

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK
BUFFALO DIVISION**

Launchip LLC, Plaintiff, v. Gordon Companies Inc., Defendant.	Case No. Patent Case Jury Trial Demanded
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Launchip LLC ("Launchip"), through its attorneys, complains of Gordon Companies Inc. ("Gordon"), and alleges the following:

PARTIES

1. Plaintiff Launchip LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 6009 W Parker Rd, Ste 149 □ 1045, Plano, TX 75093-8121.

2. Defendant Gordon Companies Inc. is a corporation organized and existing under the laws of New York that maintains an established place of business at 85 Innsbruck Drive, Cheektowaga, New York, 14227.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District, and is incorporated in this District's state. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has committed acts of patent infringement in this District, has an established place of business in this District, and is incorporated in this District's state. In addition, Launchip has suffered harm in this district.

PATENTS-IN-SUIT

7. Launchip is the assignee of all right, title and interest in United States Patent Nos. 6,285,140 (the "'140 Patent"); 8,203,275 (the "'275 Patent"); 8,390,206 (the "'206 Patent"); (collectively the "Patents-in-Suit"); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Launchip possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by Defendant.

The '140 Patent

8. The '140 Patent is entitled "Variable-effect lighting system," and issued 9/4/2001. The application leading to the '140 Patent was filed on 4/21/1999. A true and correct copy of the '140 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

9. The '140 Patent is valid and enforceable.

The '275 Patent

10. The '275 Patent is entitled "Variable-effect lighting system," and issued 6/19/2012. The application leading to the '275 Patent was filed on 8/16/2006. A true and correct copy of the '275 Patent is attached hereto as Exhibit 2 and incorporated herein by reference.

11. The '275 Patent is valid and enforceable.

The '206 Patent

12. The '206 Patent is entitled "Variable-effect lighting system," and issued 8/16/2005. The application leading to the '206 Patent was filed on 6/18/2012. A true and correct copy of the '206 Patent is attached hereto as Exhibit 3 and incorporated herein by reference.

13. The '206 Patent is valid and enforceable.

COUNT 1: INFRINGEMENT OF THE '140 PATENT

14. Launchip incorporates the above paragraphs herein by reference.

15. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the '140 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Gordon products identified in the charts incorporated into this Count below (among the "Exemplary Gordon Products") that infringe at least the exemplary claims of the '140 Patent also identified in the charts incorporated into this Count below (the "Exemplary '140 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '140 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

16. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary '140 Patent Claims, by having its employees internally test and use these Exemplary Products.

17. The service of this Complaint upon Defendant constitutes actual knowledge of infringement as alleged here.

18. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '140 Patent. On information and belief, Defendant has also continued to sell the Exemplary Gordon Products and distribute product literature and website materials inducing end users and others to use its products in the customary and intended manner that infringes the '140 Patent. Thus, on information and belief, Defendant is contributing to and/or inducing the infringement of the '140 Patent.

19. **Induced Infringement.** Defendant actively, knowingly, and intentionally has been and continues to induce infringement of the '140 Patent, literally or by the doctrine of equivalents, by selling Exemplary Gordon Products to their customers for use in end-user products in a manner that infringes one or more claims of the '140 Patent.

20. **Contributory Infringement.** Defendant actively, knowingly, and intentionally has been and continues materially contribute to their own customers' infringement of the '140 Patent, literally or by the doctrine of equivalents, by selling Exemplary Gordon Products to their customers for use in end-user products in a manner that infringes one or more claims of the '140 Patent. Moreover, the Exemplary Gordon Products are not a staple article of commerce suitable for substantial noninfringing use.

21. Exhibit 4 includes charts comparing the Exemplary '140 Patent Claims to the Exemplary Gordon Products. As set forth in these charts, the Exemplary Gordon Products practice the technology claimed by the '140 Patent. Accordingly, the Exemplary Gordon Products incorporated in these charts satisfy all elements of the Exemplary '140 Patent Claims.

22. Launchip therefore incorporates by reference in its allegations herein the claim charts of Exhibit 4.

23. Launchip is entitled to recover damages adequate to compensate for Defendant's infringement.

COUNT 2: INFRINGEMENT OF THE '275 PATENT

24. Launchip incorporates the above paragraphs herein by reference.

25. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the '275 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Gordon products identified in the charts incorporated into this Count below (among the "Exemplary Gordon Products") that infringe at least the exemplary claims of the '275 Patent also identified in the charts incorporated into this Count below (the "Exemplary '275 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '275 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

26. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary '275 Patent Claims, by having its employees internally test and use these Exemplary Products.

27. The service of this Complaint upon Defendant constitutes actual knowledge of infringement as alleged here.

28. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '275 Patent. On information and belief, Defendant has also continued to sell the Exemplary Gordon Products and distribute product literature and website materials inducing end users and others to use its

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