

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CA #5:16-CV-142**

Nichia Corporation,

Plaintiff,

v.

**Lowe's Companies, Inc. and
LG Sourcing, Inc.,**

Defendants.

**COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff Nichia Corporation (“Nichia”) brings this action for patent infringement against Defendants Lowe’s Companies, Inc. (“Lowe’s”) and LG Sourcing, Inc. (“LGS”), and alleges as follows:

Jurisdiction

1. This action arises under the patent laws of the United States, 35 U.S.C. § 1 et seq. This Court has subject matter jurisdiction over this action for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

The Parties

2. Nichia is a corporation organized and existing under the laws of Japan, and has a principal place of business at 491 Oka, Kaminaka-Cho, Anan-Shi, Tokushima, Japan 774-8601.

3. Upon information and belief, Lowe’s is a corporation organized and existing under the laws of the State of North Carolina, with its principal place of business at 1000 Lowe’s Boulevard, Mooresville, North Carolina 28117.

4. Upon information and belief, LGS is a corporation organized and existing under the laws of the State of North Carolina, with its principal place of business at 1605 Curtis Bridge Road, North Wilkesboro, North Carolina 28659. On information and belief, LGS is a wholly-owned subsidiary of Lowe’s.

Venue

5. This Court has personal jurisdiction over Lowe's and LGS because, on information and belief, Lowe's and LGS's principal places of business are located in this judicial district, and Lowe's and LGS have committed acts within this judicial district giving rise to this action.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

Count I

(Infringement of U.S. Patent No. 7,915,631)

7. Nichia re-alleges and incorporates the allegations of all prior paragraphs of this Complaint as if set forth in their entirety herein.

8. Nichia is the assignee and owner of all rights, title, and interest in and to U.S. Patent No. 7,915,631 ("the '631 patent"), entitled "Light Emitting Device and Display," which was duly and legally issued by the United States Patent and Trademark Office on March 29, 2011. A true and correct copy of the '631 patent is attached hereto as Exhibit A and is incorporated herein by reference.

9. Upon information and belief, Lowe's and LGS have infringed and have continued to infringe at least claim 1 of the '631 patent under 35 U.S.C. § 271(a), (b), and/or (c). The infringing activities include, but are not limited to, the use, sale, importation, and/or offer for sale, without authority, of light emitting diode ("LED") lighting devices that fall within the scope of the claims of the '631 patent, including, but not limited to, the Utilitech Pro 48-inch Strip Light (#0595683) and the Utilitech Pro 24-inch Strip Light (#0595684) (together, "Strip Lights").

10. Upon information and belief, Lowe's and LGS's Strip Lights incorporate LEDs that satisfy limitations of at least claim 1 of the '631 patent.

11. Nichia has no adequate remedy at law for Lowe's and LGS's acts of infringement.

12. As a direct and proximate result of Lowe's and LGS's acts of infringement, Nichia has suffered and continues to suffer damages and irreparable harm. Unless Lowe's and

LGS's acts of infringement are enjoined by this Court, Nichia will continue to be damaged and irreparably harmed.

Prayer for Relief

WHEREFORE, Nichia prays that the Court:

- a. Enter judgment that Lowe's and LGS have infringed one or more claims of the '631 patent;
- b. Award Nichia damages to compensate it for Lowe's and LGS's infringement of the '631 patent, together with pre- and post-judgment interest;
- c. Award Nichia increased damages pursuant to 35 U.S.C. § 284, together with pre- and post-judgment interest and costs;
- d. Permanently enjoin Lowe's and LGS, and their officers, agents, servants, employees, and representatives, and all others in active concert or participation with them, from further infringing the '631 patent;
- e. Declare this case to be an exceptional case and award Nichia its attorneys' fees pursuant to 35 U.S.C. § 285;
- f. Award Nichia attorneys' fees, costs, and expenses incurred by Nichia in bringing this action, together with pre- and post-judgment interest; and
- g. Award such other and further relief as the Court deems just and proper.

Demand for Jury Trial

Pursuant to Federal Rules of Civil Procedure 38 and 39, Nichia demands a trial by jury on all issues so triable.

Dated: July 19, 2016

Respectfully submitted,

THE VAN WINKLE LAW FIRM

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