

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

KONINKLIJKE PHILIPS N.V. and
PHILIPS SOLID-STATE LIGHTING
SOLUTIONS, INC.

Plaintiffs,

v.

JST PERFORMANCE, INC., d/b/a
RIGID INDUSTRIES,

Defendant.

Case No.: 6:14-cv- 1189-Orl-31GJK

COMPLAINT

(JURY TRIAL DEMANDED)

Plaintiffs Koninklijke Philips N.V. (“KPNV”) and Philips Solid-State Lighting Solutions, Inc. (“PSSL” and, together with KPNV, collectively, “Philips”) bring this complaint for patent infringement against Defendant JST Performance, Inc. d/b/a Rigid Industries (“Rigid”).

NATURE OF THE ACTION

1. This is an action for patent infringement under 35 U.S.C. § 271, *et seq.*, by Philips against Rigid for infringement of United States Patent Nos. 6,250,774 (“the ’774 patent”), 6,561,690 (“the ’690 patent”), 6,586,890 (“the ’890 patent”), 6,692,136 (“the ’136 patent”), 6,788,011 (“the ’011 patent”), 6,806,659 (“the ’659 patent”), 6,967,448 (“the ’448 patent”), 7,030,572 (“the ’572 patent”), 7,262,559 (“the ’559 patent”), 7,348,604 (“the ’604 patent”), and 7,566,155 (“the ’155 patent”) (collectively, the “patents-in-suit”).

THE PARTIES

2. Plaintiff Koninklijke Philips N.V., formerly known as Koninklijke Philips Electronics N.V., is a corporation organized and existing under the laws of the Netherlands, with a principal place of business at Breitner Center, Amstelplein 2, 1096 BC Amsterdam, The Netherlands.

3. Plaintiff Philips Solid-State Lighting Solutions, Inc. is a corporation organized and existing under the laws of Delaware, with a principal place of business at 3 Burlington Woods Drive, Burlington, Massachusetts 01803.

4. Upon information and belief, Defendant JST Performance, Inc. d/b/a Rigid Industries is a corporation organized and existing under the laws of Arizona, with a principal place of business at 779 N Colorado St., Gilbert, Arizona 85233.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

6. Upon information and belief, Rigid has made, used, provided, sold, offered to sell, imported, or distributed to others for such purposes, lighting products and systems employing light-emitting diodes (“LEDs”) for illumination (“LED Lighting Devices”) throughout the United States, including Florida and this judicial district.

7. Upon information and belief, Rigid maintains or has maintained continuous and systematic contacts with Florida and this judicial district and has committed tortious activity within the district.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b) because, *inter alia*, Rigid is subject to personal jurisdiction in this district.

FACTUAL BACKGROUND

9. Upon information and belief, Rigid's LED Lighting Devices include, without limitation, products in the A-Series, D-Series, E-Series, SR-Series, SR-M, SR-Q, RDS-Series, Q-Series, and Wake Flame product lines, and LED products that Rigid manufactures as a private label original equipment manufacturer for other lighting company customers. Rigid's LED Lighting Devices include, without limitation, dome lights, deck lights, driving lights, fog lights, light bars, spotlights, floodlights, diffused lights, and marine lighting products.

COUNT I: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,250,774

10. Philips incorporates by reference paragraphs 1-9 as if fully set forth herein.

11. On June 26, 2001, the United States Patent & Trademark Office ("Patent Office") duly and legally issued the '774 patent, entitled "Luminaire," to Simon H. A. Begemann et al. Plaintiff KPNV is the assignee and owner of the '774 patent.

12. A true and correct copy of the '774 patent is attached hereto as **Exhibit 1**.

13. Upon information and belief, Rigid is engaged in activities that infringe the '774 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its E-Series light bars, D-Series lights, and SR-M lights, in the United States.

14. Philips provided notice of the '774 patent to Rigid on or before February 12, 2013.

15. Upon information and belief, Rigid's infringement is deliberate, willful, and in reckless disregard of Philips' patent rights.

16. Philips has been and continues to be injured by the infringing activities of Rigid.

COUNT II: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,561,690

17. Philips incorporates by reference paragraphs 1-9 as if fully set forth herein.

18. On May 13, 2003, the Patent Office duly and legally issued the '690 patent, entitled "Luminaire Based on the Light Emission of Light-Emitting Diodes," to Christophe Balestrieri et al. Plaintiff KPNV is the assignee and owner of the '690 patent.

19. A true and correct copy of the '690 patent is attached hereto as **Exhibit 2**.

20. Upon information and belief, Rigid is engaged in activities that infringe the '690 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its E-Series light bars, D-Series lights, and SR-M lights, in the United States.

21. Philips provided notice of the '690 patent to Rigid on or before March 6, 2013.

22. Upon information and belief, Rigid's infringement is deliberate, willful, and in reckless disregard of Philips' patent rights.

23. Philips has been and continues to be injured by the infringing activities of Rigid.

COUNT III: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,586,890

24. Philips incorporates by reference paragraphs 1-9 as if fully set forth herein.

25. On July 1, 2003, the Patent Office duly and legally issued the '890 patent, entitled "LED Driver Circuit with PWM Output," to Young-Kee Min et al. Plaintiff KPNV is the assignee and owner of the '890 patent.

26. A true and correct copy of the '890 patent is attached hereto as **Exhibit 3**.

27. Upon information and belief, Rigid is engaged in activities that infringe the '890 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its E-Series light bars, D-Series lights, and SR-M lights, in the United States.

28. Philips provided notice of the '890 patent to Rigid on or before February 12, 2013.

29. Upon information and belief, Rigid's infringement is deliberate, willful, and in reckless disregard of Philips' patent rights.

30. Philips has been and continues to be injured by the infringing activities of Rigid.

COUNT IV: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,692,136

31. Philips incorporates by reference paragraphs 1-9 as if fully set forth herein.

32. On February 17, 2004, the Patent Office duly and legally issued the '136 patent, entitled "LED/Phosphor-LED Hybrid Lighting Systems," to Thomas M. Marshall et al. Plaintiff KPNV is the assignee and owner of the '136 patent.

33. A true and correct copy of the '136 patent is attached hereto as **Exhibit 4**.

34. Upon information and belief, Rigid is engaged in activities that infringe the '136 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its SR-Q RGBW and Wake Flame RGBW products, in the United States.

35. Philips provided notice of the '136 patent to Rigid on or before March 6, 2013.

36. Upon information and belief, Rigid's infringement is deliberate, willful, and in reckless disregard of Philips' patent rights.

37. Philips has been and continues to be injured by the infringing activities of Rigid.

COUNT V: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,788,011

38. Philips incorporates by reference paragraphs 1-9 as if fully set forth herein.

39. On September 7, 2004, the Patent Office duly and legally issued the '011 patent, entitled "Multicolored LED Lighting Method and Apparatus," to George G. Mueller et al. Plaintiff PSSL is the assignee and owner of the '011 patent.

40. A true and correct copy of the '011 patent is attached hereto as **Exhibit 5**.

41. Upon information and belief, Rigid is engaged in activities that infringe the '011 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its SR-Q RGBW and Wake Flame RGBW products, in the United States.

42. Philips provided notice of the '011 patent to Rigid on or before March 6, 2013.

43. Upon information and belief, Rigid's infringement is deliberate, willful, and in reckless disregard of Philips' patent rights.

44. Philips has been and continues to be injured by the infringing activities of Rigid.

COUNT VI: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,806,659

45. Philips incorporates by reference paragraphs 1-9 as if fully set forth herein.

46. On October 19, 2004, the Patent Office duly and legally issued the '659 patent, entitled "Multicolored LED Lighting Method and Apparatus," to George G. Mueller et al. Plaintiff PSSL is the assignee and owner of the '659 patent.

47. A true and correct copy of the '659 patent is attached hereto as **Exhibit 6**.

48. Upon information and belief, Rigid is engaged in activities that infringe the '659 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its SR-Q RGBW and Wake Flame RGBW products, in the United States.

49. Philips provided notice of the '659 patent to Rigid on or before March 6, 2013.

50. Upon information and belief, Rigid's infringement is deliberate, willful, and in reckless disregard of Philips' patent rights.

51. Philips has been and continues to be injured by the infringing activities of Rigid.

COUNT VII: PATENT INFRINGEMENT OF U.S. PATENT NO. 6,967,448

52. Philips incorporates by reference paragraphs 1-9 as if fully set forth herein.

53. On November 22, 2005, the Patent Office duly and legally issued the '448 patent, entitled "Methods and Apparatus for Controlling Illumination," to Frederick M. Morgan et al. Plaintiff PSSL is the assignee and owner of the '448 patent.

54. A true and correct copy of the '448 patent is attached hereto as **Exhibit 7**.

55. Upon information and belief, Rigid is engaged in activities that infringe the '448 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its SR-Q RGBW and Wake Flame RGBW products, in the United States.

56. Philips provided notice of the '448 patent to Rigid on or before March 6, 2013.

57. Upon information and belief, Rigid's infringement is deliberate, willful, and in reckless disregard of Philips' patent rights.

58. Philips has been and continues to be injured by the infringing activities of Rigid.

COUNT VIII: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,030,572

59. Philips incorporates by reference paragraphs 1-9 as if fully set forth herein.

60. On April 18, 2006, the Patent Office duly and legally issued the '572 patent, entitled "Lighting Arrangement," to Engbert Bernard Gerard Nijhof et al. Plaintiff KPNV is the assignee and owner of the '572 patent.

61. A true and correct copy of the '572 patent is attached hereto as **Exhibit 8**.

62. Upon information and belief, Rigid is engaged in activities that infringe the '572 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its E-Series light bars, D-Series lights, and SR-M lights, in the United States.

63. Upon information and belief, Rigid is aware of the '572 patent, at least as of the filing of this Complaint.

64. Philips has been and continues to be injured by the infringing activities of Rigid.

COUNT IX: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,262,559

65. Philips incorporates by reference paragraphs 1-9 as if fully set forth herein.

66. On August 28, 2007, the Patent Office duly and legally issued the '559 patent, entitled "LEDS Driver," to Ajay Tripathi et al. Plaintiff KPNV is the assignee and owner of the '559 patent.

67. A true and correct copy of the '559 patent is attached hereto as **Exhibit 9**.

68. Upon information and belief, Rigid is engaged in activities that infringe the '559 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its E-Series light bars, D-Series lights, and SR-M lights, in the United States.

69. Philips provided notice of the '559 patent to Rigid on or before February 12, 2013.

70. Upon information and belief, Rigid's infringement is deliberate, willful, and in reckless disregard of Philips' patent rights.

71. Philips has been and continues to be injured by the infringing activities of Rigid.

COUNT X: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,348,604

72. Philips incorporates by reference paragraphs 1-9 as if fully set forth herein.

73. On March 25, 2008, the Patent Office duly and legally issued the '604 patent, entitled "Light-Emitting Module," to George E. Matheson. Plaintiff KPNV is the assignee and owner of the '604 patent.

74. A true and correct copy of the '604 patent is attached hereto as **Exhibit 10**.

75. Upon information and belief, Rigid is engaged in activities that infringe the '604 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its E-Series light bars, D-Series lights, and SR-M lights, in the United States.

76. Upon information and belief, Rigid is aware of the '604 patent, at least as of the filing of this Complaint.

77. Philips has been and continues to be injured by the infringing activities of Rigid.

COUNT XI: PATENT INFRINGEMENT OF U.S. PATENT NO. 7,566,155

78. Philips incorporates by reference paragraphs 1-9 as if fully set forth herein.

79. On July 28, 2009, the Patent Office duly and legally issued the '155 patent, entitled "LED Light System," to Josef Andreas Schug et al. Plaintiff KPNV is the assignee and owner of the '155 patent.

80. A true and correct copy of the '155 patent is attached hereto as **Exhibit 11**.

81. Upon information and belief, Rigid is engaged in activities that infringe the '155 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling and/or importing LED Lighting Devices, including without limitation its E-Series Diffused light bars, D-Series Diffused lights, and SR-M Diffused lights, in the United States.

82. Upon information and belief, Rigid is aware of the '155 patent, at least as of the filing of this Complaint.

83. Philips has been and continues to be injured by the infringing activities of Rigid.

PRAYER FOR RELIEF

WHEREFORE, Philips respectfully requests the following relief:

(a) a declaration that Rigid infringes the patents-in-suit and a final judgment incorporating same;

(b) entry of preliminary and/or permanent equitable relief, including but not limited to a preliminary and/or permanent injunction that enjoins Rigid and any of its officers, agents, employees, assigns, representatives, privies, successors, and those acting in concert or participation with them from infringing and/or inducing infringement of the patents-in-suit;

(c) an award of damages sufficient to compensate Philips for infringement of the patents-in-suit by Rigid, together with prejudgment and post-judgment interest;

(d) a declaration or order finding that Rigid's infringement is willful and/or an order increasing damages under 35 U.S.C. § 284;

(e) a judgment holding that this is an exceptional case under 35 U.S.C. § 285 and awarding Philips its reasonable attorneys' fees, costs, and expenses; and

(f) such other relief deemed just and proper.

JURY DEMAND

Under Rule 38 of the Federal Rules of Civil Procedure, Philips hereby demands trial by jury of all issues so triable by a jury in this action.

Dated: July 23, 2014

/s/ Thomas A. Zehnder

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**(Motion to Appear Pro Hac Vice Forthcoming)*

Counsel for Plaintiffs

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Exhibit Index to Plaintiffs' Complaint

<u>Exhibit</u>	<u>Description</u>
1	'774 Patent
2	'690 Patent
3	'890 Patent
4	'136 Patent
5	'011 Patent
6	'659 Patent
7	'448 Patent
8	'572 Patent
9	'559 Patent
10	'604 Patent
11	'155 Patent