

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
ILLINOIS EASTERN DIVISION**

CLEARLAMP, LLC,	)	
	)	
Plaintiff,	)	
	)	Case No.: 1:12-cv-02533 JHL
v.	)	
	)	
LKQ CORPORATION,	)	
	)	
Defendant.	)	

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Clearlamp, LLC (“Clearlamp” or “Plaintiff”), by and through its undersigned counsel, states and alleges for its Amended Complaint against Defendant, LKQ Corporation (“LKQ” or “Defendant”), as follows:

**PARTIES**

1. Plaintiff Clearlamp, LLC is a Missouri limited liability company with its principal place of business at 13924 Mackey Street, Overland Park, Kansas 66223.
2. Defendant LKQ Corporation is a Delaware corporation with its principal place of business at 500 West Madison Street, Suite 2800, Chicago, IL 60661.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement in which Clearlamp seeks preliminary and permanent injunctive relief as well as damages resulting from LKQ’s infringement of U.S. Patent No. 7,297,364 (the “364 Patent”).
4. This Court has personal jurisdiction over LKQ because Defendant does business in this District, committed a tort within this District, and, in fact, is a resident of this District, with its principal place of business located in this District at 500 West Madison Street, Suite

2800, Chicago, IL 60661.

5. This Court has subject matter jurisdiction over Clearlamp's claims under 28 U.S.C. §§ 1331 and 1338(a) because those claims arise under the patent laws of the United States, 35 U.S.C. §§ 101, *et seq.*

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

### **FACTUAL BACKGROUND**

7. The '364 Patent is entitled, "Method for Refurbishing Lamp Services," and was duly and properly issued by the United States Patent Office on November 20, 2007. A true and correct copy of the '364 Patent is attached hereto as **Exhibit A**.

8. Clearlamp is the owner by assignment of all right, title and interest in the '364 Patent. Clearlamp has granted a license under the '364 Patent to Clearlamp Technics, LLC ("Clearlamp Technics"), pursuant to which Clearlamp Technics refurbishes motor vehicle head and tail lamps for re-use and re-sale.

9. LKQ has infringed and continues to infringe the '364 Patent by making, using, offering to sell, and/or selling products, services, systems and/or methods that infringe the claims of the '364 Patent. Specifically, LKQ uses the methods claimed by the '364 Patent to refurbish motor vehicle head and tail lamps for re-use and re-sale.

10. LKQ markets the products that are made using the infringing methods and its infringing services through its website [www.lkqcorp.com](http://www.lkqcorp.com). A true and correct copy of relevant excerpts from LKQ's 10-K Annual Report, filed with the U.S. Securities Exchange and Commission on February 27, 2009, is attached hereto as **Exhibit B**. On page 8 of Exhibit B, LKQ references its use, offer for sale and sale of the infringing methods, stating that "[w]e refurbish head and tail lamps. The refurbishing process for lamps includes: a proprietary method

of repairing the housing; sanding and buffing to remove imperfections; cleaning the lamp; re-coating the lens with a UV protectant coat; reassembling; and inspecting and packaging.”

**Count I**

**Infringement of the ‘364 Patent under 35 U.S.C. § 271**

11. Clearlamp re-alleges and incorporates by reference all of the foregoing paragraphs as if fully set forth herein.

12. LKQ directly infringes, actively induces infringement, and/or contributes to the infringement of the ‘364 Patent within the meaning of 35 U.S.C. § 271 by making, using, selling and/or offering to sell the infringing products and services within the United States and through performance of the methods claimed in the ‘364 Patent.

13. LKQ has directly infringed the ‘364 Patent, including but not limited to Claim 1 thereof, by making, using, selling and offering for sale motor vehicle lamps which have been refurbished using the methods claimed by the ‘364 Patent within the United States, and by performing the methods claimed by the ‘364 Patent within the United States.

14. LKQ’s products and services at issue constitute a component of a patented machine, article, manufacture, combination, or composition, or a material or apparatus for use in practicing processes patented by the ‘364 Patent.

15. LKQ’s products and services at issue constitute a material part of the invention claimed by the ‘364 Patent, and LKQ knows and has known that the same are especially made or especially adapted for use in an infringement of the ‘364 Patent.

16. LKQ’s products and services at issue are not staple articles or commodities of commerce suitable for substantial noninfringing use.

17. Others directly infringe the '364 Patent by making, using, selling, and/or offering to sell infringing products and services within the United States.

18. Others directly infringe the '364 Patent through performance of the methods claimed in the '364 Patent using LKQ's products and services.

19. On information and belief, LKQ has actual or constructive knowledge of the '364 Patent.

20. On information and belief, LKQ knows that others infringe the '364 Patent by making, using, selling and/or offering for sale infringing products and services within the United States.

21. On information and belief, LKQ specifically intends to induce others to infringe the '364 Patent and/or perform the methods claimed in the '364 Patent by using LKQ's products and services.

22. On information and belief, LKQ specifically intends and takes steps to ensure that others will directly infringe the '364 Patent through the sale, purchase and/or use of LKQ's products and services.

23. LKQ's conduct has damaged and will continue to damage Clearlamp in an amount to be proven at trial.

24. LKQ's infringement of the '364 Patent is and has been willful, making this case exceptional under 35 U.S.C. § 285. LKQ was provided notice of the '364 Patent no later than January 4, 2008.

25. LKQ threatens to continue to engage in the acts complained of herein and, unless restrained and enjoined, will continue to do so, all to Clearlamp's irreparable injury. It would be difficult to ascertain the amount of compensation that would afford Clearlamp

adequate relief for such future and continuing acts and a multiplicity of judicial proceedings would be required. Clearlamp does not have an adequate remedy at law to compensate it for the injuries threatened.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff Clearlamp hereby demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Clearlamp, LLC, respectfully prays for judgment against Defendant LKQ Corporation as follows:

- A. A judgment preliminary and permanently enjoining Defendant LKQ Corporation and any person acting in concert or cooperation with it from further infringing the '364 Patent;
- B. A judgment that Defendant LKQ Corporation has infringed the '364 Patent;
- C. An award equal to the damages suffered by Plaintiff Clearlamp, LLC resulting from Defendant LKQ Corporation's infringement of the '364 Patent, including interest and costs;
- D. Enhanced damages in accordance with the provisions of 35 U.S.C. § 284 due to Defendant LKQ Corporation's willful infringement;
- E. A finding that this case is exceptional under the provisions of 35 U.S.C. § 285;
- F. An award to Plaintiff Clearlamp, LLC of its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and
- G. That Plaintiff Clearlamp, LLC be granted such other and further relief as the Court deems just and proper.

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