

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

LIGHTING SCIENCE GROUP
CORPORATION,

Case No.: 6:16-cv-1084-Orl-37GJK

Plaintiff,

JURY TRIAL DEMANDED

v.

HUBBELL LIGHTING, INC.,
HUBBELL INCORPORATED,
and PROGRESS LIGHTING, INC.

Defendant.

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 the state of Delaware, with its principal place of business at 811 N. Atlantic Avenue, Cocoa Beach, Florida 32931.

2. Defendant Hubbell Lighting, Inc. (“Hubbell Lighting”) is a corporation organized and existing under the laws of the state of Connecticut with its principal place of business located at 701 Millennium Blvd., Greenville, SC, 29607, but doing business throughout the United States, including Florida, and whose registered agent in Florida is Corporation Service Company located at 1201 Hays Street, Tallahassee, Florida 32301-2525.

3. Defendant Hubbell Incorporated (“Hubbell Inc.”), an affiliate of Hubbell Lighting, is a corporation organized and existing under the laws of the state of Connecticut with its principal

place of business located at 40 Waterview Drive, Shelton, Connecticut 06484, but doing business throughout the United States, including Florida, and whose registered agent in Florida, upon information and belief, is Registered Services, Inc., 13385 West Dixie Hwy. North Miami, FL 33161.

4. Defendant Progress Lighting, Inc. (“Progress”, and collectively with Hubbell Lighting and Hubbell Inc., the “Defendants”), an affiliate of Hubbell Lighting, is a corporation organized under the laws of the state of Delaware with its principal place of business located at 701 Millennium Boulevard, Greenville, SC 29607, but upon information and belief, is doing business throughout the United States, including Florida.

JURISDICTION AND VENUE

5. 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).

6. This Court has personal jurisdiction over the Defendants because the Defendants are transacting business within this District and have 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. Defendants have purposefully and voluntarily sold one or more of their 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. Defendants have committed acts of patent infringement within the United States and more particularly, within this District.

7. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

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

8. Plaintiff repeats and re-alleges Paragraphs 1-7 as though fully set forth herein.

9. Plaintiff LSG 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 A.

10. 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.

11. 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.

12. On December 9, 2015, Defendants received notice of the ’968 Patent. Plaintiff’s notice to Defendants referred to Defendants’ “Surface Mount family of products”. The Surface Mount family of products are a subject of this complaint.

13. Upon information and belief, since at least December 9, 2015, when Plaintiff formally placed Defendants on notice of their infringement, Defendants have infringed and will continue to infringe at least Claims 1, 2, 5, 6, 14, 15, 16, and 18 of the ’968 Patent by, among other activities, making, using, selling or offering to sell in or importing into the United States its LBSLEDA10L products. Defendants have also infringed and will continue to infringe at least Claims 1, 2, 14, 15 and 16 of the ’968 Patent by, among other activities, making, using, selling or offering to sell in or importing into the United States its P8222-28/30K9-AC1-L10 products.

Defendants are liable for direct infringement, either literally or under the doctrine of equivalents, of the '968 Patent pursuant to 35 U.S.C. §271 (a).

14. Upon information and belief, since at least December 9, 2015, when Plaintiff formally placed Defendants on notice of their infringement, Defendants have been and continue to induce, under 35 U.S.C. §271(b), consumers, distributors, importers and/or resellers that purchase or sell LBSLEDA10L products to directly infringe at least Claims 1, 2, 5, 6, 14, 15, 16 and 18 of the '968 Patent. Since at least December 9, 2015, the date when Plaintiff formally placed Defendants on notice of their infringement, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '968 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of LBSLEDA10L products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective purchasers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

15. Upon information and belief, since at least December 9, 2015, when Plaintiff formally placed Defendants on notice of their infringement, Defendants have infringed and will continue to infringe at least Claims 1, 2, 14, 15, and 16 of the '968 Patent by, among other activities, making, using, selling or offering to sell in or importing into the United States its P8222-28/30K9-AC1-L10 products. Defendants are liable for direct infringement, either literally or under the doctrine of equivalents, of the '968 Patent pursuant to 35 U.S.C. §271 (a).

16. Upon information and belief, since at least December 9, 2015, when Plaintiff

formally placed Defendants on notice of the infringement of their LBSLEDA10L products, Defendants have been and continue to induce, under 35 U.S.C. §271(b), consumers, distributors, importers and/or resellers that purchase or sell P8222-28/30K9-AC1-L10 products, to directly infringe at least Claims 1, 2, 14, 15, and 16 of the '968 Patent. Since at least December 9, 2015, the date when Plaintiff formally placed Defendants on notice of their infringement, Defendants do so with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '968 patent. Upon information and belief, Defendants intend to cause, and have taken affirmative steps to induce, infringement by these third-party manufacturers, distributors, importers, and/or consumers by, *inter alia*, creating advertisements that promote the infringing use of P8222-28/30K9-AC1-L10 products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective purchasers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

17. Plaintiff has at no time either expressly or impliedly licensed any of the Defendants to practice the '968 Patent.

18. Defendants' infringement has injured Plaintiff, and Plaintiff is entitled to recover damages adequate to compensate it for such infringement.

19. Upon information and belief, Defendants' acts of infringement are willful, warranting the assessment of increased damages pursuant to 35 U.S.C. § 284, and warrant a finding that this is an exceptional case, pursuant to 35 U.S.C. § 285.

20. Defendants' infringing activities have injured and will continue to injure Plaintiff, unless and until this Court enters an injunction prohibiting further infringement and, specifically,

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