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21 *Attorneys for Plaintiff Harvatek Corp.*

22 **IN THE UNITED STATES DISTRICT COURT
23 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

24 HARVATEK CORPORATION

25 Plaintiff,

26 v.

27 CREE, INC., CREE HONG KONG
LIMITED and CREE SHANGHAI OPTO
DEVELOPMENT LIMITED,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff Harvatek Corporation (“Harvatek” or “Plaintiff”), for its Complaint against Defendant Cree, Inc., Cree Hong Kong Limited, and Cree Shanghai Opto Development Limited (collectively referred to as “Defendants”), alleges the following:

1 **NATURE OF THE ACTION**

2 2. This is an action for patent infringement arising under the Patent Laws of the United
3 States, 35 U.S.C. § 1 *et seq.*

4 **THE PARTIES**

5 3. Plaintiff Harvatek is a company is organized under the laws of Taiwan and its
6 principal place of business is No. 18, Lane 522, Sec. 5, Chung Hwa Road, Hsinchu City 30094,
7 Taiwan (R.O.C.). A Harvatek affiliate, Inolux Corporation, d/b/a Harvatek Technologies,
8 maintains a place of business at 3350 Scott Blvd. Bldg. 41-01, Santa Clara, CA 95054.

9 4. Upon information and belief, Defendant Cree, Inc. is a corporation organized and
10 existing under the laws of North Carolina, with a place of business at 340 Storke Road, Goleta,
11 CA 93117 and a place of business at 4600 Silicon Drive, Durham, North Carolina 27703 U.S.A.
12 Upon information and belief, Defendant sells and offers to sell products and services throughout
13 the United States, including in this judicial district, and introduces products and services that
14 perform infringing processes into the stream of commerce knowing that they would be sold in
15 this judicial district and elsewhere in the United States.

16 5. Upon information and belief, Cree Hong Kong Limited is a corporation organized
17 and existing under the laws of Hong Kong, with a place of business at 12F, No.657, Bannan
18 Road, Zhonghe District, New Taipei City, Taiwan (R.O.C.) 235 and a place of business at 6th-
19 8th Floor, Green 18, 18 Science Park East Avenue, Hong Kong Science Park, Shatin, New
20 Territories, Hong Kong. Upon information and belief, Defendant sells and offers to sell products
21 and services throughout the United States, including in this judicial district, and introduces
22 products and services that perform infringing processes into the stream of commerce knowing
23 that they would be sold in this judicial district and elsewhere in the United States.

24 6. Upon information and belief, Cree Shanghai Opto Development Limited is a
25 corporation organized and existing under the laws of People's Republic of China, with a place of
26 business at 16/F, Block 1, Universal Hi-Tech Plaza No. 958 Zhenbei Road, Shanghai, 200333
27 and a place of business at Unit 2.3.4, 7/F, Huanggang Commercial Center No. 2028 Jintian

1 Road, Futian CBD, Shenzhen, 518033. Upon information and belief, Defendant sells and offers
2 to sell products and services throughout the United States, including in this judicial district, and
3 introduces products and services that perform infringing processes into the stream of commerce
4 knowing that they would be sold in this judicial district and elsewhere in the United States.

5 **JURISDICTION AND VENUE**

6 7. This is an action for patent infringement arising under the Patent Laws of the
7 United States, Title 35 of the United States Code.

8 8. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

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

10 10. Upon information and belief, each Defendant conducts substantial business in this
11 forum, directly or through intermediaries, including: (i) at least a portion of the infringements
12 alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses
13 of conduct and/or deriving substantial revenue from goods and services provided to individuals
14 and business in California. Further, this Court has personal jurisdiction over Cree, Inc. because
15 it has purposely availed itself of the privileges and benefits of the laws of the State of California,
16 at least by maintaining a facility in Gotela, California.

17 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,079,737**

18 11. The allegations set forth in the foregoing paragraphs 1 through 10 are
19 incorporated into this First Claim for Relief.

20 12. On December 20, 2011, U.S. Patent No. 8,079,737 (“the ’737 patent”), entitled
21 “Reflection-Type Light-Emitting Module with High Heat-Dissipating and High Light-
22 Generating Efficiency,” was duly and legally issued by the United States Patent and Trademark
23 Office. A true and correct copy of the ’737 patent is attached as Exhibit 1.

24 13. Harvatek is the assignee and owner of all right, title and interest in and to the ’737
25 patent, including the right to assert all causes of action arising under said patent and the right to
26 any remedies for infringement of it.

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1 14. Upon information and belief, each Defendant has and continues to directly
2 infringe one or more claims of the '737 patent under 35 U.S.C. § 271, including at least claims 1,
3 2, 4, 5, 8, 9, 15, and 17, by making, using, selling, importing and/or providing and causing to be
4 used LED products such as the CREE LRP-28 series LED lamp.

5 15. Harvatek has been harmed by each Defendant's infringing activities.

6 **JURY DEMAND**

7 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Harvatek demands a trial by
8 jury on all issues triable as such.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff Harvatek demands judgment for itself and against Defendants as
11 follows:

12 A. An adjudication that each Defendant has infringed '737 patent;

13 B. An award of damages to be paid by Defendants adequate to compensate Harvatek
14 for each Defendant's past infringement of the '737 patent, and any continuing or future
15 infringement through the date such judgment is entered, including interest, costs, expenses and
16 an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

17 C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of
18 Plaintiff's reasonable attorneys' fees; and

19 D. An award to Harvatek of such further relief at law or in equity as the Court deems
20 just and proper.

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Dated: 12/5/2014

/s/ Seth W. Wiener
Seth W. Wiener

Attorneys for Plaintiff Harvatek Corp.