Defendants are continuing to engage in its infringing activities.

1 56. The accused product has no substantially non-infringing use.

2 57. LSGC has not licensed or authorized any of the actions of Defendants,
3 either expressly or by implication. Defendants have no license to practice the '844 patent.

4 58. LSGC has been injured by the infringing conduct of Defendants, and is
5 entitled to damages adequate to compensate it for such infringement.

6 59. Defendant’s infringing conduct has caused and continues to cause
7 irreparable injury to LSGC, for which remedies at law are inadequate to compensate
8 LSGC. The award of a permanent injunction against further manufacture, use, sale,
9 importation, and/or offer for sale of products that infringe any of the asserted patents is
10 warranted.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Lighting Science Group Corporation prays for an Order, Judgment,
13 and Injunction, as follows:

14 A. On each Claim, judgment in favor of Lighting Science Group Corporation
15 and against Defendants, along with costs and attorneys’ fees;

16 B. For a preliminary injunction prohibiting further infringement of each of the
17 '968 patent, the '518 patent, and the '844 patent by Defendant, its agents, employees,
18 representatives, successors, and assigns and those acting in concert or privity with them;

19 C. For an award of actual damages against Defendants for damages arising
20 from the infringement of each of the '968 patent, the '518 patent, and the '844 patent;

21 D. For a declaration that this case is exceptional under 35 U.S.C. § 285,
22 and for the award of treble damages, attorneys’ fees, and the costs of the action pursuant to
23 that statute;

24 E. For an award of pre- and post-judgment interest pursuant to 35 U.S.C. § 284
25 and 28 U.S.C. § 1961 at the maximum rate allowed by law; and

26 F. For such other and further relief as the Court considers fair and just.
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Dated: July 11, 2016

GCA LAW PARTNERS LLP

By: /s/ Valerie M. Wagner
Valerie M. Wagner

Attorneys for Plaintiff LIGHTING
SCIENCE GROUP CORPORATION

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JURY DEMAND

In accordance with Federal Rule of Civil Procedure 38(b), Plaintiff Lighting Science Group Corporation demands a trial by jury on all claims and issues so triable.

Dated: July 11, 2016

GCA LAW PARTNERS LLP

By: /s/Valerie M. Wagner
Valerie Wagner

Attorneys for Plaintiff LIGHTING
SCIENCE GROUP CORPORATION