

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

Nichia Corporation,

Plaintiff,

v.

**Mary Elle Fashions, Inc. and
Meridian Electric Company, Inc.**

Defendants.

No. _____

**Complaint for
Patent Infringement**

Demand for Jury Trial

Plaintiff Nichia Corporation (“Nichia”) brings this action for patent infringement against Defendants Mary Elle Fashions, Inc. (“Mary Elle”) and Meridian Electric Company, Inc. (“Meridian Electric Company”), and alleges as follows:

Jurisdiction

1. This action arises under the patent laws of the United States, 35 U.S.C. § 1 et seq. This Court has subject matter jurisdiction over this action for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

The Parties

2. Nichia is a corporation organized and existing under the laws of Japan, and has a principal place of business at 491 Oka, Kaminaka-Cho, Anan-Shi, Tokushima, Japan 774-8601.

3. Upon information and belief, Mary Elle is a corporation organized and existing under the laws of the State of Missouri, with its principal place of business at 2392 Grissom Drive, St. Louis, Missouri 63146. Upon information and belief, Mary Elle is registered with the State of Missouri to do business under the name “Meridian Electric.”

4. Upon information and belief, Meridian Electric Company is a corporation that was organized under the laws of the State of Missouri and administratively dissolved on or about

March 26, 2015. Its principal place of business was 730 Fee Fee Road, Maryland Heights, Missouri 63043. The address for its registered agent, Ken Howard, is 730 Fee Fee Road, Maryland Heights, Missouri 63043.

5. Upon information and belief, Mary Elle and/or Meridian Electric Company engage in business under the name “Meridian Lighting Company” and markets and sells lighting products through the “Meridian Lighting Online Store” at the following online addresses: www.meridianlighting.com and www.meridianelectricco.com. The “About Us” page of the Meridian Lighting Online Store states that Meridian Lighting Company has “a rich history of providing a ‘who’s who’ of licensed branded products under the distribution name of Mary Elle.”

Venue

6. This Court has personal jurisdiction over Mary Elle because, on information and belief, Mary Elle’s principal place of business is located in this judicial district, and Mary Elle has committed acts within this judicial district giving rise to this action.

7. This Court has personal jurisdiction over Meridian Electric Company because, on information and belief, Meridian Electric Company’s principal place of business was located in this judicial district, its registered agent is located in this judicial district, and Meridian Electric Company has committed acts within this judicial district giving rise to this action.

8. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

Count I

(Infringement of U.S. Patent No. 7,915,631)

9. Nichia re-alleges and incorporates the allegations of all prior paragraphs of this Complaint as if set forth in their entirety herein.

10. Nichia is the assignee and owner of all rights, title, and interest in and to U.S. Patent No. 7,915,631 (“the ’631 patent”), entitled “Light Emitting Device and Display,” which was duly and legally issued by the United States Patent and Trademark Office on March 29, 2011. A true and correct copy of the ’631 patent is attached hereto as Exhibit A and is incorporated herein by reference.

11. Upon information and belief, Mary Elle and Meridian Electric Company have infringed and continue to infringe at least claim 1 of the ’631 patent under 35 U.S.C. § 271(a), (b), and/or (c). The infringing activities include, but are not limited to, the use, sale, importation, and/or offer for sale, without authority, of LED lighting devices that fall within the scope of the claims of the ’631 patent, including, but not limited to, the Meridian 13w Equivalent Bright White G24 Non-Dimmable LED Bulb (#13183) (“Bright White LED Bulb”).

12. Upon information and belief, the Bright White LED Bulb incorporates LEDs that satisfy limitations of at least claim 1 of the ’631 patent.

13. The Meridian Bright White LED Bulb is available for purchase through the Meridian Lighting Online Store, and is also available through nationwide retailers, such as The Home Depot. The packaging for the Bright Light LED Bulb states that the product was “Designed in St. Louis, MO by Meridian Electric Co.” and “Made in China by Meridian Electric Co.” The product instructions include a statement regarding the limited warranty, which provides the address to which customers can return defective bulbs for replacement: “Meridian Electric Co., PO BOX 1685, Maryland Heights, MO 63043.” This is the same address listed on the “Contact Us” page of the Meridian Lighting Online Store.

14. Nichia has no adequate remedy at law for Mary Elle’s and Meridian Electric Company’s acts of infringement.

15. As a direct and proximate result of Mary Elle's and Meridian Electric Company's acts of infringement, Nichia has suffered and continues to suffer damages and irreparable harm. Unless Mary Elle's and Meridian Electric Company's acts of infringement are enjoined by this Court, Nichia will continue to be damaged and irreparably harmed.

Prayer for Relief

WHEREFORE, Nichia prays that the Court:

- a. Enter judgment that Mary Elle and Meridian Electric Company have infringed one or more claims of the '631 patent;
- b. Award Nichia damages to compensate it for Mary Elle's and Meridian Electric Company's infringement of the '631 patent, together with pre- and post-judgment interest;
- c. Award Nichia increased damages pursuant to 35 U.S.C. § 284, together with pre- and post-judgment interest and costs;
- d. Enjoin Mary Elle and Meridian Electric Company and their officers, agents, servants, employees, and representatives, and all others in active concert or participation with them, from further infringing the '631 patent;
- e. Declare this case to be an exceptional case and award Nichia its attorneys' fees pursuant to 35 U.S.C. § 285;
- f. Award Nichia attorneys' fees, costs, and expenses incurred by Nichia in bringing this action, together with pre- and post-judgment interest; and
- g. Award such other and further relief as the Court deems just and proper.

Demand for Jury Trial

Pursuant to Federal Rules of Civil Procedure 38 and 39, Nichia demands a trial by jury on all issues so triable.

Dated: July 19, 2016

Respectfully submitted,

DOWD BENNETT LLP

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