

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

JAM STRAIT, INC.

*** CIVIL ACTION**

*** CASE NO.**

vs.

*** SECT.**

OSRAM SYLVANIA, INC.

*** MAGISTRATE**

*** JURY TRIAL DEMANDED**

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF FOR PATENT
INFRINGEMENT AND DEMAND FOR TRIAL BY JURY**

NOW INTO COURT, through undersigned counsel, comes Plaintiff, Jam Strait, Inc., (hereinafter “Plaintiff” or “Jam Strait”), which respectfully avers that:

Parties

1.

Plaintiff, Jam Strait, Inc., is a Mississippi corporation with its principal place of business in Newton, Mississippi.

2.

Defendant, Osram Sylvania, Inc. (hereinafter “Defendant”) is a corporation organized under the laws of Delaware with its principal place of business in Danvers, Massachusetts.

3.

Defendant is and has been doing business, and has committed acts and caused damages, in this judicial district at all times relevant hereto.

Jurisdiction and Venue

4.

This is an action for a patent infringement under the Patent Laws of the United States, 35 U.S.C. §1 *et seq.* Furthermore, the amount in controversy exceeds \$75,000 exclusive of interest and costs. Accordingly, subject matter jurisdiction herein is based upon 28 U.S.C. §§1331, 1332 and 1338.

5.

Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) and (c) and 1400(b) because Defendant is doing business and “resides” in this judicial district as defined by 28 U.S.C. §1391(c), a substantial part of the events or omissions giving rise to this claim occurred in this district and Defendant has committed acts of patent infringement in this district.

Facts

6.

Plaintiff produces and sells a variety of light-emitting-diode (LED) lamps, lights, bulbs and similar products.

7.

On September 7, 2004, the U.S. Patent and Trademark Office issued to Bruce Wesson, inventor, U.S. patent No. 6,786,625 (the '625 patent) for an "LED Light Module for Vehicles." Exhibit A.

8.

At all times since the issuance of the '625 patent, Plaintiff, Jam Strait, has been the assignee and owner of the '625 patent.

9.

Since the issuance of the '625 patent, Jam Strait has fulfilled the marking requirements under 35 U.S.C. §287(a), thereby giving notice to the public that the invention is protected by the '625 patent.

10.

Jam Strait has the manufacturing capability to meet the needs of the market for the invention claimed in the '625 patent.

11.

In spite of the valid and enforceable patent, Defendant produces and distributes a

“168/194/2825” LED light (“the Sylvania LED”) that infringes at least claim 30, and possibly other claims, of the ‘625 patent. Exhibits B-D.

Claim for Relief-Infringement of U.S. Patent No. 6,786,625

12.

The allegations of paragraphs 1-11 are repeated and are incorporated herein by reference.

13.

By manufacturing and selling the Sylvania LED, Defendant has infringed and continues to infringe the ‘625 patent by importing, making, selling, offering for sale and/or using the invention claimed in the ‘625 patent, and by causing the invention to be made, used, offered for sale, and/or sold by others and each other, and will continue to do so unless enjoined by the Court.

14.

Defendant has directly infringed, contributorily infringed and actively induced others to infringe the ‘625 patent.

15.

Upon information and belief, Defendant had actual knowledge of the ‘625 patent since its date of issue, but in spite of such knowledge, Defendant has continued and threatens to continue its infringement of the ‘625 patent in defiant disregard of Plaintiff’s rights under the patent, and Defendant has made, and is currently making profits from

such infringement that rightfully belong to Plaintiff.

16.

Defendant's infringement of the '625 patent is wilful and wanton and in complete disregard of Plaintiff's rights, warranting an increased award of treble damages pursuant to 35 U.S.C. §284.

17.

Unless this Court enjoins Defendant from further infringement of the '625 patent, Plaintiff will be irreparably harmed and will incur further damages.

18.

Plaintiff currently has no means of accurately determining the extent of Defendant's infringement of the '625 patent, or the amount of its damages resulting therefrom, except through the production of evidence that is now in Defendant's possession and control.

19.

Pursuant to 35 U.S.C. §283, Plaintiff is entitled to preliminary and permanent injunctions enjoining Defendant from continuing to directly or contributorily infringe, and/or from actively inducing others to infringe the '625 patent.

20.

Pursuant to 35 U.S.C. §284, Plaintiff is entitled to judgment in its favor and against Defendant awarding all damages that Plaintiff has sustained due to Defendant's

infringement of the '625 patent, including increased damages in the amount of three times Plaintiff's actual damages, together with prejudgment and post-judgment interest, costs and expenses.

21.

This is an exceptional case under 35 U.S.C. §285 entitling Plaintiff to reasonable attorneys' fees.

22.

Plaintiff hereby demands a trial by jury according to Fed. Rule Civ. Pro. 38.

WHEREFORE, Plaintiff, Jam Strait, Inc., respectfully prays for judgment in its favor and against Defendant, Osram Sylvania, Inc., as follows: 1) Preliminarily and permanently enjoining Osram Sylvania from directly and contributorily infringing and/or inducing others to infringe the '625 patent; 2) awarding Jam Strait all damages that it has sustained due to Osram Sylvania's infringement of the '625 patent, including increased damages of three times the damages sustained, together with prejudgment and post-judgment interest, costs and expenses; 3) awarding Jam Strait attorneys' fees and any

further relief as the Court deems just or equitable under the circumstances.

RESPECTFULLY SUBMITTED,

/kenneth l. tolar/

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