

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CREE, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. _____
SEMILEDs, INC., and HELIOS CREW)	
CORP.,)	
)	
Defendants.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Cree, Inc. (“Cree”) files this Complaint against defendants SemiLEDs, Inc. (“SemiLEDs”) and Helios Crew Corp, (“Helios”) (collectively, “Defendants”), based upon actual knowledge as to itself and its own actions, and upon information and belief as to all other persons and events, as follows:

The Parties

1. Plaintiff Cree is a corporation organized and existing under the laws of the state of North Carolina, with its principal place of business at 4600 Silicon Drive, Durham, North Carolina.

2. Upon information and belief, defendant SemiLEDs is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business at 999 Main Street, Suite 1010, Boise, Idaho.

3. Upon information and belief, defendant Helios is a corporation organized and existing under the laws of the state of Delaware, with a place of business at 615 South DuPont Highway, Dover, Delaware. Upon information and belief, Helios is a wholly-owned subsidiary of SemiLEDs.

Jurisdiction and Venue

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

5. SemiLEDs and Helios are subject to personal jurisdiction in Delaware because, among other things, they are residents and citizens of the state of Delaware and have submitted themselves to the jurisdiction of courts in Delaware by virtue of their incorporation under Delaware law.

6. Venue is proper in this District and Division, under 28 U.S.C. §§ 1391 and 1400.

Factual Background

7. Cree is a leading innovator in the design, development and manufacture of LED (light-emitting diode) chips and lighting components. LEDs are environmentally friendly and energy-efficient alternatives to traditional incandescent light bulbs. Cree's LED products are used for general illumination purposes, as well as for backlighting, electronic signs and signals, dashboard lights, architectural light fixtures, and market tickers and video screens, including the giant screen in New York City's Times Square.

8. This action arises out of the Defendants' infringement of three Cree patents.

9. On June 15, 2010, United States Patent No. 7,737,459 (the "459 Patent"), entitled "High Output Group III Nitride Light Emitting Diodes," was duly and legally issued to inventors John Adam Edmond, Michael J. Bergmann, David T. Emerson and Kevin Ward Haberern. The '459 Patent has been duly and legally assigned to Cree. A true and correct copy of the '459 Patent is attached hereto as Exhibit 1.

10. On May 1, 2007, United States Patent No. 7,211,833 (the "833 Patent"), entitled "Light Emitting Diodes Including Barrier Layers/Sublayers," was duly and legally issued to

inventors David B. Slater, Jr., Bradley E. Williams, Peter S. Andrews, John A. Edmond and Scott T. Allen. The '833 Patent has been duly and legally assigned to Cree. A true and correct copy of the '833 Patent is attached hereto as Exhibit 2.

11. On November 3, 2009, United States Patent No. 7,611,915 (the "'915 Patent'"), entitled "Methods of Manufacturing Light Emitting Diodes Including Barrier Layers/Sublayers," was duly and legally issued to inventors David B. Slater, Jr., Bradley E. Williams, Peter S. Andrews, John A. Edmond and Scott T. Allen. The '915 Patent has been duly and legally assigned to Cree. A true and correct copy of the '915 Patent is attached hereto as Exhibit 3.

12. Cree is the owner of the '459, '833, and '915 Patents ("Cree Patents in Suit"), and has the full and exclusive right to bring suit to enforce the Cree Patents in Suit.

13. Upon information and belief, SemiLEDs has infringed each of the Cree Patents in Suit by offering for sale, selling, using, and/or importing LED chips and LED components, including under the product family name MvpLED.

14. Upon information and belief, Helios has infringed each of the Cree Patents in Suit by offering for sale, selling, using, and/or importing LED products that integrate SemiLEDs LED chips and components, including under the product family name P2 LED.

Count 1 -- Defendants' Infringement of U.S. Patent No. 7,737,459

15. Cree repeats and re-alleges the allegations of paragraphs 1 - 14 above as if fully set forth herein.

16. Upon information and belief, the Defendants have infringed and are continuing to infringe the '459 Patent by engaging in acts including selling, offering to sell, using, and/or importing into the United States products that embody the patented inventions described and

claimed in the '459 Patent. Upon information and belief, these infringing products include, but are not limited to, SemiLEDs' MvpLED chips and Helios' P2 LED products.

17. The Defendants' activities have been without express or implied license from Cree.

18. Upon information and belief, the Defendants will continue to infringe the '459 Patent unless and until enjoined by this Court. As a result of the Defendants' infringing conduct, Cree has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law. Cree is entitled to preliminary and permanent injunctive relief against such infringement, under 35 U.S.C. § 283.

19. As a result of the infringement of the '459 Patent, Cree has been damaged, will be further damaged, and is entitled to be compensated for such damages, pursuant to 35 U.S.C. § 284, in an amount to be determined at trial.

Count 2 -- Defendants' Infringement of U.S. Patent No. 7,211,833

20. Cree repeats and re-alleges the allegations of paragraphs 1 - 19 above as if fully set forth herein.

21. Upon information and belief, the Defendants have infringed and are continuing to infringe the '833 patent by engaging in acts including selling, offering to sell, using, and/or importing into the United States products that embody the patented inventions described and claimed in the '833 Patent. Upon information and belief, these infringing products include, but are not limited to, SemiLEDs' MvpLED chips and Helios' P2 LED products.

22. The Defendants' activities have been without express or implied license from Cree.

23. Upon information and belief, the Defendants will continue to infringe the ‘833 Patent unless and until enjoined by this Court. As a result of the Defendants’ infringing conduct, Cree has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law. Cree is entitled to preliminary and permanent injunctive relief against such infringement, under 35 U.S.C. § 283.

24. As a result of the infringement of the ‘833 Patent, Cree has been damaged, will be further damaged, and is entitled to be compensated for such damages, pursuant to 35 U.S.C. § 284, in an amount to be determined at trial.

Count 3 -- Defendants’ Infringement of U.S. Patent No. 7,611,915

25. Cree repeats and re-alleges the allegations of paragraphs 1 - 24 above as if fully set forth herein.

26. Upon information and belief, the Defendants have infringed and are continuing to infringe the ‘915 Patent by engaging in acts including selling, offering to sell, using, and/or importing into the United States products that embody the patented inventions described and claimed in the ‘915 Patent. Upon information and belief, these infringing products include, but are not limited to, SemiLEDs’ MvpLED chips and Helios’ P2 LED products.

27. The Defendants’ activities have been without express or implied license from Cree.

28. Upon information and belief, the Defendants will continue to infringe the ‘915 Patent unless and until enjoined by this Court. As a result of the Defendants’ infringing conduct, Cree has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law. Cree is entitled to preliminary and permanent injunctive relief against such infringement, under 35 U.S.C. § 283.

29. As a result of the infringement of the '915 Patent, Cree has been damaged, will be further damaged, and is entitled to be compensated for such damages, pursuant to 35 U.S.C. § 284, in an amount to be determined at trial.

Jury Trial Demand

30. Cree demands a trial by jury on all appropriate issues.

Prayer for Relief

31. Therefore, upon final hearing or trial, plaintiff Cree prays for the following relief:
- (a) A judgment that the Defendants have infringed the '459 patent;
 - (b) A judgment that the Defendants have infringed the '833 Patent;
 - (c) A judgment that the Defendants have infringed the '915 Patent;
 - (d) A judgment and order permanently restraining and enjoining the Defendants, their directors, officers, employees, servants, agents, affiliates, subsidiaries, others controlled by them, and all persons in active concert or participation with any of them, from further infringing the Cree Patents in Suit identified in (a)-(c), above;
 - (e) A judgment and order requiring the Defendants to pay damages to Cree adequate to compensate it for the Defendants' wrongful infringing acts, in accordance with 35 U.S.C. § 284;
 - (f) A finding in favor of Cree that this is an exceptional case, under 35 U.S.C. § 285, and an award to Cree of its costs, including its reasonable attorney fees and other expenses incurred in connection with this action;
 - (g) A judgment and order requiring the Defendants to pay to Cree pre-judgment interest under 35 U.S.C. § 284, and post-judgment interest under 28 U.S.C. § 1961, on all damages awarded; and
 - (h) Such other costs and further relief to which Cree is entitled.

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/s/ Frederick L. Cottrell, III
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