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13 UNITED STATES DISTRICT COURT
 14 CENTRAL DISTRICT OF CALIFORNIA

13	EPISTAR CORPORATION,)	CASE NO.: 8:18-CV-00799
14)	
15	Plaintiff,)	COMPLAINT FOR PATENT
16)	INFRINGEMENT
17	v.)	
18	V-TAC USA CORP.)	JURY TRIAL DEMANDED
19)	
20	Defendant.)	
21)	
22)	

23 Pursuant to Section 1338 of Title 28 of the United States Code, Plaintiff
 24 Epistar Corporation (“Plaintiff” or “Epistar”) alleges for its Complaint against V-
 25 TAC USA Corp. (“V-TAC” or “Defendant”), on personal knowledge as to
 26 Epistar’s own actions and on information and belief as to the actions of others, as
 27 follows:

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Figure 1.

V-TAC
INNOVATIVE LED LIGHTING

About Us Products Support Contact Us News

Home > LED Bulbs > LED Filament Series > Filament Bulbs > VT-5115D 6W A19 CLEAR FILAMENT BULB COLORCODE:2700K E26

6W
VT-5115D 6W A19 CLEAR FILAMENT BULB
COLORCODE:2700K E26

Equivalent **60W** Beam Angle **300** Dimensions **2.28*4.09"**
Lumens **800**

Soft White
SKU:215

Add to Wishlist

Description	Specification	Download	Category Features
<ul style="list-style-type: none"> • Dimmable and Non Dimmable Options • Lasts 20 times longer than Standard Bulbs • High - power LED Chips • Non - Flickering 			

Figure 2.

1 9. Defendant also offers to sell and sells infringing LED Filament Bulbs
2 in this District through distributors and resellers. For example, Xpress
3 Technologies USA is a New York company, with the same New York registration
4 address as Defendant, that sells Defendant’s infringing LED Filament Bulbs in this
5 District through Amazon.com. See e.g., Figure 3, available at
6 https://www.amazon.com/dp/B01K5T0Q9K/ref=biss_dp_t_buying_options (last
7 visited May 1, 2018); Figure 4 (pictures of V-TAC products purchase from
8 Amazon.com).

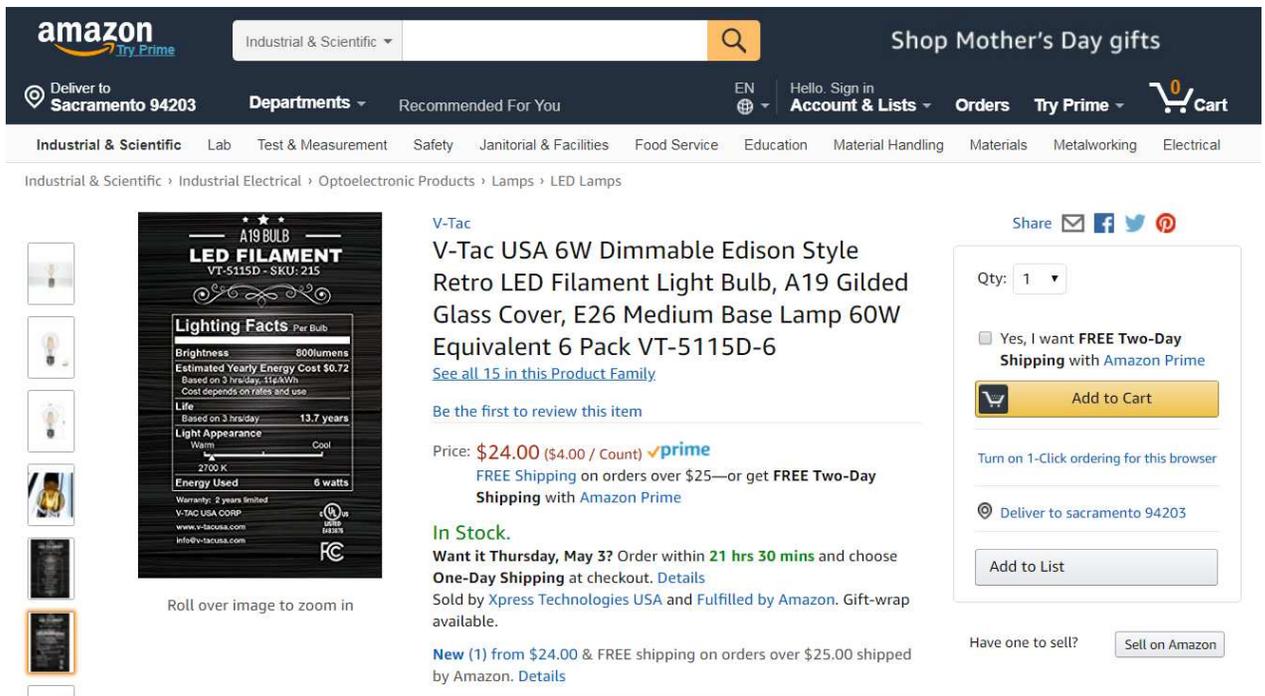


Figure 3.



Figure 4.

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Figure 7.

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

12. Defendant has its principal place of business in this District at 1815 Ritchey Street, Unit B, Santa Ana, California 92705; and therefore, resides in this District for the purposes of venue. Additionally, Defendant has a regular and established place of business in this District at 1815 Ritchey Street, Unit B, Santa Ana, California 92705, has committed acts of patent infringement in this District, and continues to commit acts of infringement in this district.

13. For at least the forgoing reasons, venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c), (d), and/or 1400(b).

FACTUAL BACKGROUND

14. Epistar brings this action to seek injunctive relief and damages arising out of Defendant’s infringement of Epistar’s U.S. Patent Nos. 6,346,771; 7,489,068; 7,560,738; 8,240,881; 9,065,022; 9,488,321; and 9,664,340 (collectively “the Patents-in-Suit”).

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Epistar

15. Founded in 1996, Epistar is a worldwide leader in developing, implementing, and providing the technologies behind LED products. Epistar develops and provides a broad range of LED products and services that inject the benefits of solid state lighting into everyday life. Epistar has worked with some of the most well-known brands around the world, popularizing LED applications on cell phone screens, laptops, television, and much more. With approximately 4,100 employees worldwide, Epistar is now one of the largest manufacturers of LEDs in the world.

16. Since its founding, Epistar has been widely recognized as “one of the pioneers in the LED filament industry.” *See* http://www.ledinside.com/interview/2016/7/epistar_improves_product_structure_and_profitability_by_specializing_in_niche_led_lighting_applications (last visited May 1, 2018). During the past two decades, Epistar has invested millions of U.S. dollars, and the time and dedication of hundreds of engineers, annually in research and development work, culminating in highly successful LED technologies and ushering in the LED era. Epistar has received numerous industry awards over the years for its innovations in LED technology. Recently, Epistar received an Outstanding Photonics Product Award at the 13th International Nano Exposition for the design of its Flexible LED Lighting System.

17. Epistar LED products are used for a variety of applications, including cell phone screens, laptops, televisions, the automotive industry, and home lighting. Epistar’s patented technologies embodied in its LED products inject the benefits of solid state, LED, lighting into everyday life. *See, e.g.*, Figure 8.

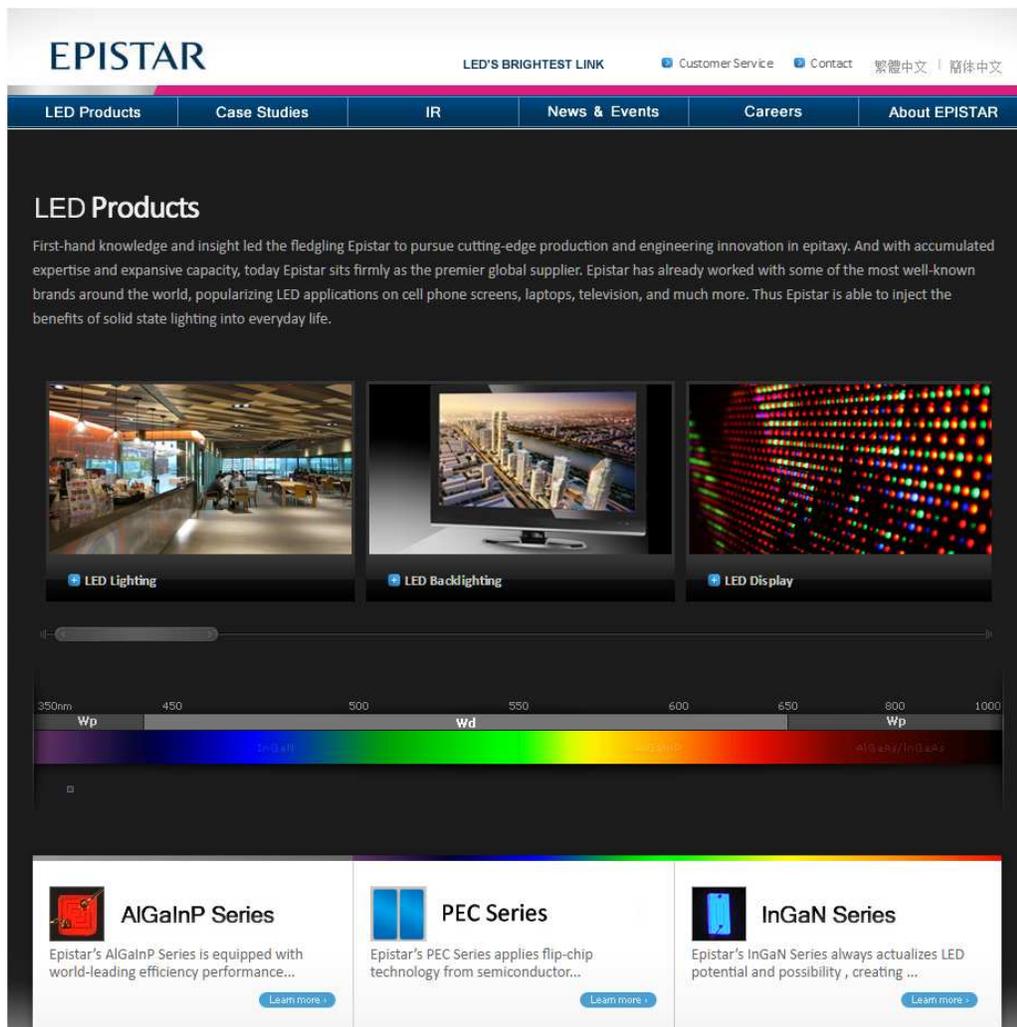


Figure 8.

18. Leading the LED filament evolution, Epistar was one of the earliest companies to acquire related patents including those covering the integration of carrier substrates. To date, Epistar’s investment has resulted in over 3,000 patents.

V-TAC

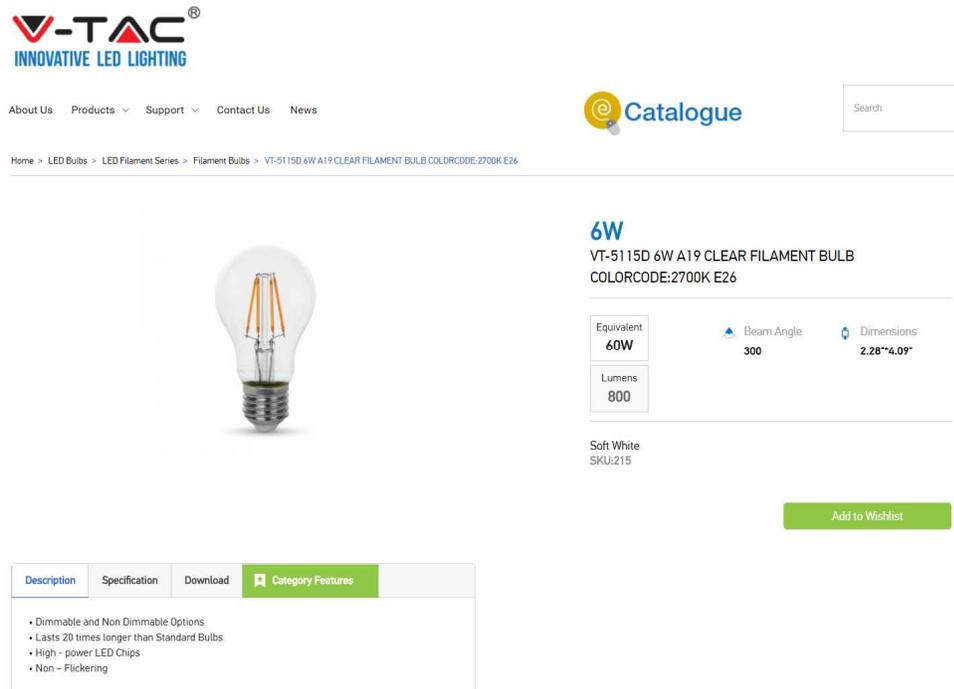
19. Defendant V-TAC USA is headquartered in Santa Ana, California.

20. On information and belief, Defendant has and continues to offer for sale and sell infringing LED filament bulbs including, but not limited to, the V-TAC 6W A19 Clear Filament Bulb, VT-5115D (Product Number: 215); V-TAC 4W G25 Amber Filament Bulb, VT-5100D (Product Number: 200); and V-TAC 4W CA10 LED Filament Bulb, VT-5133 (Product Number: 283) and similar products (collectively “the Accused Products”). See, e.g., Figure 9 (V-TAC 2018 COMPLAINT FOR PATENT

1 European catalogue); Figure 9, available at <https://v-tacusa.com/vt-5115d-6w-a19-clear-filament-bulb-colorcode-2700k-e26.html> (last visited May 1, 2018).



16 **Figure 9.**



28 **Figure 10.**

1 to the '771 patent. A true and correct copy of the '771 patent is attached hereto as
2 Exhibit 1.

3 27. U.S. Patent No. 7,489,068 (“the '068 patent”), entitled “Light
4 Emitting Device,” issued on February 10 ,2009 and lists Min-Hsun Hsieh, Ta-
5 Cheng Hsu, Wei-Chih Peng, and Ya-Ju Lee as the inventors. Epistar is the owner
6 and assignee of all right, title, and interest in and to the '068 patent. A true and
7 correct copy of the '068 patent is attached hereto as Exhibit 2.

8 28. U.S. Patent No. 7,560,738 (“the '738 patent”), entitled “Light-
9 Emitting Diode Array Having An Adhesive Layer,” issued on July 14, 2009 and
10 lists Wen-Huang Liu as the inventor. Epistar is the owner and assignee of all right,
11 title, and interest in and to the '738 patent. A true and correct copy of the '738
12 patent is attached hereto as Exhibit 3.

13 29. U.S. Patent No. 8,240,881 (“the '881 patent”), entitled “Light
14 Emitting Device Package,” issued on August 4, 2012 and lists Chia-Hiang Hsu as
15 the inventor. Epistar is the owner and assignee of all right, title, and interest in and
16 to the '881 patent. A true and correct copy of the '881 patent is attached hereto as
17 Exhibit 4.

18 30. U.S. Patent No. 9,065,022 (“the '022 patent”), entitled “Light
19 Emitting Apparatus,” issued on June 23, 2015 and lists Chi-Chih Pu, Chen-Hong
20 Lee, Shih-Yu Yeh, Wei-Kang Cheng, Shyi-Ming Pan, Siang-Fu Hong, Chih-Shu
21 Huang, Tzu-Hsiang Wang, Shih-Chieh Tang, and Cheng-Kuang Yang as the
22 inventors. Epistar is the owner and assignee of all right, title, and interest in and to
23 the '022 patent. A true and correct copy of the '022 patent is attached hereto as
24 Exhibit 5.

25 31. U.S. Patent No. 9,488,321 (“the '321 patent”) entitled “Illumination
26 Device with Inclined Light Emitting Element Disposed on a Transparent
27 Substrate” issued on November 8, 2016 and lists Zhi-Ting Ye, Fen-Ren Chien, and
28 Shyi-Ming Pan as the inventors. Epistar is the owner and assignee of all right,

1 title, and interest in and to the '321 patent. A true and correct copy of the '321
2 patent is attached hereto as Exhibit 6.

3 32. U.S. Patent No. 9,664,340 (“the '340 patent”), entitled “Light
4 Emitting Device,” issued on May 30, 2017 and lists Chiu-Lin Yao, Min-Hsun
5 Hsieh, Been-Yu Liaw, Wei-Chiang Hu, Po-Hung Lai, Chun-Hung Liu, Shih-An
6 Liao, Yu-His Sung, and Ming-Chi Hsu as the inventors. Epistar is the owner and
7 assignee of all right, title, and interest in and to the '340 patent. A true and correct
8 copy of the '340 patent is attached hereto as Exhibit 7.

9 33. On March 21, 2018, Epistar directly communicated to V-TAC
10 Exports that the Accused Products infringe Epistar’s patents. Defendant therefore
11 had actual knowledge, or was willfully blind, of the asserted '771 patent, '068
12 patent, '738 patent, '881 patent, '022 patent, '321 patent, and '340 patent and/or
13 their respective patent families at least as of March 21, 2018. Despite this
14 knowledge, and without communicating any theory of noninfringement or making
15 any good-faith efforts to avoid infringing the Patents-in-Suit, Defendant continued
16 to infringe, and profit from, the Accused Products. Defendant actively, knowingly,
17 and intentionally sells and offers to sell the Accused Products that infringe on the
18 Patents-in-Suit.

19 **FIRST CAUSE OF ACTION**

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

21 34. Epistar repeats and re-alleges the allegations of paragraphs 1 through
22 33 in their entirety.

23 35. Defendant has infringed, either literally and/or under the doctrine of
24 equivalents, one or more claims of the '771 patent, and continues to infringe in this
25 District, by making, using, selling, offering for sale, and/or importing into the
26 United States products including, but not limited to the V-TAC 6W A19 Clear
27 Filament Bulb, VT-5115D (Product Number: 215); V-TAC 4W G25 Amber
28 Filament Bulb, VT-5100D (Product Number: 200); and V-TAC 4W CA10 LED

1 Filament Bulb, VT-5133 (Product Number: 283), without the permission of
2 Epistar. Defendant is thus liable for direct infringement of the '771 patent
3 pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Defendant's
4 infringement of at least claim 38 of the '771 patent is attached as Exhibit 8.

5 36. Defendant had pre-suit knowledge of, or was willfully blind to, the
6 '771 patent and that the products and systems identified herein infringe, either
7 literally and/or under the doctrine of equivalents, one or more claims of the '771
8 patent. Defendant has knowingly and intentionally induced and encouraged the
9 direct infringement of the '771 patent by Defendant's customers, resellers,
10 retailers, and end users by intentionally directing them and encouraging them to
11 make, use, sell, and/or offer to sell within the United States and/or to import into
12 the United States one or more devices that embody the patented invention and that
13 incorporate the accused products and systems identified above. On information
14 and belief, these actions include, but are not limited to: advertising the Accused
15 Products; establishing distribution channels for the Accused Products; drafting,
16 distributing, or making available technical specifications and catalogues for the
17 Accused Products; and/or providing technical support or other services for the
18 Accused Products to Defendant's customers and prospective customers.
19 Defendant is therefore liable for indirect infringement of the '771 patent pursuant
20 to 35 U.S.C. § 271(b).

21 37. Defendant had pre-suit knowledge of, or was willfully blind to, the
22 '771 patent and that the products and systems identified infringe, either literally
23 and/or under the doctrine of equivalents, one or more claims of the '771 patent.
24 Defendant has and continues to contributorily infringe, and will continues to
25 contributorily infringe, either literally and/or under the doctrine of equivalents, one
26 or more claims of the '771 patent. Defendant has knowingly and intentionally
27 contributorily infringed the '771 patent by offering to sell, selling, and/or
28 importing into the United States a component constituting a material part of the

1 invention disclosed in the '771 patent, knowing the same to be made or adapted
2 specifically for use in the infringement of the '771 patent, and not a staple article
3 or commodity of commerce suitable for substantial non-infringing use. Defendant
4 is therefore liable for indirect infringement of the '771 patent pursuant to 35 U.S.C.
5 § 271(c).

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

10 39. Defendant acted in a manner that was willful, malicious, in bad-faith,
11 deliberate, consciously wrongful, or flagrant. As a result of Defendant's
12 infringement of the '771 patent, Epistar has been and continues to be irreparably
13 injured in its business and property rights, and is entitled to recover damages for
14 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

15 **SECOND CAUSE OF ACTION**

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

17 40. Epistar repeats and re-alleges the allegations of paragraphs 1 through
18 39 in their entirety.

19 41. Defendant has infringed, either literally and/or under the doctrine of
20 equivalents, one or more claims of the '068 patent and continues to infringe in this
21 District, by making, using, selling, offering for sale, and/or importing into the
22 United States products including, but not limited to, the V-TAC 6W A19 Clear
23 Filament Bulb, VT-5115D (Product Number: 215), without the permission of
24 Epistar. Defendant is thus liable for direct infringement of the '068 patent
25 pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Defendant's
26 infringement of at least claim 1 of the '068 patent is attached as Exhibit 9.

27 42. Defendant had pre-suit knowledge of, or was willfully blind to, the
28 '068 patent and that the products and systems identified herein infringe, either

1 literally and/or under the doctrine of equivalents, one or more claims of the '068
2 patent. Defendant has knowingly and intentionally induced and encouraged the
3 direct infringement of the '068 patent by Defendant's customers, resellers,
4 retailers, and end users by intentionally directing them and encouraging them to
5 make, use, sell, and/or offer to sell within the United States and/or to import into
6 the United States one or more devices that embody the patented invention and that
7 incorporate the accused products and systems identified above. On information
8 and belief, these actions include, but are not limited to: advertising the Accused
9 Products; establishing distribution channels for the Accused Products; drafting,
10 distributing, or making available technical specifications and catalogues for the
11 Accused Products; and/or providing technical support or other services for the
12 Accused Products to Defendant's customers and prospective customers.
13 Defendant is therefore liable for indirect infringement of the '068 patent pursuant
14 to 35 U.S.C. § 271(b).

15 43. Defendant had pre-suit knowledge of, or was willfully blind to, the
16 '068 patent and that the products and systems identified infringe, either literally
17 and/or under the doctrine of equivalents, one or more claims of the '068 patent.
18 Defendant has and continues to contributorily infringe, and will continue to
19 contributorily infringe, either literally and/or under the doctrine of equivalents, one
20 or more claims of the '068 patent. Defendant has knowingly and intentionally
21 contributorily infringed the '068 patent by offering to sell, selling, and/or
22 importing into the United States a component constituting a material part of the
23 invention disclosed in the '068 patent, knowing the same to be made or adapted
24 specifically for use in the infringement of the '068 patent, and not a staple article
25 or commodity of commerce suitable for substantial non-infringing use. Defendant
26 is therefore liable for indirect infringement of the '068 patent pursuant to 35 U.S.C.
27 § 271(c).

28

1 retailers, and end users by intentionally directing them and encouraging them to
2 make, use, sell, and/or offer to sell within the United States and/or to import into
3 the United States one or more devices that embody the patented invention, and that
4 incorporate the accused products and systems identified above. On information
5 and belief, these actions include, but are not limited to: advertising the Accused
6 Products; establishing distribution channels for the Accused Products; drafting,
7 distributing, or making available technical specifications and catalogues for the
8 Accused Products; and/or providing technical support or other services for the
9 Accused Products to Defendant's customers and prospective customers.

10 Defendant is therefore liable for indirect infringement of the '738 patent pursuant
11 to 35 U.S.C. § 271(b).

12 49. Defendant had pre-suit knowledge of, or was willfully blind to, the
13 '738 patent and that the products and systems identified infringe, either literally
14 and/or under the doctrine of equivalents, one or more claims of the '738 patent.
15 Defendant has and continues to contributorily infringe, and will continue to
16 contributorily infringe, either literally and/or under the doctrine of equivalents, one
17 or more claims of the '738 patent. Defendant has knowingly and intentionally
18 contributorily infringed the '738 patent by offering to sell, selling, and/or
19 importing into the United States a component constituting a material part of the
20 invention disclosed in the '738 patent, knowing the same to be made or adapted
21 specifically for use in the infringement of the '738 patent, and not a staple article
22 or commodity of commerce suitable for substantial non-infringing use. Defendant
23 is therefore liable for indirect infringement of the '738 patent pursuant to 35 U.S.C.
24 § 271(c).

25 50. Unless enjoined by this Court, Defendant will continue to infringe the
26 '738 patent, and Epistar will continue to suffer irreparable harm for which there is
27 no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and
28 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

1 distributing, or making available technical specifications and catalogues for the
2 Accused Products; and/or providing technical support or other services for the
3 Accused Products to Defendant's customers and prospective customers.

4 Defendant is therefore liable for indirect infringement of the '881 patent pursuant
5 to 35 U.S.C. § 271(b).

6 55. Defendant had pre-suit knowledge of, or was willfully blind to, the
7 '881 patent and that the products and systems identified infringe, either literally
8 and/or under the doctrine of equivalents, one or more claims of the '881 patent.
9 Defendant has and continues to contributorily infringe, and will continue to
10 contributorily infringe, either literally and/or under the doctrine of equivalents, one
11 or more claims of the '881 patent. Defendant has knowingly and intentionally
12 contributorily infringed the '881 patent by offering to sell, selling, and/or
13 importing into the United States a component constituting a material part of the
14 invention disclosed in the '881 patent, knowing the same to be made or adapted
15 specifically for use in the infringement of the '881 patent, and not a staple article
16 or commodity of commerce suitable for substantial non-infringing use. Defendant
17 is therefore liable for indirect infringement of the '881 patent pursuant to 35 U.S.C.
18 § 271(c).

19 56. Unless enjoined by this Court, Defendant will continue to infringe the
20 '881 patent, and Epistar will continue to suffer irreparable harm for which there is
21 no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and
22 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

23 57. Defendant acted in a manner that was willful, malicious, in bad-faith,
24 deliberate, consciously wrongful, or flagrant. As a result of Defendant's
25 infringement of the '881 patent, Epistar has been and continues to be irreparably
26 injured in its business and property rights, and is entitled to recover damages for
27 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

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FIFTH CAUSE OF ACTION

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

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3 58. Epistar repeats and re-alleges the allegations of paragraphs 1 through
4 57 in their entirety.

5 59. Defendant has infringed, either literally and/or under the doctrine of
6 equivalents, one or more claims of the '022 patent and continues to infringe in this
7 District, by making, using, selling, offering for sale, and/or importing into the
8 United States products including, but not limited to, the V-TAC 6W A19 Clear
9 Filament Bulb, VT-5115D (Product Number: 215), without the permission of
10 Epistar. Defendant is thus liable for direct infringement of the '022 patent
11 pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Defendant's
12 infringement of at least claim 1 of the '022 patent is attached as Exhibit 12.

13 60. Defendant had pre-suit knowledge of, or was willfully blind to, the
14 '022 patent and that the products and systems identified herein infringe, either
15 literally and/or under the doctrine of equivalents, one or more claims of the '022
16 patent. Defendant has knowingly and intentionally induced and encouraged the
17 direct infringement of the '022 patent by Defendant's customers, resellers,
18 retailers, and end users by intentionally directing them and encouraging them to
19 make, use, sell, and/or offer to sell within the United States and/or to import into
20 the United States one or more devices that embody the patented invention and that
21 incorporate the accused products and systems identified above. On information
22 and belief, these actions include, but are not limited to: advertising the Accused
23 Products; establishing distribution channels for the Accused Products; drafting,
24 distributing, or making available technical specifications and catalogues for the
25 Accused Products; and/or providing technical support or other services for the
26 Accused Products to Defendant's customers and prospective customers.
27 Defendant is therefore liable for indirect infringement of the '022 patent pursuant
28 to 35 U.S.C. § 271(b).

1 District, by making, using, selling, offering for sale, and/or importing into the
2 United States products including, but not limited to, the V-TAC 6W A19 Clear
3 Filament Bulb, VT-5115D (Product Number: 215), without the permission of
4 Epistar. Defendant is thus liable for direct infringement of the '321 patent
5 pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Defendant's
6 infringement of at least claim 1 of the '321 patent is attached as Exhibit 13.

7 66. Defendant had knowledge of the '321 patent and that the products and
8 systems identified herein infringe, either literally and/or under the doctrine of
9 equivalents, one or more claims of the '321 patent, at least as of the filing of this
10 complaint and/or has been willfully blind. Defendant has knowingly and
11 intentionally induced and encouraged the direct infringement of the '321 patent by
12 Defendant's customers, resellers, retailers, and end users by intentionally directing
13 them and encouraging them to make, use, sell, and/or offer to sell within the
14 United States and/or to import into the United States one or more devices that
15 embody the patented invention and that incorporate the accused products and
16 systems identified above. On information and belief, these actions include, but are
17 not limited to: advertising the Accused Products; establishing distribution channels
18 for the Accused Products; drafting, distributing, or making available technical
19 specifications and catalogues for the Accused Products; and/or providing technical
20 support or other services for the Accused Products to Defendant's customers and
21 prospective customers. Defendant is therefore liable for indirect infringement of
22 the '321 patent pursuant to 35 U.S.C. § 271(b).

23 67. Defendant had knowledge of the '321 patent and that the products and
24 systems identified infringe, either literally and/or under the doctrine of equivalents,
25 one or more claims of the '321 patent, at least as of the filing of this complaint
26 and/or has been willfully blind. Defendant has and continues to contributorily
27 infringe, and will continue to contributorily infringe, either literally and/or under
28 the doctrine of equivalents, one or more claims of the '321 patent. Defendant has

1 knowingly and intentionally contributorily infringed the '321 patent by offering to
2 sell, selling, and/or importing into the United States a component constituting a
3 material part of the invention disclosed in the '321 patent, knowing the same to be
4 made or adapted specifically for use in the infringement of the '321 patent, and not
5 a staple article or commodity of commerce suitable for substantial non-infringing
6 use. Defendant is therefore liable for indirect infringement of the '321 patent
7 pursuant to 35 U.S.C. § 271(c).

8 68. Unless enjoined by this Court, Defendant will continue to infringe the
9 '321 patent, and Epistar will continue to suffer irreparable harm for which there is
10 no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and
11 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

12 69. Defendant acted in a manner that was willful, malicious, in bad-faith,
13 deliberate, consciously wrongful, or flagrant. As a result of Defendant's
14 infringement of the '321 patent, Epistar has been and continues to be irreparably
15 injured in its business and property rights, and is entitled to recover damages for
16 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

17 **SEVENTH CAUSE OF ACTION**

18 **(Infringement of U.S. Patent No. 9,664,340)**

19 70. Epistar repeats and re-alleges the allegations of paragraphs 1 through
20 69 in their entirety.

21 71. Defendant has infringed, either literally and/or under the doctrine of
22 equivalents, one or more claims of the '340 patent and continues to infringe in this
23 District, by making, using, selling, offering for sale, and/or importing into the
24 United States products including, but not limited to, the V-TAC 6W A19 Clear
25 Filament Bulb, VT-5115D (Product Number: 215); V-TAC 4W G25 Amber
26 Filament Bulb, VT-5100D (Product Number: 200); and V-TAC 4W CA10 LED
27 Filament Bulb, VT-5133 (Product Number: 283), without the permission of
28 Epistar. Defendant is thus liable for direct infringement of the '340 patent

1 pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Defendant's
2 infringement of at least claim 1 of the '340 patent is attached as Exhibit 14.

3 72. Defendant had pre-suit knowledge of, or was willfully blind to, the
4 '340 patent and that the products and systems identified herein infringe, either
5 literally and/or under the doctrine of equivalents, one or more claims of the '340
6 patent. Defendant has knowingly and intentionally induced and encouraged the
7 direct infringement of the '340 patent by Defendant's customers, resellers,
8 retailers, and end users by intentionally directing them and encouraging them to
9 make, use, sell, and/or offer to sell within the United States and/or to import into
10 the United States one or more devices that embody the patented invention and that
11 incorporate the accused products and systems identified above. On information
12 and belief, these actions include, but are not limited to: advertising the Accused
13 Products; establishing distribution channels for the Accused Products; drafting,
14 distributing, or making available technical specifications and catalogues for the
15 Accused Products; and/or providing technical support or other services for the
16 Accused Products to Defendant's customers and prospective customers.
17 Defendant is therefore liable for indirect infringement of the '340 patent pursuant
18 to 35 U.S.C. § 271(b).

19 73. Defendant had pre-suit knowledge of, or was willfully blind to, the
20 '340 patent and that the products and systems identified infringe, either literally
21 and/or under the doctrine of equivalents, one or more claims of the '340 patent.
22 Defendant has and continues to contributorily infringe, and will continue to
23 contributorily infringe, either literally and/or under the doctrine of equivalents, one
24 or more claims of the '340 patent. Defendant has knowingly and intentionally
25 contributorily infringed the '340 patent by offering to sell, selling, and/or
26 importing into the United States a component constituting a material part of the
27 invention disclosed in the '340 patent, knowing the same to be made or adapted
28 specifically for use in the infringement of the '340 patent, and not a staple article

1 or commodity of commerce suitable for substantial non-infringing use. Defendant
2 is therefore liable for indirect infringement of the '340 patent pursuant to 35 U.S.C.
3 § 271(c).

4 74. Unless enjoined by this Court, Defendant will continue to infringe the
5 '340 patent, and Epistar will continue to suffer irreparable harm for which there is
6 no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and
7 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

8 75. Defendant acted in a manner that was willful, malicious, in bad-faith,
9 deliberate, consciously wrongful, or flagrant. As a result of Defendant's
10 infringement of the '340 patent, Epistar has been and continues to be irreparably
11 injured in its business and property rights, and is entitled to recover damages for
12 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

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PRAYER FOR RELIEF

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

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

7 b. That such infringement is willful;

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

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

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

24 f. An accounting and/or supplemental damages for all damages
25 occurring after any discovery cutoff and through the Court's decision regarding the
26 imposition of a permanent injunction;

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

- 1 h. Costs and expenses in this action;
- 2 i. Such other and further relief, in law and in equity, as this Court may
- 3 deem just and appropriate.

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Dated: May 7, 2018

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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

Attorney for Epistar Corporation

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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: May 7, 2018

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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

Attorney for Epistar Corporation

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TABLE OF EXHIBITS

Exhibit	Page(s)
1	30-42
2	43-51
3	52-61
4	62-71
5	72-91
6	92-127
7	128-168
8	169-180
9	181-184
10	185-197
11	198-201
12	202-205
13	206-211
14	212-226