

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

LIGHTING SCIENCE GROUP
CORPORATION,

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

Plaintiff,

JURY TRIAL DEMANDED

v.

ENERGY EFFICIENT LIGHTING
COMPANY LIMITED,

Defendant.

_____ /

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

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

PARTIES

1. Plaintiff Lighting Science Group Corporation (“LSG” and/or “Plaintiff”) is a corporation organized and existing under the laws of Delaware, with its principal place of business at 811 N. Atlantic Avenue, Cocoa Beach, Florida, 32931.

2. Upon information and belief, Defendant Energy Efficient Lighting Company Limited (“EEL” and/or “Defendant”) is a corporation organized and existing under the laws of Ontario, Canada with its principal place of business located at 331 Amber Street, Suite B, Markham, Ontario, L3R 3J7 Canada, but 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 Defendant because the Defendant is transacting business within this District and has 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. Defendant has 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. Defendant has 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).

FACTS

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

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

8. Plaintiff's GLIMPSE® lighting products have enjoyed significant success in the market.

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

10. Upon information and belief, Defendant has infringed and will continue to infringe at least one claim of each of the asserted patents by making, using, selling or offering to sell in, or importing into the United States, downlight luminaires, including, but not limited to, the RD-LED900-12-3000K, UTLED-S, UTLED-6-S, UTLED-8, UTLED-S9, and UTLED-S12 brand line of products (the "Accused Products").

11. Specifically, upon information and belief, Defendant received the Accused Products in the United States and thereafter distributed and/or sold the products to its customers in the United States.

12. Upon information and belief, as a result of the foregoing distribution of the Accused Products by Defendant, the Accused Products are offered for sale throughout the United States online, on both Defendant's website and by Defendant at retail locations throughout the United States including, at least, Ecological Lighting Bulbs & Fixtures, located in Florida.

13. Upon information and belief, Defendant's conduct constitutes direct infringement of the asserted patents, whether such infringement is literal or under the doctrine of equivalents.

14. Upon information and belief, Defendant is continuing to engage in its infringing activities. The Accused Products remain for sale including, at least, on their own website, Ecolumens.com, Bulbspro.com, Canadalite.com, CNJ Lighting Solutions and LED Imports Canada, for example, at the following links:

- <http://www.eelighting.ca/>

- <http://www.eelighting.ca/product.jsp?idProduct=334>
- <http://www.eelighting.ca/search.jsp?q=UTLED-S>
- <http://www.eelighting.ca/search.jsp?q=UTLED-6-S>
- <http://www.eelighting.ca/product/eel-UltraThin-LED-Recessed-Luminaire-8-inch->
- <http://www.eelighting.ca/product/eel-4-inch-UltraThin-Retrofit-RF-UTLED-S9W-3KWH>
- <http://www.eelighting.ca/product/eel-6-inch-UltraThin-Retrofit-RF-UTLED-6-S12W-4KWH>
- <http://www.ecolumens.com/index.html>
- <http://www.bulbspro.com/eel-rd-led900-12-3000k.html>
- <http://www.bulbspro.com/catalogsearch/result/?q=UTLED-S+&x=16&y=8>
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- <http://www.bulbspro.com/catalogsearch/result/index/?p=2&q=UTLED-6-S+&x=16&y=16>
- <http://www.canadalite.com/EEL-UTLED-S9W-3KWH>
- <http://www.cnjlightingsolutions.com/wp-content/uploads/2015/11/CNJ-EEL-UT-4-inch-Cut-Sheet-112515.pdf>
- <http://www.ledimportscanada.com/product/rd-recessed-retrofit-downlight/>

Attached hereto as Composite Exhibit A.

15. The Accused Products have no substantially non-infringing use.
16. On December 10, 2015, prior to filing the instant suit, Plaintiff sent a letter to Defendant informing Defendant of its patent portfolio and its relevance to the product lines which Defendant sells and distributes.
17. Defendant has failed to respond to the December 10, 2015 letter.

18. Despite Plaintiff's attempt to resolve the issues raised in its December 10, 2015 letter, the Defendant continues to infringe Plaintiff's patents.

19. Plaintiff has not licensed or authorized any of the actions of Defendant, either expressly or by implication. Defendant has no license to practice any of the asserted patents.

20. Plaintiff has been injured by the infringing conduct of Defendant, and is entitled to damages adequate to compensate it for such infringement.

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

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

22. Plaintiff repeats and re-alleges Paragraphs 1-21 as though fully set forth herein.

23. 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 USPTO on June 19, 2012 (the "'968 Patent"). A true and correct copy of the '968 Patent is attached hereto as Exhibit B.

24. 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.

25. 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 Defendant.

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