

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**Effectively Illuminated Pathways LLC,**

**Plaintiff,**

**v.**

**Home Depot U.S.A., Inc.;**  
**Sears, Roebuck and Co.;**  
**Sears Brands, L.L.C.; and**  
**Sears Holdings Management Corporation,**

**Defendants.**

**Civil Action No. \_\_\_\_\_**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Effectively Illuminated Pathways LLC (“EIP”) alleges as follows:

**PARTIES**

1. EIP is a Texas limited liability company having a principal place of business at 2500 Dallas Parkway, Suite 260, Plano, TX 75093.
2. On information and belief, Home Depot U.S.A., Inc. (“Home Depot”) is a Delaware corporation, doing business as “The Home Depot,” with its principal place of business at 2455 Paces Ferry Road, N.W., Atlanta, Georgia 30339.
3. On information and belief, Sears, Roebuck and Co. (“Sears Roebuck”) is a New York corporation with its principal place of business at 3333 Beverly Road, Hoffman Estates, Illinois 60179.
4. On information and belief, Sears Brands, L.L.C. (“Sears Brands”) is an Illinois limited liability company with its principal place of business at 3333 Beverly Road, Hoffman Estates, Illinois 60179.

5. On information and belief, Sears Holdings Management Corporation (“Sears Holdings Management”) is a Delaware corporation with its principal place of business at 3333 Beverly Road, Hoffman Estates, Illinois 60179.

### **JURISDICTION AND VENUE**

6. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(d) and 1400(b). On information and belief, each defendant is subject to personal jurisdiction in this district, has committed or induced acts of patent infringement in this district, or has a regular and established place of business in this district.

8. On information and belief, each defendant is subject to this Court’s specific and/or general personal jurisdiction pursuant to due process or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

### **COUNT I**

#### **INFRINGEMENT OF U.S. PATENT NO. 6,580,228**

9. EIP is the owner by assignment of United States Patent No. 6,580,228 (“the ’228 patent”), entitled “Flexible Substrate Mounted Solid-State Light Sources for Use in Line Current Lamp Sockets.” The ’228 patent issued on June 17, 2003. A true and correct copy of the ’228 patent is attached as Exhibit A.

10. On information and belief, Home Depot has infringed, has contributed to the infringement of, or has induced the infringement of, one or more claims of the ’228 patent, literally or under the doctrine of equivalents, by making, using, selling, offering to sell, or importing LED light bulbs.

11. On information and belief, Sears Roebuck has infringed, has contributed to the infringement of, or has induced the infringement of, one or more claims of the '228 patent, literally or under the doctrine of equivalents, by making, using, selling, offering to sell, or importing LED light bulbs.

12. On information and belief, Sears Brands has infringed, has contributed to the infringement of, or has induced the infringement of, one or more claims of the '228 patent, literally or under the doctrine of equivalents, by making, using, selling, offering to sell, or importing LED light bulbs.

13. On information and belief, Sears Holdings Management has infringed, has contributed to the infringement of, or has induced the infringement of, one or more claims of the '228 patent, literally or under the doctrine of equivalents, by making, using, selling, offering to sell, or importing LED light bulbs.

14. On information and belief, each defendant's infringement of the '228 patent has been and continues to be willful.

15. As a result of each defendant's infringement of the '228 patent, EIP has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless each defendant's infringing activities are enjoined by this Court.

16. Unless a permanent injunction is issued enjoining each defendant and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the '228 patent, EIP will suffer irreparable harm.

### **PRAYER FOR RELIEF**

WHEREFORE, EIP respectfully requests that this Court enter:

- A. A judgment that each defendant has infringed the '228 patent;
- B. A judgment that such infringement has been willful;
- C. A permanent injunction enjoining each defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others

acting in concert or privity with it from infringing, inducing the infringement of, or contributing to the infringement of the '228 patent;

D. A judgment and order requiring each defendant to pay to EIP its damages, costs, expenses, and prejudgment and post-judgment interest for each defendants' infringement of the '228 patent as provided under 35 U.S.C. § 284;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to EIP its reasonable attorneys' fees; and

F. Any and all other relief to which EIP may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

EIP demands a trial by jury on all issues so triable.

Respectfully submitted,

Dated: December 16, 2010

By: /s/ Andrew W. Spangler  
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