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18 *Attorneys for Plaintiff Kadence Designs LLC*

19 **UNITED STATES DISTRICT COURT**
20 **DISTRICT OF NEVADA**
21 **RENO DIVISION**

22 KADENCE DESIGNS LLC,
23
24 Plaintiff,

25 v.

26 OSRAM SYLVANIA, a Delaware
27 corporation, and ARTISON LLC, a Nevada
28 limited liability company
29 Defendants.

CASE NO:

JURY DEMAND

PLAINTIFF'S ORIGINAL COMPLAINT

30 Plaintiff Kadence Designs LLC ("Kadence Designs" or "Plaintiff"), brings this action
31 against defendants OSRAM SYLVANIA Inc. ("Sylvania") and Artison LLC, collectively
32 referred to herein as "Defendants," and based on information and belief, alleges as follows:

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THE PARTIES

1. Plaintiff is a Nevada limited liability company with its principal place of business in 33 Dagny Court, Trout Creek, Montana 59874.

2. Sylvania is a Delaware corporation with its principal place of business at 54 Cherry Hill Drive, Danvers, Massachusetts 01923. Sylvania is qualified to do business in the State of Nevada.

3. Artison is a Nevada limited liability company with its principal place of business at 2231 Meridian Blvd #1, Minden, Nevada 89423.

JURISDICTION AND VENUE

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

5. This Court has personal jurisdiction over all Defendants, each of whom conducts business within and has business facilities within the state.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

FACTUAL BACKGROUND

7. On May 19, 2009, the United States Patent and Trademark Office issued patent number 7,535,341 (the “‘341 patent”), entitled “Combination Speaker/Light Fixture.” Ed Haase is the named inventor of the ‘341 patent. A true and correct copy of the ‘341 patent is attached at Ex. A.

8. On October 19, 2010, the United States Patent and Trademark Office issued patent number 7,817,016 (the “‘016 patent”), entitled “Screw-in LED light and sound bulb.”

1 Ed Haase is the named inventor of the '016 patent. A true and correct copy of the '016 patent
2 is attached at Ex. B.

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4 9. On October 30, 2012, the United States Patent and Trademark Office issued
5 patent number 8,299,903 (the "903 patent"), entitled "Screw-in LED light and sound bulb." Ed
6 Haase and John Kemper Pasley are the named inventors on the 'xxx patent. A true and correct
7 copy of the '903 patent is attached at Ex. C.

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9 10. By assignment, Kadence Designs now owns the rights, title and interest to the
10 '341, '016 and '903 patents, including the right to sue for past and present infringement
11 (collectively, "the patents in suit").

12 11. Defendants Artison and Sylvania have made, offered to sell, and/or sold
13 Musiclites, a light speaker product. Defendants continue to make, offer to sell, and/or sell
14 Musiclites.

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16 12. Artison provided the audio technology for the Musiclites out of Artison's
17 Nevada business facilities. Persons knowledgeable about Artison's contribution to the
18 Musiclites product, and documents relating to that contribution, are located in Nevada,
19 including at Artison's business facilities.

20 13. OSRAM Opto Semiconductors, Inc. is an affiliate of Sylvania.

21
22 14. In 2008, representatives of OSRAM Opto Semiconductors, Inc. met with Ed
23 Haase, Tina Morkert and Yadir Rodriguez (of ODM Technologies) while at the Lightfair
24 International Tradeshow in Las Vegas, Nevada. At this meeting, the representatives of
25 OSRAM indicated that OSRAM believed Mr. Haase's light speaker invention was unique and
26 suggested that they had not before considered LED technology in a speaker/light device. The
27 discussions (which occurred under a nondisclosure agreement) were intended to be solely for
28

1 the purpose to allow Mr. Haase and his associates to investigate whether OSRAM had suitable
2 LED lighting technology for use in a light speaker technology being developed by Mr. Haase
3 and his associates.

4
5 15. While there, Mr. Haase and his associates informed OSRAM Opto
6 Semiconductors of Mr. Haase's intellectual property rights, including Mr. Haase's then pending
7 patent application that has now matured into the '903 patent.

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9 16. OSRAM Opto Semiconductors entered into a second nondisclosure agreement
10 in 2010. Once again, during the course of meetings and conversations with OSRAM affiliates
11 relating to this second nondisclosure agreement, Mr. Haase and/or Mr. Rich Eilenberg (of
12 ODM Technologies) emphasized that the light speaker technology being discussed was
13 protected by issued patents and additional pending applications by Mr. Haase.

14
15 17. Sylvania knew of these meetings between Mr. Haase, Mr. Eilenberg and
16 OSRAM employees who met with them and others in 2008 and/or 2010 and knew that Mr.
17 Haase, Mr. Eilenberg and others had represented that Mr. Haase (1) had light-speaker
18 inventions and (2) intellectual property rights to protect such inventions, including filed patent
19 applications and/or issued patents.

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21 18. Sylvania knew about the '341, '016 and/or '903 patents prior to the date of the
22 filing of this Complaint. Notwithstanding such knowledge, Sylvania intentionally and
23 knowingly made, sold, and/or offered to sell Musiclites, and continues to do so.

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25 19. Artison knew about the '341, '016 and/or '903 patents prior to the date of the
26 filing of this Complaint. Notwithstanding such knowledge, Artison intentionally and
27 knowingly made, sold, and/or offered to sell Musiclites, and continues to do so.
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1 20. On June 22, 2011, Kadence Designs sent Artison a demand to cease and desist
2 selling, offering to sell or manufacturing Musiclites products in the face of the '341 and '016
3 issued patents, and several patent applications including that which is now the '903 patent, now
4 all owned by Kadence Designs. Ex. D. Kadence Designs specifically told Artison that
5 unlicensed and uncontrolled uses of Kadence Designs' technology interfered with its legitimate
6 business and licensing activities and that further infringement of Kadence Designs' patents
7 would constitute willful infringement. *Id.*
8

9 21. Artison forwarded this June 22, 2011 Kadence Design cease and desist letter to
10 Sylvania and/or its agents and representatives.
11

12 22. Since as early as the fall of 2010, Artison and Sylvania have produced
13 Musiclites products and provided them for sale to wholesalers and retailers throughout the
14 United States as indicated on their website: <http://www.musiclites.com/default.aspx>, which
15 includes a store locator. A true and correct copy of the home page is attached at Ex. E.
16

17 23. Several retailers also offer the Musiclites products on behalf of Artison and
18 Sylvania throughout the United States, including Nevada, through retail internet sites, such as
19 Amazon.com and Allnetdistributing.com. A true and correct copy of sample advertisements
20 from Aamazon.com and Allnetdistributing.com are attached at Ex. F.
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PATENT INFRINGEMENT COUNT

22 24. Kadence Designs realleges paragraphs 1 through 23.

23 25. Defendants Artison and Sylvania have been or are infringing one or more claims
24 of the patents in suit by making, using, selling and/or offering to sell Musiclites (or having done
25 so in the past), which products practice one or more of the claims of the patents in suit.
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G. Kadence Designs be awarded costs; and

H. Kadence Designs be granted all such other and further relief as the Court may deem just and proper.

Dated: this 13th day of December, 2012.

HOWARD & HOWARD ATTORNEYS PLLC

BY: /s/ Kimberly P. Stein

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