

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SIPCO, LLC,

Plaintiff,

v.

**ACUITY BRANDS, INC., and ACUITY
BRANDS LIGHTING, INC.,**

Defendants.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff SIPCO, LLC (“Plaintiff” or “SIPCO”) complains against Defendants Acuity Brands, Inc. and Acuity Brands Lighting, Inc., all upon information and belief, as follows:

PARTIES

1. Plaintiff SIPCO, LLC is a limited liability company organized and existing under the laws of the State of Georgia, having its principal office at 2600 Abbey Court, Alpharetta, Georgia, 30004.
2. Defendant Acuity Brands, Inc. (“Acuity”) is a corporation organized under the laws of Delaware, with its principal place of business located at 1170 Peachtree Street, N.E., Suite 2300, Atlanta, Georgia 30309-7676. Acuity may be served with process by serving its registered agent, Corporation Service Company, 2711 Centerville Rd, Suite 400, Wilmington, Delaware 19808.
3. Defendant Acuity Brands Lighting, Inc. (“Acuity Lighting”) is a corporation organized under the laws of Delaware, with its principal place of business located in Conyers, Georgia. Acuity may be served with process by serving its registered agent, Corporation Service

Company, 2711 Centerville Rd, Suite 400, Wilmington, Delaware 19808. Acuity Lighting is a wholly-owned subsidiary of Acuity. Acuity and Acuity Lighting shall hereafter be collectively referenced as “Acuity,” unless the context otherwise dictates.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. Thus, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendants by virtue of the Defendants being corporations created and existing under the laws of the State of Delaware.

6. Venue is proper in this Judicial District as to each Defendant under 28 U.S.C. §§ 1391(c) and 1400(b) by virtue of the Defendants being corporations created and existing under the laws of the State of Delaware.

SIPCO

7. SIPCO is a small research, development and technology company based in Atlanta, Georgia. T. David Petite is its founding member.

8. In the 1990’s, through his own individual research and development efforts, Mr. Petite invented a large number of wireless control and distribution technology applications. The inventions resulting from Mr. Petite’s efforts include, but are not limited to, various ways of moving data as economically and seamlessly as possible over both wired and wireless networks.

9. Through the 1990’s and early 2000’s investors contributed tens of millions of dollars for technology development and implementation of networks. Clients included Georgia Power, Alabama Power, Newnan Utilities GA, Johnson Controls, Synovus Bank and Grand Court Lifestyles residential living facilities.

10. After proving that the technology worked in the field, several companies competed to purchase an exclusive license to Mr. Petite's technology for the market known as "smart grid." Landis+Gyr (<http://www.landisgyr.com/>) (previously Siemens Metering) took an exclusive license to the smart grid technology in 2002 and in 2005 purchased rights to the technology for utility applications for \$30,000,000. Mr. Petite's technology has been deployed in millions of meters deployed across North America and throughout the world.

11. SIPCO retained the rights to the mesh network patents, and for use of the technology outside of the utility space. It still maintains ownership of the software, firmware, hardware and patent portfolio that resulted from Mr. Petite's research and development efforts, and SIPCO continues to develop and deploy wireless technology applications and wireless technology systems throughout the United States.

12. SIPCO's patent portfolios (of which the patents in suit are a part) include inventions that are widely recognized as pioneering in various fields of use. As a result, over 75 corporations have taken licenses to them. Licensees include companies operating in the vertical markets of Industrial Controls, Smart Grid, Building Automation, Network Backhaul, Home Appliance, Home Automation and Entertainment, Sensor Monitoring, and Internet Service Provisioning. Licensed products include products using standard wireless mesh protocols such as WirelessHART, ZigBee, IEEE 802.15.4, Z-Wave, and as well as proprietary wireless protocols such as that marketed by EnOcean.

THE DEFENDANTS

13. Acuity in fiscal year 2015 had net sales of \$2.7 billion. It is a market leader and one of the world's leading providers of indoor and outdoor lighting and energy management solutions. Acuity's products and solutions are sold under various brands, including Lithonia

Lighting®, Holophane®, Peerless®, Gotham®, Mark Architectural Lighting™, Winona® Lighting, Healthcare Lighting®, Hydrel®, American Electric Lighting®, Carandini®, Antique Street Lamps™, Juno®, Indy™, AccuLite®, Aculux™, DanaLite, NaviLite®, Sunoptics®, RELOC® Wiring Solutions, eldoLED®, Distech Controls®, and Acuity Controls™.

14. On December 20, 2012, Acuity acquired Adura Technologies Inc. ("Adura"). Adura was a leading developer of radio frequency (RF) mesh networking technology that allows individual light fixtures to communicate in a wireless mesh network with switches, sensors and system management software. Adura has now been incorporated into Acuity.

15. Defendants have made, had made, used, offered for sale, imported into this country and sold wireless lighting control systems and components, including a line of systems, products and methods marketed as XPoint™ Wireless.

16. XPoint™ Wireless (hereafter "XPoint") includes:

- a. XPoint Wireless CMRB Sensors/Controllers including those complying with FCC ID: S4GEM358L, which are 2.4GHz ZigBee® modules;
- b. XPoint™ Wireless Wet Location Multi-Sensor and Controller including those complying with FCC ID: S4GEM358L, which are 2.4GHz ZigBee® modules;
- c. XPoint™ Wireless Light Controller complying with FCC ID: S4GEM358L, which are 2.4GHz ZigBee® modules, including models XPA RL1 DSI EM / XPA RL0 DSI EM; XPA CMRB__ EM / XPA CMNB__ EM; XPA SBOR__ EM / XPA SBON__ EM;
- d. XPoint Light Controllers (including Models LC-1R, LC-2R and LC-1RD);
- e. XPoint Wireless Gateway;

- f. XPoint™ Wireless Sensor Interfaces including those complying with FCC ID: S4GEM358L, which are 2.4GHz ZigBee® modules (including Models XPA SIAC L2 and XPA SIAC H1);
- g. XPoint Wireless DS ES7 Sensor;
- h. XPoint wireless plug load modules, wireless rocker switches, photosensors, and occupancy sensors;
- i. XPoint Wall Control Interface; Sensor Interface (such as Catalog Number SI-2C);
- j. XPoint Wireless RDT Translator.

17. XPoint can operate as a stand-alone wireless solution or can be combined with Acuity Controls GR2400™ products to create a full building control solution. Further, XPoint™ Wireless RDT Translator is an RDT Receiver which translates data from Acuity's xCella and other RDT wireless devices, and, thus, ties those devices to the XPoint wireless system. This translation enables xCella Wireless sensors and wall stations to join an XPoint Wireless lighting control system providing both flexible zoning and device placement. The RDT Translator has the ability to support up to 48 total xCella/RDT wireless sensors and wall stations.

18. XPoint can also be used with Holophane Lighting and Lithonia Lighting, which are specific lighting solutions provided by Defendants.

19. XPoint may be integrated with Defendants' SensorView 13, which is a software platform for Defendants' lighting products. SensorView 13 has the ability to pair luminaires and sensors to respond together, to create program schedules so as to set normal, holiday, event and after hours behavior to suit the needs of the space, to configure sensor settings such as dimming levels and time delays to optimize energy use, to monitor status and sensor readings for nLight®

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