

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

LIGHTING SCIENCE GROUP
CORPORATION,

Civil Action No. 6:16-cv-00680-Orl-37GJK

Plaintiff,

v.

ENERGY EFFICIENT LIGHTING
COMPANY LIMITED,

Defendant.

_____ /

MOTION FOR FINAL DEFAULT JUDGMENT

Plaintiff Lighting Science Group Corporation (“Lighting Science” or “Plaintiff”), by and through the undersigned counsel, files herewith its Motion for Final Default Judgment against Defendant Energy Efficient Lighting Company Limited (“EEL” or “Defendant”) pursuant to Fed. R. Civ. P. 55(b)(2), and in support thereof, states as follows:

1. The Complaint in this case was filed on April 21, 2016. (DKT. 1). The Summons was issued on April 22, 2016. (DKT. 2).
2. On April 26, 2016, Lighting Science, through the undersigned counsel, mailed a copy of the Complaint and a Request to Waive Service to EEL in accordance with Fed. R. Civ. P. 4(d).
3. Lighting Science filed its Amended Complaint on June 20, 2016. (DKT. 13).
4. On June 23, 2016, counsel for EEL accepted service of the Amended Complaint, and returned the Waiver of Service of Summons which was filed on the same day. (DKT. 14).

5. Accordingly, EEL's response to the Amended Complaint, pursuant to Fed. R. Civ. P. 15(a)(3), was due no later than July 26, 2016.

6. EEL failed to file a response to the Amended Complaint pursuant to Fed. R. Civ. P. 12, and therefore default was entered by the Clerk of the United States District Court, Middle District of Florida, Orlando Division, on July 28, 2016, pursuant to Fed. R. Civ. P. 55(a). (DKT. 16).

7. Because due and legal service of process has been served upon and/or waived by EEL, this Court has jurisdiction of the parties in this cause and its subject matter. The allegations contained in the Complaint have been proved by competent evidence, the equities in this cause are with Plaintiff, and Plaintiff is entitled to a judgment as a matter of law.

8. EEL is not an infant, incompetent person, or in the military service of the United States.

WHEREFORE, Plaintiff Lighting Science Group Corporation requests entry of Final Default Judgment against Defendant Energy Efficient Lighting Company Limited, and a finding that:

a) Defendant Energy Efficient Lighting Company Limited infringed Plaintiff's rights to Patent No. 8,201,968 (the "'968 Patent"), Patent No. 8,672,518 (the "'518 Patent"), and Patent No. 8,967,844 (the "'844 Patent");

b) Plaintiff is entitled to entry of a permanent injunction prohibiting further infringement of each of the '968 Patent, the '518 Patent, and the '844 Patent by Defendant, its agents, employees, representatives, successors, and assigns, and those acting in privity or in concert with Defendant, or alternatively a compulsory ongoing royalty owed to Plaintiff by Defendant;

- c) Plaintiff is entitled to an award of damages and pre-judgment and post-judgment interest on the damages awarded, in an amount to be determined, including an award of prejudgment interest, pursuant to 35 U.S.C. §284, from the date of each act of infringement of the '518 Patent, the '968 Patent and the '844 Patent by Defendant to the date 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; and
- d) any other and further relief that this Court or a jury may deem just and proper.

Dated: August 10, 2016.

/s/Mark F. Warzecha

Mark F. Warzecha

Florida Bar No. 95779

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 10, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF filing system. I further certify that the foregoing document will be served on the Defendant via U.S. Mail or e-mail at:

Energy Efficient Lighting Co. Ltd.
331 Amber Street, Suite B
Markham, ON, Canada L3R357
Francis.chan@ultrasave.com

/s/Mark F. Warzecha

Mark F. Warzecha