

1 JAMES C. YOON, State Bar No. 177155
jyoon@wsgr.com
2 ALBERT SHIH, State Bar No. 251726
ashih@wsgr.com
3 WILSON SONSINI GOODRICH & ROSATI P.C.
650 Page Mill Road
4 Palo Alto, California 94304-1050
5 Telephone: (650) 493-9300
Fax: (650) 565-5100

6
7 Attorneys for Plaintiff
8 Epistar Corporation

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 EPISTAR CORPORATION,) CASE NO. 3:16-cv-4981
12)
13 Plaintiff,) COMPLAINT FOR PATENT
14 v.) INFRINGEMENT
15)
16 ADAMAX, INC. D/B/A NEWHOUSE) **JURY TRIAL DEMANDED**
17 LIGHTING,)
18 Defendant.)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

20 Pursuant to Section 1338 of Title 28 of the United States Code, Plaintiff Epistar
21 Corporation (“Plaintiff” or “Epistar”) alleges for its Complaint against Adamax, Inc. (“Adamax”
22 or “Defendant”) d/b/a Newhouse Lighting (“Newhouse”), on personal knowledge as to Epistar’s
23 own actions and on information and belief as to the actions of others, as follows:

24 1. This Complaint arises under the patent laws of the United States, Title 35 of
25 the United States Code. This Court has subject matter jurisdiction over this action under 35
26 U.S.C. § 271 et seq., 28 U.S.C. §§ 1331 and 1338(a).

1 **THE PARTIES**

2 2. Plaintiff Epistar is a Taiwanese corporation with its principal place of business
3 at 21 Li-Hsin Road, Science Park, Hsinchu 300, Taiwan. Epistar is one of the world’s largest
4 manufacturers of light-emitting diodes.

5 3. Upon information and belief, Defendant Adamax is a company organized and
6 existing under the laws of the state of California with its principal place of business at 2360
7 Alvarado St., San Leandro, CA, 94577.

8 4. On information and belief, Defendant is doing business under the name
9 “Newhouse Lighting.” See <http://www.adamaxinc.com/our-brands/> (last visited Aug. 15,
10 2016). Defendant is the registered owner of the Newhouse Lighting trademark. See
11 <https://trademarks.justia.com/859/32/newhouse-85932305.html> (last visited on Aug. 15, 2016).

12
13 **JURISDICTION AND VENUE**

14 5. The Court may exercise personal jurisdiction over Defendant because
15 Defendant has continuous and systematic contacts with the State of California and, on
16 information and belief, does business in this District.

17 6. On information and belief, Defendant conducts business in this District by
18 importing, marketing, offering for sale, and selling its infringing products in this District.

19 7. For example, Defendant has partnered with U.S. electronics retailer Walmart to
20 sell Defendant’s infringing products that are shipped to Walmart stores within this District by
21 accessing Walmart’s website in this District. See Figure 1 (available at
22 [http://www.walmart.com/ip/Newhouse-Lighting-LEDEBD-FL-Newhouse-Lighting-Dimmable-
23 Flame-Tip-3.5W-LED-Vintage-Edison-Filament-Bulb-2200K/46107613](http://www.walmart.com/ip/Newhouse-Lighting-LEDEBD-FL-Newhouse-Lighting-Dimmable-Flame-Tip-3.5W-LED-Vintage-Edison-Filament-Bulb-2200K/46107613) (last visited Aug. 15,
24 2016).

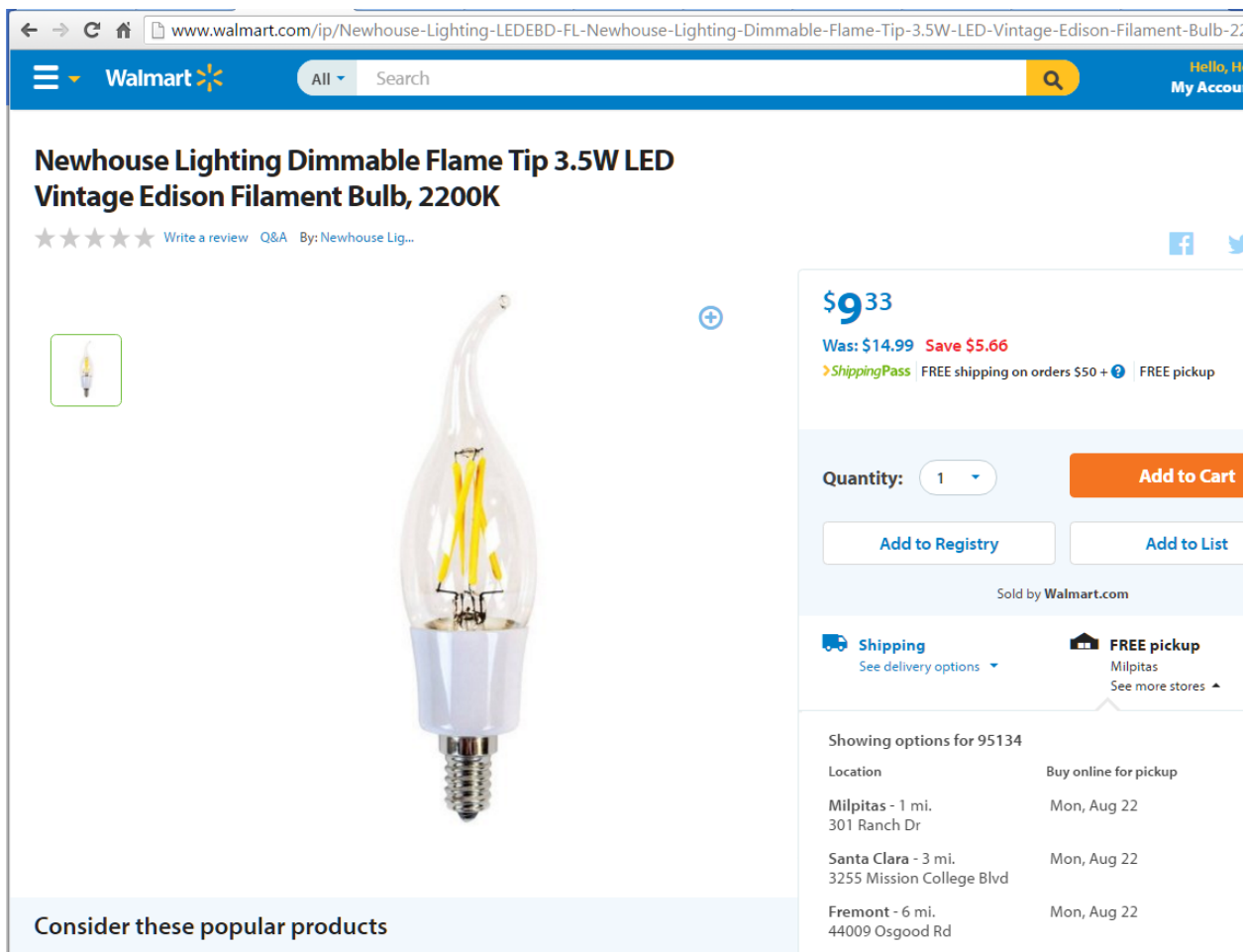


Figure 1.

8. On information and belief, Defendant maintains an office in this District at 2360 Alvarado St., San Leandro, CA, 94577.

9. Because Defendant has availed itself of the privileges of conducting activities in this District, it is subject to personal jurisdiction in this District.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c), (d), and/or 1400(b) because, among other things, Defendant is subject to personal jurisdiction in this District, has committed acts of patent infringement in this District, and continues to commit acts of infringement in this District.

FACTUAL BACKGROUND

1
2 11. Epistar brings this action to seek injunctive relief and damages arising out of
3 Defendant’s infringement of Epistar’s U.S. Patent Nos. 6,346,771; 7,489,068; 7,560,738;
4 8,240,881; 8,791,467; 9,065,022 (collectively “the Patents-in-Suit”).

5 **Epistar**

6 12. Epistar is one of the largest manufacturers of light-emitting diodes (LEDs) in
7 the world, with approximately 4,100 employees and millions of U.S. dollars invested annually
8 in research and development work. To date, Epistar’s investment has resulted in over 3,000
9 patents.

10 13. Epistar is widely recognized as “one of the pioneers in the LED filament
11 industry” and “has invested resources in LED filament technology for years to improve
12 filament efficiency.” *See*
13 [http://www.ledinside.com/interview/2016/7/epistar_improves_product_structure_and_profitabil](http://www.ledinside.com/interview/2016/7/epistar_improves_product_structure_and_profitability_by_specializing_in_niche_led_lighting_applications)
14 [ity_by_specializing_in_niche_led_lighting_applications](http://www.ledinside.com/interview/2016/7/epistar_improves_product_structure_and_profitability_by_specializing_in_niche_led_lighting_applications) (last visited Aug. 15, 2016). Leading
15 the LED filament evolution, Epistar was one of the earliest companies to acquire related patents
16 including those covering the integration of transparent substrates.

17 14. Epistar has received numerous industry awards over the years for its
18 innovations in LED technology. Most recently, Epistar received an Outstanding Photonics
19 Product Award at the 13th International Nano Exposition hosted in Taiwan for the design of its
20 Flexible LED Lighting System.

21 15. Epistar LED products are used for a variety of applications including cell
22 phone screens, laptops, televisions, the automotive industry, and home lighting. Epistar’s
23 patented technologies embodied in its LED products inject the benefits of solid state, LED,
24 lighting into everyday life. *See* Figure 2.

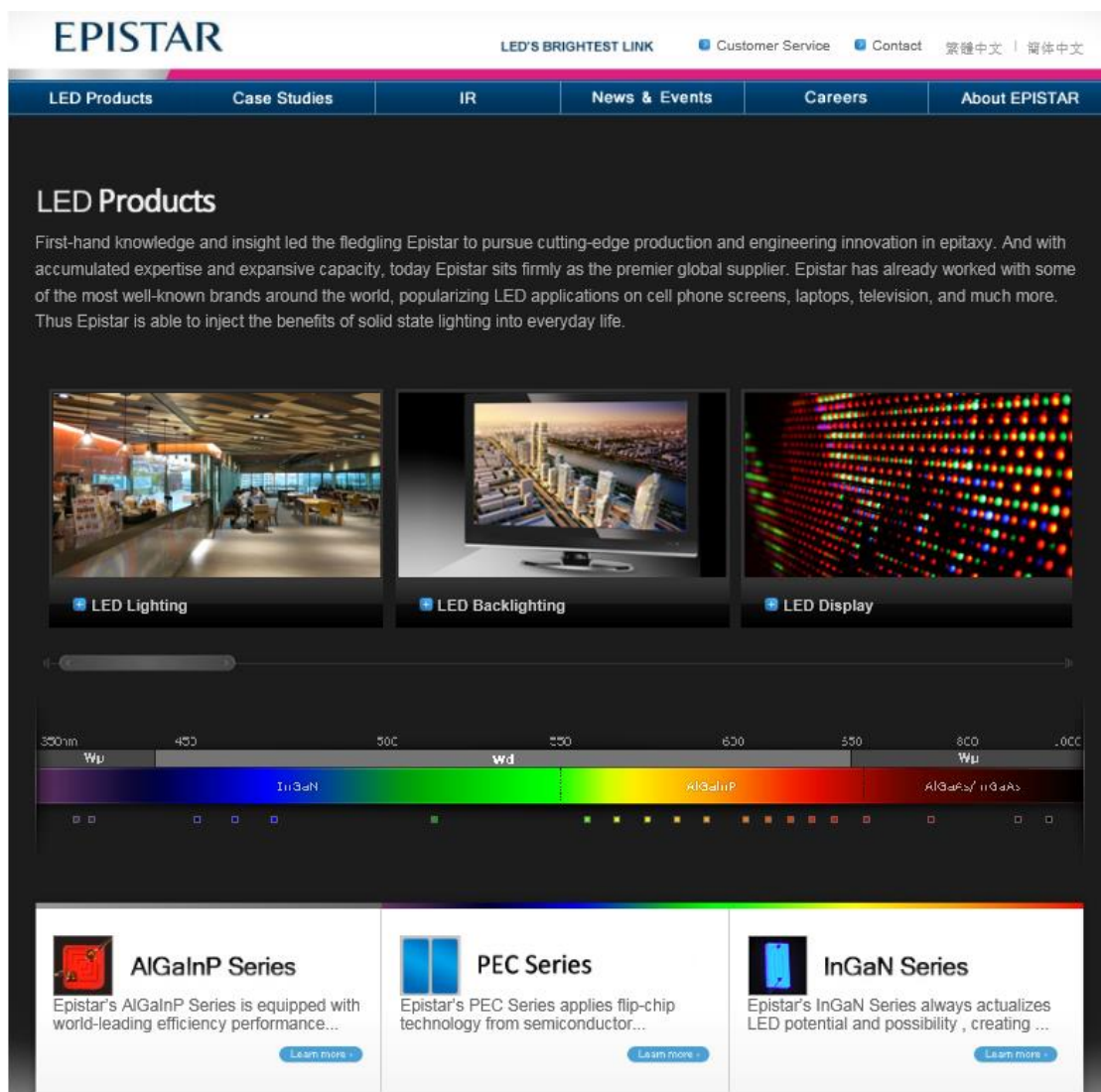


Figure 2.

Adamax

16. On information and belief, Adamax is headquartered in San Leandro, California.

17. On information and belief, Adamax, doing business as Newhouse Lighting, “focus[es] all efforts on providing you with sensible, stylish, and efficient LED lighting products.”

18. On information and belief, Defendant has made, used, offered to sell, and sold LED bulbs since at least as early as 2014, including, but not limited to, the Newhouse Lighting

1 Dimmable Flame Tip 3.5W LED Vintage Edison Filament Bulb, 2200K (Manufacturer Part
2 Number: LEDEBD-FL) (the “Accused Product”) and similar products.

3 19. The Accused Product contains a variety of electrical components used to
4 control various aspects of the operation of the LED bulb. The Accused Product is assembled
5 with pre-configured electrical components.

6 20. As the Accused Product’s sales page explains, “NewHouse Vintage Edison-
7 Style LED Filament Bulbs provide a great nostalgic look without sacrificing your electric
8 bills.” See [http://www.walmart.com/ip/Newhouse-Lighting-LEDEBD-FL-Newhouse-Lighting-
9 Dimmable-Flame-Tip-3.5W-LED-Vintage-Edison-Filament-Bulb-2200K/46107613](http://www.walmart.com/ip/Newhouse-Lighting-LEDEBD-FL-Newhouse-Lighting-Dimmable-Flame-Tip-3.5W-LED-Vintage-Edison-Filament-Bulb-2200K/46107613) (last
10 visited Aug. 15, 2016). The Accused Product’s sales page further explains again it is a
11 “dimmable LED replacement for incandescent bulbs lasts 50 times longer and uses only 3.5
12 watts instead of the 40-watt incandescent equivalent.” *Id.*

13 21. Upon information and belief, the Accused Product retails for around \$10 per
14 LED bulb.

15 **The Commercial LED Market**

16 22. With constant innovation in emission efficiency and product design by
17 companies like Epistar, the commercial LED industry is still growing at a promising rate.
18 Industry reports indicate that “the scale of the LED lighting market will reach US\$25.7 billion
19 in 2015 and expand to US\$30.5 billion in 2016.” <http://www.ledinside.com/node/24054> (last
20 visited August 16, 2016). Further, “[t]he penetration rate of LED lighting is also projected to
21 climb from 31% in 2015 to 36% in 2016.” *Id.*

22 **The Patents-in-Suit**

23 23. The Patents-in-Suit represent key achievements of Epistar’s continuous
24 research and development efforts. These patents enhance the performance of LED filament
25 bulbs and, as a result, help drive demand for Epistar’s products.

26 24. On February 12, 2002, the United States Patent and Trademark Office duly and
27 legally issued U.S. Patent No. 6,346,771 (“the ’771 patent”), entitled “High Power LED
28

1 Lamp,” to Hassan Paddy Abdel Salam. Epistar is the owner of the ’771 patent. A true and
2 correct copy of the ’771 patent is attached hereto as Exhibit 1.

3 25. On February 10, 2009, the United States Patent and Trademark Office duly and
4 legally issued U.S. Patent No. 7,489,068 (“the ’068 patent”), entitled “Light Emitting Device,”
5 to Min-Hsun Hsieh et al. Epistar is the owner of the ’068 patent. A true and correct copy of
6 the ’068 patent is attached hereto as Exhibit 2.

7 26. On July 14, 2009, the United States Patent and Trademark Office duly and
8 legally issued U.S. Patent No. 7,560,738 (“the ’738 patent”), entitled “Light-Emitting Diode
9 Array Having An Adhesive Layer,” to Wen-Huang Liu. Epistar is the owner of the ’738
10 patent. A true and correct copy of the ’738 patent is attached hereto as Exhibit 3.

11 27. On August 14, 2012, the United States Patent and Trademark Office duly and
12 legally issued U.S. Patent No. 8,240,881 (“the ’881 patent”), entitled “Light-Emitting Device
13 Package,” to Chia-Liang Hsu. Epistar is the owner of the ’881 patent. A true and correct
14 copy of the ’881 patent is attached hereto as Exhibit 4.

15 28. On July 29, 2014, the United States Patent and Trademark Office duly and
16 legally issued U.S. Patent No. 8,791,467 (“the ’467 patent”), entitled “Light Emitting Diode
17 And Method Of Making The Same,” to Kuang-Neng Yang. Epistar is the owner of the ’467
18 patent. A true and correct copy of the ’467 patent is attached hereto as Exhibit 5.

19 29. On June 23, 2015, the United States Patent and Trademark Office duly and
20 legally issued U.S. Patent No. 9,065,022 (“the ’022 patent”), entitled “Light-Emitting
21 Apparatus,” to Chi-Chih Pu. Epistar is the owner of the ’022 patent. A true and correct copy
22 of the ’022 patent is attached hereto as Exhibit 6.

23 30. On information and belief, Defendant had actual knowledge of the Patents-in-
24 Suit and/or their respective applications at least as of the filing of this action.

25 31. On information and belief, Defendant willfully blinded itself to the existence of
26 the Patents-in-Suit to the extent it lacked affirmative knowledge of the Patents-in-Suit prior to
27 the filing of this action.

28 **FIRST CAUSE OF ACTION**

(Infringement of U.S. Patent No. 6,346,771)

1
2 32. Epistar repeats and realleges the allegations of paragraphs 1 through 31 in their
3 entirety.

4 33. Defendant has infringed, either literally and/or under the doctrine of
5 equivalents, one or more claims of the '771 patent and continues to infringe in this District, by
6 making, using, selling, offering for sale, and/or importing into the United States products
7 including, but not limited to, the Newhouse Lighting Dimmable Flame Tip 3.5W LED Vintage
8 Edison Filament Bulb, 2200K, without the permission of Epistar. Defendant is thus liable for
9 direct infringement of the '771 patent pursuant to 35 U.S.C. § 271(a). A representative claim
10 chart detailing Defendant's infringement of at least claim 38 of the '771 patent is attached as
11 Exhibit 7.

12 34. On information and belief, Defendant had knowledge of the '771 patent at least
13 as of the filing of this Complaint and had knowledge that the products and systems identified
14 herein infringe, either literally and/or under the doctrine of equivalents, one or more claims of
15 the '771 patent. Defendant has induced and encouraged the direct infringement of the '771
16 patent by Defendant's customers, resellers, retailers, and end users by intentionally directing
17 them and encouraging them to make, use, sell, and/or offer to sell within the United States
18 and/or to import into the United States one or more devices that embody the patented invention
19 and that incorporate the accused products and systems identified above. On information and
20 belief, Defendant provides support to instruct its customers on how to use the infringing
21 technology. Defendant is therefore liable for indirect infringement of the '771 patent pursuant
22 to 35 U.S.C. § 271(b).

23 35. On information and belief, Defendant had knowledge of the '771 patent at least
24 as of the filing of this Complaint and had knowledge that the products and systems identified
25 infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '771
26 patent. Defendant has and continues to contributorily infringe, and will continue to
27 contributorily infringe, either literally and/or under the doctrine of equivalents, one or more
28 claims of the '771 patent. Defendant has contributorily infringed the '771 patent by offering to

1 sell, selling, and/or importing into the United States a component constituting a material part of
2 the invention disclosed in the '771 patent, knowing the same to be made or adapted specially
3 for use in the infringement of the '771 patent, and not a staple article or commodity of
4 commerce suitable for substantial noninfringing use. Defendant is therefore liable for indirect
5 infringement of the '771 patent pursuant to 35 U.S.C. § 271(c).

6 36. Unless enjoined by this Court, Defendant will continue to infringe the '771
7 patent, and Epistar will continue to suffer irreparable harm for which there is no adequate
8 remedy at law. Accordingly, Epistar is entitled to preliminary and permanent injunctive relief
9 against such infringement pursuant to 35 U.S.C. § 283.

10 37. As a result of Defendant's infringement of the '771 patent, Epistar has been
11 and continues to be irreparably injured in its business and property rights, and is entitled to
12 recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at
13 trial.

14 **SECOND CAUSE OF ACTION**

15 **(Infringement of U.S. Patent No. 7,489,068)**

16 38. Epistar repeats and realleges the allegations of paragraphs 1 through 37 in their
17 entirety.

18 39. Defendant has infringed, either literally and/or under the doctrine of
19 equivalents, one or more claims of the '068 patent and continues to infringe in this District, by
20 making, using, selling, offering for sale, and/or importing into the United States products
21 including, but not limited to, the Newhouse Lighting Dimmable Flame Tip 3.5W LED Vintage
22 Edison Filament Bulb, 2200K, without the permission of Epistar. Defendant is thus liable for
23 direct infringement of the '068 patent pursuant to 35 U.S.C. § 271(a). A representative claim
24 chart detailing Defendant's infringement of at least claim 1 of the '068 patent is attached as
25 Exhibit 8.

26 40. On information and belief, Defendant had knowledge of the '068 patent at least
27 as of the filing of this Complaint and had knowledge that the products and systems identified
28 herein infringe, either literally and/or under the doctrine of equivalents, one or more claims of

1 the '068 patent. Defendant has induced and encouraged the direct infringement of the '068
2 patent by Defendant's customers, resellers, retailers, and end users by intentionally directing
3 them and encouraging them to make, use, sell, and/or offer to sell within the United States
4 and/or to import into the United States one or more devices that embody the patented invention
5 and that incorporate the accused products and systems identified above. On information and
6 belief, Defendant provides support to instruct its customers on how to use the infringing
7 technology. Defendant is therefore liable for indirect infringement of the '068 patent pursuant
8 to 35 U.S.C. § 271(b).

9 41. On information and belief, Defendant had knowledge of the '068 patent at least
10 as of the filing of this Complaint and had knowledge that the products and systems identified
11 infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '068
12 patent. Defendant has and continues to contributorily infringe, and will continue to
13 contributorily infringe, either literally and/or under the doctrine of equivalents, one or more
14 claims of the '068 patent. Defendant has contributorily infringed the '068 patent by offering to
15 sell, selling, and/or importing into the United States a component constituting a material part of
16 the invention disclosed in the '068 patent, knowing the same to be made or adapted specially
17 for use in the infringement of the '068 patent, and not a staple article or commodity of
18 commerce suitable for substantial noninfringing use. Defendant is therefore liable for indirect
19 infringement of the '068 patent pursuant to 35 U.S.C. § 271(c).

20 42. Unless enjoined by this Court, Defendant will continue to infringe the '068
21 patent, and Epistar will continue to suffer irreparable harm for which there is no adequate
22 remedy at law. Accordingly, Epistar is entitled to preliminary and permanent injunctive relief
23 against such infringement pursuant to 35 U.S.C. § 283.

24 43. As a result of Defendant's infringement of the '068 patent, Epistar has been
25 and continues to be irreparably injured in its business and property rights, and is entitled to
26 recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at
27 trial.
28

THIRD CAUSE OF ACTION

(Infringement of U.S. Patent No. 7,560,738)

1
2
3 44. Epistar repeats and realleges the allegations of paragraphs 1 through 43 in their
4 entirety.

5 45. Defendant has infringed, either literally and/or under the doctrine of
6 equivalents, one or more claims of the '738 patent and continues to infringe in this District, by
7 making, using, selling, offering for sale, and/or importing into the United States products
8 including, but not limited to, the Newhouse Lighting Dimmable Flame Tip 3.5W LED Vintage
9 Edison Filament Bulb, 2200K, without the permission of Epistar. Defendant is thus liable for
10 direct infringement of the '738 patent pursuant to 35 U.S.C. § 271(a). A representative claim
11 chart detailing Defendant's infringement of at least claim 1 of the '738 patent is attached as
12 Exhibit 9.

13 46. On information and belief, Defendant had knowledge of the '738 patent at least
14 as of the filing of this Complaint and had knowledge that the products and systems identified
15 herein infringe, either literally and/or under the doctrine of equivalents, one or more claims of
16 the '738 patent. Defendant has induced and encouraged the direct infringement of the '738
17 patent by Defendant's customers, resellers, retailers, and end users by intentionally directing
18 them and encouraging them to make, use, sell, and/or offer to sell within the United States
19 and/or to import into the United States one or more devices that embody the patented invention
20 and that incorporate the accused products and systems identified above. On information and
21 belief, Defendant provides support to instruct its customers on how to use the infringing
22 technology. Defendant is therefore liable for indirect infringement of the '738 patent pursuant
23 to 35 U.S.C. § 271(b).

24 47. On information and belief, Defendant had knowledge of the '738 patent at least
25 as of the filing of this Complaint and had knowledge that the products and systems identified
26 infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '738
27 patent. Defendant has and continues to contributorily infringe, and will continue to
28 contributorily infringe, either literally and/or under the doctrine of equivalents, one or more

1 claims of the '738 patent. Defendant has contributorily infringed the '738 patent by offering to
2 sell, selling, and/or importing into the United States a component constituting a material part of
3 the invention disclosed in the '738 patent, knowing the same to be made or adapted specially
4 for use in the infringement of the '738 patent, and not a staple article or commodity of
5 commerce suitable for substantial noninfringing use. Defendant is therefore liable for indirect
6 infringement of the '738 patent pursuant to 35 U.S.C. § 271(c).

7 48. Unless enjoined by this Court, Defendant will continue to infringe the '738
8 patent, and Epistar will continue to suffer irreparable harm for which there is no adequate
9 remedy at law. Accordingly, Epistar is entitled to preliminary and permanent injunctive relief
10 against such infringement pursuant to 35 U.S.C. § 283.

11 49. As a result of Defendant's infringement of the '738 patent, Epistar has been
12 and continues to be irreparably injured in its business and property rights, and is entitled to
13 recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at
14 trial.

15 **FOURTH CAUSE OF ACTION**

16 **(Infringement of U.S. Patent No. 8,240,881)**

17 50. Epistar repeats and realleges the allegations of paragraphs 1 through 49 in their
18 entirety.

19 51. Defendant has infringed, either literally and/or under the doctrine of
20 equivalents, one or more claims of the '881 patent and continues to infringe in this District, by
21 making, using, selling, offering for sale, and/or importing into the United States products
22 including, but not limited to, the Newhouse Lighting Dimmable Flame Tip 3.5W LED Vintage
23 Edison Filament Bulb, 2200K, without the permission of Epistar. Defendant is thus liable for
24 direct infringement of the '881 patent pursuant to 35 U.S.C. § 271(a). A representative claim
25 chart detailing Defendant's infringement of at least claim 1 of the '881 patent is attached as
26 Exhibit 10.

27 52. On information and belief, Defendant had knowledge of the '881 patent at least
28 as of the filing of this Complaint and had knowledge that the products and systems identified

1 herein infringe, either literally and/or under the doctrine of equivalents, one or more claims of
2 the '881 patent. Defendant has induced and encouraged the direct infringement of the '881
3 patent by Defendant's customers, resellers, retailers, and end users by intentionally directing
4 them and encouraging them to make, use, sell, and/or offer to sell within the United States
5 and/or to import into the United States one or more devices that embody the patented invention
6 and that incorporate the accused products and systems identified above. On information and
7 belief, Defendant provides support to instruct its customers on how to use the infringing
8 technology. Defendant is therefore liable for indirect infringement of the '881 patent pursuant
9 to 35 U.S.C. § 271(b).

10 53. On information and belief, Defendant had knowledge of the '881 patent at least
11 as of the filing of this Complaint and had knowledge that the products and systems identified
12 infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '881
13 patent. Defendant has and continues to contributorily infringe, and will continue to
14 contributorily infringe, either literally and/or under the doctrine of equivalents, one or more
15 claims of the '881 patent. Defendant has contributorily infringed the '881 patent by offering to
16 sell, selling, and/or importing into the United States a component constituting a material part of
17 the invention disclosed in the '881 patent, knowing the same to be made or adapted specially
18 for use in the infringement of the '881 patent, and not a staple article or commodity of
19 commerce suitable for substantial noninfringing use. Defendant is therefore liable for indirect
20 infringement of the '881 patent pursuant to 35 U.S.C. § 271(c).

21 54. Unless enjoined by this Court, Defendant will continue to infringe the '881
22 patent, and Epistar will continue to suffer irreparable harm for which there is no adequate
23 remedy at law. Accordingly, Epistar is entitled to preliminary and permanent injunctive relief
24 against such infringement pursuant to 35 U.S.C. § 283.

25 55. As a result of Defendant's infringement of the '881 patent, Epistar has been
26 and continues to be irreparably injured in its business and property rights, and is entitled to
27 recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at
28 trial.

FIFTH CAUSE OF ACTION

(Infringement of U.S. Patent No. 8,791,467)

1
2
3 56. Epistar repeats and realleges the allegations of paragraphs 1 through 55 in their
4 entirety.

5 57. Defendant has infringed, either literally and/or under the doctrine of
6 equivalents, one or more claims of the '467 patent and continues to infringe in this District, by
7 making, using, selling, offering for sale, and/or importing into the United States products
8 including, but not limited to, the Newhouse Lighting Dimmable Flame Tip 3.5W LED Vintage
9 Edison Filament Bulb, 2200K, without the permission of Epistar. Defendant is thus liable for
10 direct infringement of the '467 patent pursuant to 35 U.S.C. § 271(a). A representative claim
11 chart detailing Defendant's infringement of at least claim 1 of the '467 patent is attached as
12 Exhibit 11.

13 58. On information and belief, Defendant had knowledge of the '467 patent at least
14 as of the filing of this Complaint and had knowledge that the products and systems identified
15 herein infringe, either literally and/or under the doctrine of equivalents, one or more claims of
16 the '467 patent. Defendant has induced and encouraged the direct infringement of the '467
17 patent by Defendant's customers, resellers, retailers, and end users by intentionally directing
18 them and encouraging them to make, use, sell, and/or offer to sell within the United States
19 and/or to import into the United States one or more devices that embody the patented invention
20 and that incorporate the accused products and systems identified above. On information and
21 belief, Defendant provides support to instruct its customers on how to use the infringing
22 technology. Defendant is therefore liable for indirect infringement of the '467 patent pursuant
23 to 35 U.S.C. § 271(b).

24 59. On information and belief, Defendant had knowledge of the '467 patent at least
25 as of the filing of this Complaint and had knowledge that the products and systems identified
26 infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '467
27 patent. Defendant has and continues to contributorily infringe, and will continue to
28 contributorily infringe, either literally and/or under the doctrine of equivalents, one or more

1 claims of the '467 patent. Defendant has contributorily infringed the '467 patent by offering to
2 sell, selling, and/or importing into the United States a component constituting a material part of
3 the invention disclosed in the '467 patent, knowing the same to be made or adapted specially
4 for use in the infringement of the '467 patent, and not a staple article or commodity of
5 commerce suitable for substantial noninfringing use. Defendant is therefore liable for indirect
6 infringement of the '467 patent pursuant to 35 U.S.C. § 271(c).

7 60. Unless enjoined by this Court, Defendant will continue to infringe the '467
8 patent, and Epistar will continue to suffer irreparable harm for which there is no adequate
9 remedy at law. Accordingly, Epistar is entitled to preliminary and permanent injunctive relief
10 against such infringement pursuant to 35 U.S.C. § 283.

11 61. As a result of Defendant's infringement of the '467 patent, Epistar has been
12 and continues to be irreparably injured in its business and property rights, and is entitled to
13 recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at
14 trial.

15 **SIXTH CAUSE OF ACTION**

16 **(Infringement of U.S. Patent No. 9,065,022)**

17 62. Epistar repeats and realleges the allegations of paragraphs 1 through 61 in their
18 entirety.

19 63. Defendant has infringed, either literally and/or under the doctrine of
20 equivalents, one or more claims of the '022 patent and continues to infringe in this District, by
21 making, using, selling, offering for sale, and/or importing into the United States products
22 including, but not limited to, the Newhouse Lighting Dimmable Flame Tip 3.5W LED Vintage
23 Edison Filament Bulb, 2200K, without the permission of Epistar. Defendant is thus liable for
24 direct infringement of the '022 patent pursuant to 35 U.S.C. § 271(a). A representative claim
25 chart detailing Defendant's infringement of at least claim 1 of the '022 patent is attached as
26 Exhibit 12.

27 64. On information and belief, Defendant had knowledge of the '022 patent at least
28 as of the filing of this Complaint and had knowledge that the products and systems identified

1 herein infringe, either literally and/or under the doctrine of equivalents, one or more claims of
2 the '022 patent. Defendant has induced and encouraged the direct infringement of the '022
3 patent by Defendant's customers, resellers, retailers, and end users by intentionally directing
4 them and encouraging them to make, use, sell, and/or offer to sell within the United States
5 and/or to import into the United States one or more devices that embody the patented invention
6 and that incorporate the accused products and systems identified above. On information and
7 belief, Defendant provides support to instruct its customers on how to use the infringing
8 technology. Defendant is therefore liable for indirect infringement of the '022 patent pursuant
9 to 35 U.S.C. § 271(b).

10 65. On information and belief, Defendant had knowledge of the '022 patent at least
11 as of the filing of this Complaint and had knowledge that the products and systems identified
12 infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '022
13 patent. Defendant has and continues to contributorily infringe, and will continue to
14 contributorily infringe, either literally and/or under the doctrine of equivalents, one or more
15 claims of the '022 patent. Defendant has contributorily infringed the '022 patent by offering to
16 sell, selling, and/or importing into the United States a component constituting a material part of
17 the invention disclosed in the '022 patent, knowing the same to be made or adapted specially
18 for use in the infringement of the '022 patent, and not a staple article or commodity of
19 commerce suitable for substantial noninfringing use. Defendant is therefore liable for indirect
20 infringement of the '022 patent pursuant to 35 U.S.C. § 271(c).

21 66. Unless enjoined by this Court, Defendant will continue to infringe the '022
22 patent, and Epistar will continue to suffer irreparable harm for which there is no adequate
23 remedy at law. Accordingly, Epistar is entitled to preliminary and permanent injunctive relief
24 against such infringement pursuant to 35 U.S.C. § 283.

25 67. As a result of Defendant's infringement of the '022 patent, Epistar has been
26 and continues to be irreparably injured in its business and property rights, and is entitled to
27 recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at
28 trial.

PRAYER FOR RELIEF

1
2 WHEREFORE, Plaintiff requests entry of judgment in its favor and against Defendant as
3 follows:

4 a. That Defendant is liable for infringement, contributing to the infringement, and/or
5 inducing the infringement of one or more claims of the Patents-in-Suit, as alleged herein;

6 b. That Defendant and its parents, subsidiaries, affiliates, successors, predecessors,
7 assigns, and the officers, directors, agents, servants, and employees of each of the foregoing,
8 customers and/or licensees and those persons acting in concert or participation with any of them,
9 are enjoined and restrained from continued infringement, including but not limited to using,
10 making, importing, offering for sale and/or selling products that infringe, and from contributorily
11 and/or inducing the infringement of the Patents-in-Suit prior to their expiration, including any
12 extensions;

13 c. An Order directing Defendant to file with this Court and serve upon Plaintiff's
14 counsel within 30 days after the entry of the Order of Injunction a report setting forth the manner
15 and form in which Defendant has complied with the injunction;

16 d. An award of damages adequate to compensate Plaintiff for the infringement that
17 has occurred, in accordance with 35 U.S.C. § 284, in lost profits, price erosion and/or reasonable
18 royalty, including prejudgment and post-judgment interest at the highest rates allowed by law;

19 e. An accounting and/or supplemental damages for all damages occurring after any
20 discovery cutoff and through the Court's decision regarding the imposition of a permanent
21 injunction;

22 f. An award of attorneys' fees based on this being an exceptional case pursuant to
23 35 U.S.C. § 285, including prejudgment interest on such fees;

24 g. Costs and expenses in this action;

25 h. Such other and further relief, in law and in equity, as this Court may deem just
26 and appropriate.

1 Dated: August 30, 2016

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

2

3

4

By: /s/ James C. Yoon
James C. Yoon

5

6

Attorney for Epistar Corporation

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, plaintiff Epistar Corporation demands a trial by jury of this action.

Dated: August 30, 2016

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ James C. Yoon
James C. Yoon

Attorney for Epistar Corporation