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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12

13	EPISTAR CORPORATION,	)	CASE NO.: 2:17-cv-03219
14		)	
14	Plaintiff,	)	COMPLAINT FOR PATENT
15		)	INFRINGEMENT
15	v.	)	
16		)	
16		)	<b>JURY TRIAL DEMANDED</b>
17	Lowe's Companies, Inc.,	)	
17	Lowe's Home Centers, LLC	)	
18		)	
18	Defendants.	)	
19		)	
20		)	
20		)	

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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  
25 Lowe's Companies, Inc. and Lowe's Home Centers, LLC (collectively "Lowe's"  
26 or "Defendants"), on personal knowledge as to Epistar's own actions and on  
27 information and belief as to the actions of others, as follows:

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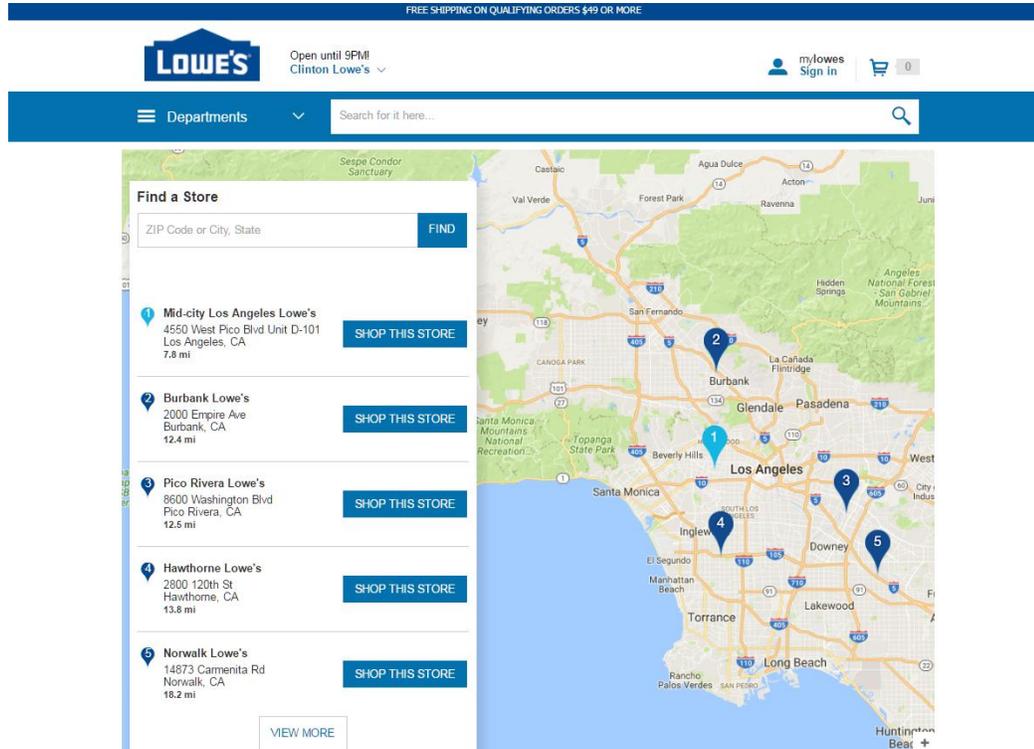


Figure 1.



Figure 2.

1           9. Defendants partner to sell infringing Kichler branded products in  
2 the store located within this District at 4550 West Pico Blvd. Unit D-101, Los  
3 Angeles, CA, 90019. See Figures 3-5.



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**Figure 3.**



**Figure 4.**

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**Figure 5.**

10. Defendants partners to sell infringing Kichler branded products and Utilitech branded products by accessing Lowe’s website in this District. *See e.g.*, Figure 6, available at <https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781> (last visited Mar. 9, 2017); Figure 7, available at <https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-Light-Fixture-Light-Bulb/999957715> (last accessed Apr. 25, 2017); Kichler at Lowe’s, available at <https://www.lowes.com/b/kichler.html> (last accessed Mar. 9, 2017) (“Kichler and Lowe’s are here to help you find the best lighting plan for your home.”); Figures 2-4.

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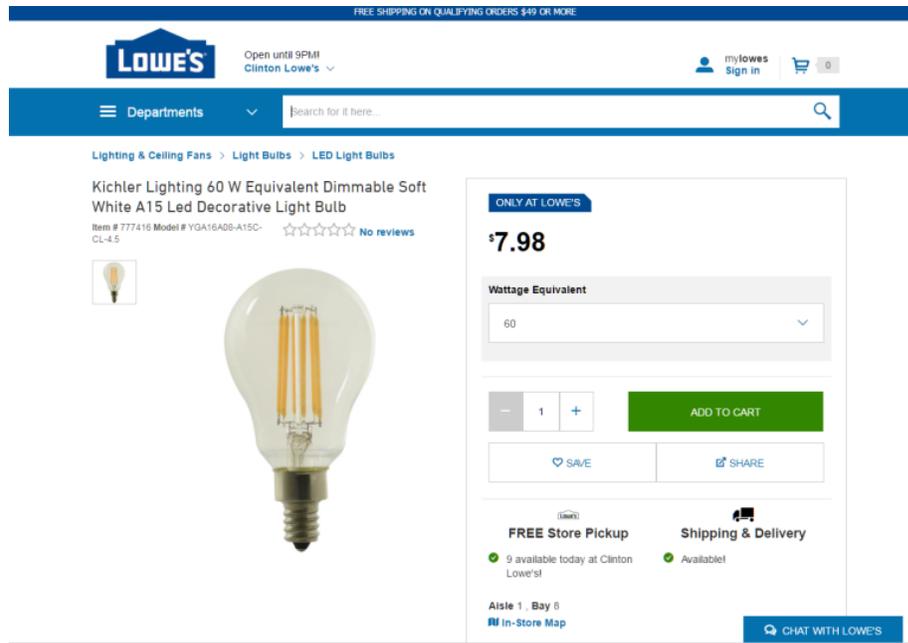


Figure 6.

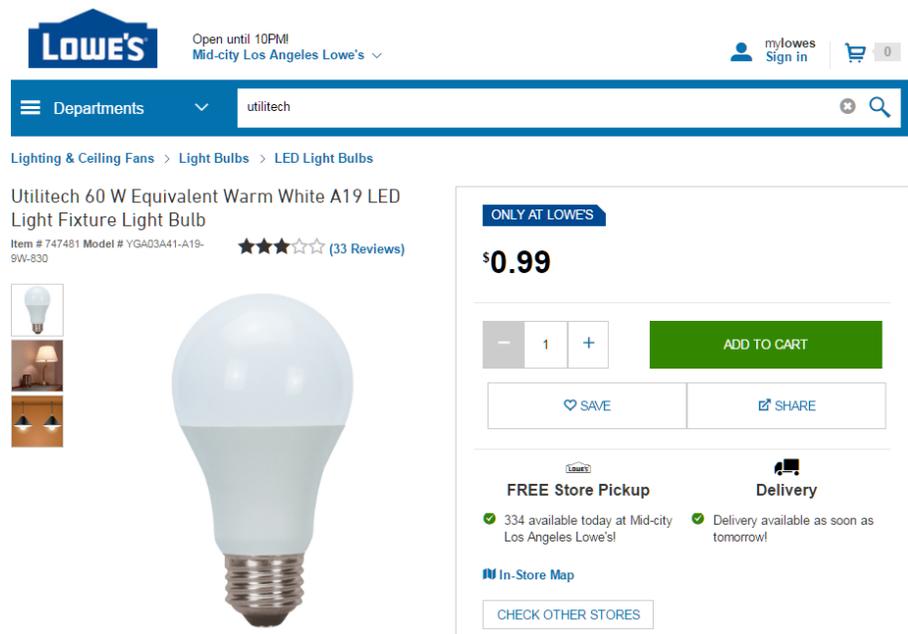


Figure 7.

11. Because Defendants have availed themselves of the privileges of conducting activities in this District, Defendants are subject to personal jurisdiction in this District.



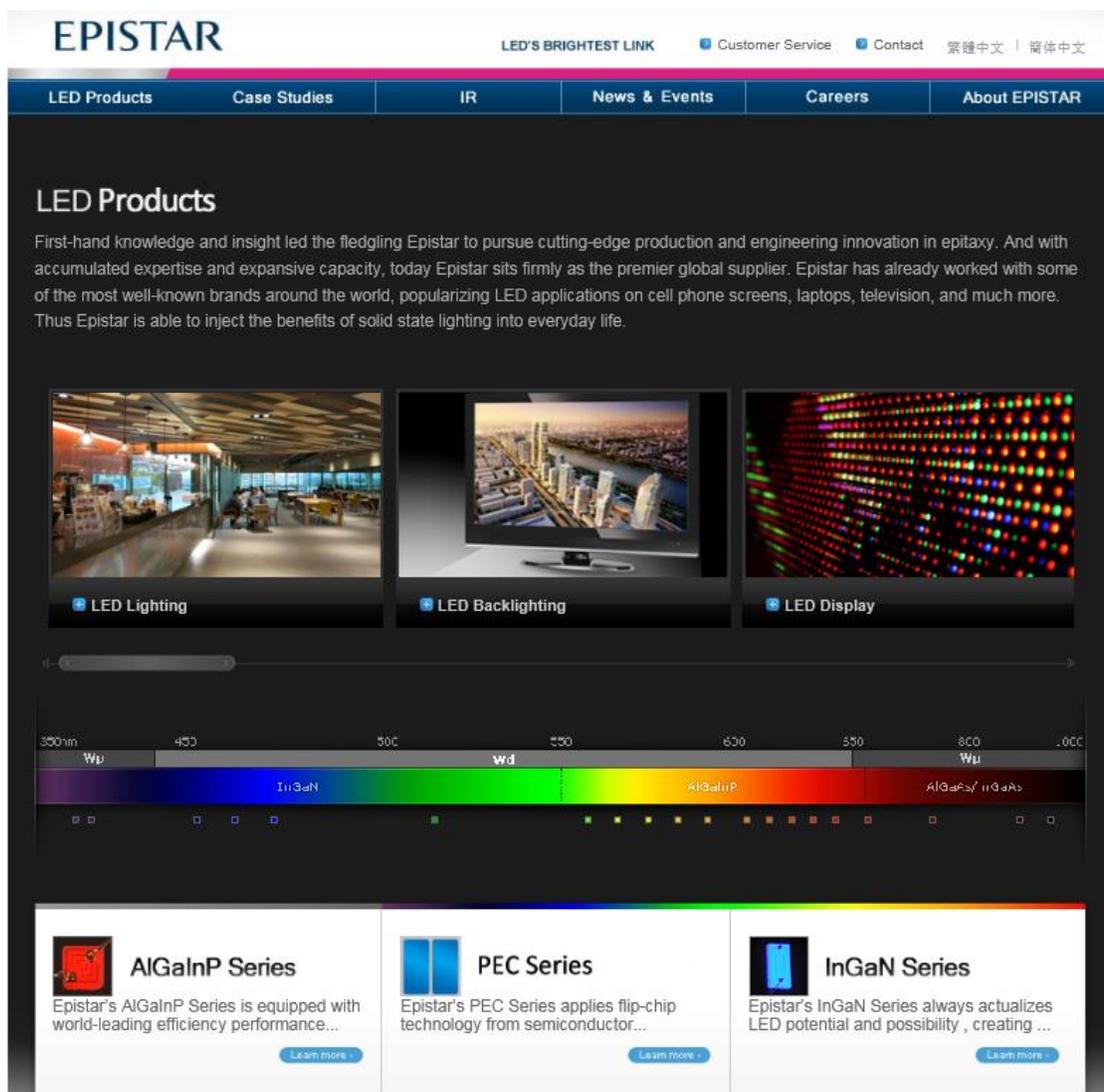


Figure 8.

17. Epistar is one of the largest manufacturers of light-emitting diodes (LEDs) in the world, with approximately 4,100 employees and millions of U.S. dollars invested annually in research and development work. To date, Epistar’s investment has resulted in over 3,000 patents.

**Lowe’s Companies, Inc. and Lowe’s Home Centers, LLC**

18. Defendant LCI is headquartered in Mooresville, North Carolina.

19. Defendant LHC is headquartered in North Wilkesboro, North Carolina.

1           20.       Defendants have, and continue to, offer for sale and sell infringing  
2 LED bulbs since at least as early as 2016, including, but not limited to, the Kichler  
3 Lighting 60 W Equivalent Dimmable Soft White A15 Led Decorative Light Bulb  
4 (Manufacturer Part Number: YGA16A08-A15C-CL-5W), UTILITECH 60 W  
5 Equivalent Warm White A19 LED Light Fixture Light Bulb (Manufacturer Part  
6 Number: YGA03A41-A19-9W-830), and similar products (the “Accused  
7 Products”). *See e.g.*, [https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-](https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781)  
8 [Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781](https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781) (last accessed  
9 Mar. 9, 2017); [https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-](https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-Light-Fixture-Light-Bulb/999957715)  
10 [White-A19-LED-Light-Fixture-Light-Bulb/999957715](https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-Light-Fixture-Light-Bulb/999957715) (last accessed Apr. 25,  
11 2017); *see also* [https://www.lowes.com/l/led-](https://www.lowes.com/l/led-lighting.html?searchTerm=led%20lighting)  
12 [lighting.html?searchTerm=led%20lighting](https://www.lowes.com/l/led-lighting.html?searchTerm=led%20lighting) (last accessed Mar. 9, 2017) (“At  
13 Lowe’s, we have a full selection of LED lighting for all your needs, inside or  
14 out.”).

15           21.       The Accused Products contain a variety of electrical components  
16 used to control various aspects of the operation of the LED bulb. The Accused  
17 Products are assembled with pre-configured electrical components.

18           22.       As its web page explains, the Kichler Lighting 60 W Equivalent  
19 Dimmable Soft White A15 LED Decorative Light Bulb has “[d]immable,  
20 customizable levels of brightness to set your desired ambient lighting mood” with  
21 a “[u]nique strand-style LED arrangement [that] provides a classic replica of  
22 antique light bulbs.” *See* [https://www.lowes.com/pd/Kichler-Lighting-60-W-](https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781)  
23 [Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781](https://www.lowes.com/pd/Kichler-Lighting-60-W-Equivalent-Dimmable-Soft-White-A15-LED-Decorative-Light-Bulb/1000115781)  
24 (last accessed Mar. 9, 2017).

25           23.       The Kichler Lighting 60 W Equivalent Dimmable Soft White A15  
26 LED Decorative Light Bulb retails for around \$8 per LED bulb.

27           24.       As its web page explains, the UTILITECH 60 W Equivalent Warm  
28 White A19 LED Light Fixture Light Bulb “[i]ncludes one 9-watt (60-watt

1 equivalent) warm white A19 LED bulb” that “[l]asts for 2,000 hours.” See  
2 [https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-](https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-Light-Fixture-Light-Bulb/999957715)  
3 [Light-Fixture-Light-Bulb/999957715](https://www.lowes.com/pd/Utilitech-60-W-Equivalent-Warm-White-A19-LED-Light-Fixture-Light-Bulb/999957715) (last accessed Apr. 25, 2017).

4 25. The UTILITECH 60 W Equivalent Warm White A19 LED Light  
5 Fixture Light Bulb retails for around \$1 per LED bulb.

### 6 **The Commercial LED Market**

7 26. With constant innovation in emission efficiency and product design  
8 by companies like Epistar, the commercial LED industry is still growing at a  
9 promising rate. Industry reports indicate that “LED Lighting market to Worth  
10 USD 33.1B as Market Penetration Rate Hit 52% by 2017.”

11 [http://www.ledinside.com/intelligence/2016/11/ledinside\\_led\\_lighting\\_market\\_to](http://www.ledinside.com/intelligence/2016/11/ledinside_led_lighting_market_to_worth_usd_33_1b_as_market_penetration_rate_hit_52_by_2017)  
12 [worth\\_usd\\_33\\_1b\\_as\\_market\\_penetration\\_rate\\_hit\\_52\\_by\\_2017](http://www.ledinside.com/intelligence/2016/11/ledinside_led_lighting_market_to_worth_usd_33_1b_as_market_penetration_rate_hit_52_by_2017) (last accessed  
13 March 14, 2017). “In addition, American major manufacturers are actively  
14 developing LED lighting business, with the rising LED lighting penetration rate.”  
15 *Id.*

### 16 **The Patents-in-Suit**

17 27. The Patents-in-Suit represent key achievements of Epistar’s  
18 continuous research and development efforts. These patents enhance the  
19 performance of LED filament bulbs and, as a result, help drive demand for  
20 Epistar’s products.

21 28. On February 12, 2002, the United States Patent and Trademark  
22 Office duly and legally issued U.S. Patent No. 6,346,771 (“the ’771 patent”),  
23 entitled “High Power LED Lamp,” to Hassan Paddy Abdel Salam. Epistar is the  
24 owner of the ’771 patent. A true and correct copy of the ’771 patent is attached  
25 hereto as Exhibit 1.

26 29. On July 14, 2009, the United States Patent and Trademark Office  
27 duly and legally issued U.S. Patent No. 7,560,738 (“the ’738 patent”), entitled  
28 “Light-Emitting Diode Array Having An Adhesive Layer,” to Wen-Huang Liu.

1 Epistar is the owner of the '738 patent. A true and correct copy of the '738 patent  
2 is attached hereto as Exhibit 2.

3 30. On July 29, 2014, the United States Patent and Trademark Office  
4 duly and legally issued U.S. Patent No. 8,791,467 ("the '467 patent"), entitled  
5 "Light Emitting Diode And Method Of Making The Same," to Kuang-Neng Yang.  
6 Epistar is the owner of the '467 patent. A true and correct copy of the '467 patent  
7 is attached hereto as Exhibit 3.

8 31. On July 23, 2013, the United States Patent and Trademark Office  
9 duly and legally issued U.S. Patent No. 8,492,780 ("the '780 patent"), entitled  
10 "Light-Emitting Device and Manufacturing Method Thereof," to Chen Ke Hsu,  
11 Win Jim Su, Chia-Ming Chuang, and Chen Ou. Epistar is the owner of the '780  
12 patent. A true and correct copy of the '780 patent is attached hereto as Exhibit 4.

13 32. On November 19, 2013, the United States Patent and Trademark  
14 Office duly and legally issued U.S. Patent No. 8,587,020 ("the '020 patent"),  
15 entitled "LED Lamps," to Salam Hassan. Epistar is the owner of the '020 patent.  
16 A true and correct copy of the '020 patent is attached hereto as Exhibit 5.

17 33. Since early 2016 Epistar has directly communicated on multiple  
18 occasions to Defendants that the Accused Products infringe Epistar's patents.  
19 Defendants had actual knowledge of the asserted '771 patent, '738 patent, '780  
20 patent and '020 patent and/or their respective applications at least as of April 7,  
21 2016. Defendants had actual knowledge of the asserted '467 patent and/or its  
22 respective applications at least as of November 9, 2016. Despite this actual  
23 knowledge, and without communicating any theory of noninfringement or making  
24 any good-faith efforts to avoid infringing the Patents-in-Suit, Defendants continued  
25 to infringe, and profit from, the Accused products. Defendants actively,  
26 knowingly, and intentionally sell and offer to sell the Accused Products that  
27 infringe on the Patents-in-Suit.

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**FIRST CAUSE OF ACTION**

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

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

4 35. Defendants have infringed, either literally and/or under the doctrine  
5 of equivalents, one or more claims of the '771 patent, and continue to infringe in  
6 this District, by making, using, selling, offering for sale, and/or importing into the  
7 United States products including, but not limited to, the Kichler Lighting 60 W  
8 Equivalent Dimmable Soft White A15 LED Decorative Light Bulb, without the  
9 permission of Epistar. Defendants are thus liable for direct infringement of the  
10 '771 patent pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing  
11 Defendants' infringement of at least claim 38 of the '771 patent is attached as  
12 Exhibit 6.

13 36. Defendants had pre-suit knowledge of the '771 patent and that the  
14 products and systems identified herein infringe, either literally and/or under the  
15 doctrine of equivalents, one or more claims of the '771 patent. Defendants have  
16 knowingly and intentionally induced and encouraged the direct infringement of the  
17 '771 patent by Defendants' customers, resellers, retailers, and end users by  
18 intentionally directing them and encouraging them to make, use, sell, and/or offer  
19 to sell within the United States and/or to import into the United States one or more  
20 devices that embody the patented invention and that incorporate the accused  
21 products and systems identified above. On information and belief, Defendants  
22 provide support to instruct their customers on how to use the infringing  
23 technology. Defendants are therefore liable for indirect infringement of the '771  
24 patent pursuant to 35 U.S.C. § 271(b).

25 37. Defendants had pre-suit knowledge of the '771 patent and that the  
26 products and systems identified infringe, either literally and/or under the doctrine  
27 of equivalents, one or more claims of the '771 patent. Defendants have and  
28 continue to contributorily infringe, and will continue to contributorily infringe,

1 either literally and/or under the doctrine of equivalents, one or more claims of the  
2 '771 patent. Defendants have knowingly and intentionally contributorily infringed  
3 the '771 patent by offering to sell, selling, and/or importing into the United States a  
4 component constituting a material part of the invention disclosed in the '771  
5 patent, knowing the same to be made or adapted specifically for use in the  
6 infringement of the '771 patent, and not a staple article or commodity of commerce  
7 suitable for substantial non-infringing use. Defendants are therefore liable for  
8 indirect infringement of the '771 patent pursuant to 35 U.S.C. § 271(c).

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

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

18 **SECOND CAUSE OF ACTION**

19 **(Infringement of U.S. Patent No. 7,560,738)**

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

22 41. Defendants have infringed, either literally and/or under the doctrine  
23 of equivalents, one or more claims of the '738 patent, and continue to infringe in  
24 this District by making, using, selling, offering for sale, and/or importing into the  
25 United States products including, but not limited to, the Kichler Lighting 60 W  
26 Equivalent Dimmable Soft White A15 LED Decorative Light Bulb, without the  
27 permission of Epistar. Defendants are thus liable for direct infringement of the  
28 '738 patent pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing

1 Defendants' infringement of at least claim 1 of the '738 patent is attached as  
2 Exhibit 7.

3 42. Defendants had pre-suit knowledge of the '738 patent and that the  
4 products and systems identified herein infringe, either literally and/or under the  
5 doctrine of equivalents, one or more claims of the '738 patent. Defendants have  
6 knowingly and intentionally induced and encouraged the direct infringement of the  
7 '738 patent by Defendants' customers, resellers, retailers, and end users by  
8 intentionally directing them and encouraging them to make, use, sell, and/or offer  
9 to sell within the United States and/or to import into the United States one or more  
10 devices that embody the patented invention, and that incorporate the accused  
11 products and systems identified above. On information and belief, Defendants  
12 provide support to instruct its customers on how to use the infringing technology.  
13 Defendants are therefore liable for indirect infringement of the '738 patent  
14 pursuant to 35 U.S.C. § 271(b).

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

27 44. Unless enjoined by this Court, Defendants will continue to infringe  
28 the '738 patent, and Epistar will continue to suffer irreparable harm for which there

1 is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and  
2 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

3 45. Defendants acted in a manner that was willful, malicious, in bad-  
4 faith, deliberate, consciously wrongful, or flagrant. As a result of Defendants'  
5 infringement of the '738 patent, Epistar has been and continues to be irreparably  
6 injured in its business and property rights, and is entitled to recover damages for  
7 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

8 **THIRD CAUSE OF ACTION**

9 **(Infringement of U.S. Patent No. 8,791,467)**

10 46. Epistar repeats and re-alleges the allegations of paragraphs 1  
11 through 45 in their entirety.

12 47. Defendants have infringed, either literally and/or under the doctrine  
13 of equivalents, one or more claims of the '467 patent and continues to infringe in  
14 this District, by making, using, selling, offering for sale, and/or importing into the  
15 United States products including, but not limited to, the Kichler Lighting 60 W  
16 Equivalent Dimmable Soft White A15 LED Decorative Light Bulb, without the  
17 permission of Epistar. Defendants are thus liable for direct infringement of the  
18 '467 patent pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing  
19 Defendants' infringement of at least claim 1 of the '467 patent is attached as  
20 Exhibit 8.

21 48. Defendants had pre-suit knowledge of the '467 patent and that the  
22 products and systems identified herein infringe, either literally and/or under the  
23 doctrine of equivalents, one or more claims of the '467 patent. Defendants have  
24 knowingly and intentionally induced and encouraged the direct infringement of the  
25 '467 patent by Defendants' customers, resellers, retailers, and end users by  
26 intentionally directing them and encouraging them to make, use, sell, and/or offer  
27 to sell within the United States and/or to import into the United States one or more  
28 devices that embody the patented invention and that incorporate the accused

1 products and systems identified above. On information and belief, Defendants  
2 provide support to instruct their customers on how to use the infringing  
3 technology. Defendants are therefore liable for indirect infringement of the '467  
4 patent pursuant to 35 U.S.C. § 271(b).

5 49. Defendants had pre-suit knowledge of the '467 patent and that the  
6 products and systems identified infringe, either literally and/or under the doctrine  
7 of equivalents, one or more claims of the '467 patent. Defendants have and  
8 continue to contributorily infringe, and will continue to contributorily infringe,  
9 either literally and/or under the doctrine of equivalents, one or more claims of the  
10 '467 patent. Defendants have knowingly and intentionally contributorily infringed  
11 the '467 patent by offering to sell, selling, and/or importing into the United States a  
12 component constituting a material part of the invention disclosed in the '467  
13 patent, knowing the same to be made or adapted specifically for use in the  
14 infringement of the '467 patent, and not a staple article or commodity of commerce  
15 suitable for substantial non-infringing use. Defendants are therefore liable for  
16 indirect infringement of the '467 patent pursuant to 35 U.S.C. § 271(c).

17 50. Unless enjoined by this Court, Defendants will continue to infringe  
18 the '467 patent, and Epistar will continue to suffer irreparable harm for which there  
19 is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and  
20 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

21 51. Defendants acted in a manner that was willful, malicious, in bad-  
22 faith, deliberate, consciously wrongful, or flagrant. As a result of Defendants'  
23 infringement of the '467 patent, Epistar has been and continues to be irreparably  
24 injured in its business and property rights, and is entitled to recover damages for  
25 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

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**FOURTH CAUSE OF ACTION**

**(Infringement of U.S. Patent No. 8,492,780)**

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3 52. Epistar repeats and re-alleges the allegations of paragraphs 1  
4 through 51 in their entirety.

5 53. Defendants have infringed, either literally and/or under the doctrine  
6 of equivalents, one or more claims of the '780 patent and continue to infringe in  
7 this District, by making, using, selling, offering for sale, and/or importing into the  
8 United States products including, but not limited to, the Kichler Lighting 60 W  
9 Equivalent Dimmable Soft White A15 LED Decorative Light Bulb and the  
10 UTILITECH 60 W Equivalent Warm White A19 LED Light Fixture Light Bulb,  
11 without the permission of Epistar. Defendants are thus liable for direct  
12 infringement of the '780 patent pursuant to 35 U.S.C. § 271(a). A representative  
13 claim chart detailing Defendants' infringement of at least claim 1 of the '780  
14 patent is attached as Exhibit 9.

15 54. Defendants had pre-suit knowledge of the '780 patent and that the  
16 products and systems identified herein infringe, either literally and/or under the  
17 doctrine of equivalents, one or more claims of the '780 patent. Defendants have  
18 knowingly and intentionally induced and encouraged the direct infringement of the  
19 '780 patent by Defendants' customers, resellers, retailers, and end users by  
20 intentionally directing them and encouraging them to make, use, sell, and/or offer  
21 to sell within the United States and/or to import into the United States one or more  
22 devices that embody the patented invention and that incorporate the accused  
23 products and systems identified above. On information and belief, Defendants  
24 provide support to instruct their customers on how to use the infringing  
25 technology. Defendants are therefore liable for indirect infringement of the '780  
26 patent pursuant to 35 U.S.C. § 271(b).

27 55. Defendants had pre-suit knowledge of the '780 patent and that the  
28 products and systems identified infringe, either literally and/or under the doctrine

1 of equivalents, one or more claims of the '780 patent. Defendants have and  
2 continue to contributorily infringe, and will continue to contributorily infringe,  
3 either literally and/or under the doctrine of equivalents, one or more claims of the  
4 '780 patent. Defendants have knowingly and intentionally contributorily infringed  
5 the '780 patent by offering to sell, selling, and/or importing into the United States a  
6 component constituting a material part of the invention disclosed in the '780  
7 patent, knowing the same to be made or adapted specifically for use in the  
8 infringement of the '780 patent, and not a staple article or commodity of commerce  
9 suitable for substantial non-infringing use. Defendants are therefore liable for  
10 indirect infringement of the '780 patent pursuant to 35 U.S.C. § 271(c).

11 56. Unless enjoined by this Court, Defendants will continue to infringe  
12 the '780 patent, and Epistar will continue to suffer irreparable harm for which there  
13 is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and  
14 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

15 57. Defendants acted in a manner that was willful, malicious, in bad-  
16 faith, deliberate, consciously wrongful, or flagrant. As a result of Defendants'  
17 infringement of the '780 patent, Epistar has been and continues to be irreparably  
18 injured in its business and property rights, and is entitled to recover damages for  
19 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

#### 20 **FIFTH CAUSE OF ACTION**

#### 21 **(Infringement of U.S. Patent No. 8,587,020)**

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

24 59. Defendants have infringed, either literally and/or under the doctrine  
25 of equivalents, one or more claims of the '020 patent and continues to infringe in  
26 this District, by making, using, selling, offering for sale, and/or importing into the  
27 United States products including, but not limited to, the Kichler Lighting 60 W  
28 Equivalent Dimmable Soft White A15 LED Decorative Light Bulb and the

1 UTILITECH 60 W Equivalent Warm White A19 LED Light Fixture Light Bulb,  
2 without the permission of Epistar. Defendants are thus liable for direct  
3 infringement of the '020 patent pursuant to 35 U.S.C. § 271(a). A representative  
4 claim chart detailing Defendants' infringement of at least claim 1 of the '020  
5 patent is attached as Exhibit 10.

6 60. Defendants had pre-suit knowledge of the '020 patent and that the  
7 products and systems identified herein infringe, either literally and/or under the  
8 doctrine of equivalents, one or more claims of the '020 patent. Defendants have  
9 knowingly and intentionally induced and encouraged the direct infringement of the  
10 '020 patent by Defendants' customers, resellers, retailers, and end users by  
11 intentionally directing them and encouraging them to make, use, sell, and/or offer  
12 to sell within the United States and/or to import into the United States one or more  
13 devices that embody the patented invention and that incorporate the accused  
14 products and systems identified above. On information and belief, Defendants  
15 provide support to instruct their customers on how to use the infringing  
16 technology. Defendants are therefore liable for indirect infringement of the '020  
17 patent pursuant to 35 U.S.C. § 271(b).

18 61. Defendants had pre-suit knowledge of the '020 patent and that the  
19 products and systems identified infringe, either literally and/or under the doctrine  
20 of equivalents, one or more claims of the '020 patent. Defendants have and  
21 continue to contributorily infringe, and will continue to contributorily infringe,  
22 either literally and/or under the doctrine of equivalents, one or more claims of the  
23 '020 patent. Defendants have knowingly and intentionally contributorily infringed  
24 the '020 patent by offering to sell, selling, and/or importing into the United States a  
25 component constituting a material part of the invention disclosed in the '020  
26 patent, knowing the same to be made or adapted specifically for use in the  
27 infringement of the '020 patent, and not a staple article or commodity of commerce  
28

1 suitable for substantial non-infringing use. Defendants are therefore liable for  
2 indirect infringement of the '020 patent pursuant to 35 U.S.C. § 271(c).

3 62. Unless enjoined by this Court, Defendants will continue to infringe  
4 the '020 patent, and Epistar will continue to suffer irreparable harm for which there  
5 is no adequate remedy at law. Accordingly, Epistar is entitled to preliminary and  
6 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

7 Defendants acted in a manner that was willful, malicious, in bad-faith,  
8 deliberate, consciously wrongful, or flagrant. As a result of Defendants'  
9 infringement of the '020 patent, Epistar has been and continues to be irreparably  
10 injured in its business and property rights, and is entitled to recover damages for  
11 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff requests entry of judgment in its favor and against  
14 Defendants as follows:

15 a. That Defendants are liable for infringement, contributing to the  
16 infringement, and/or inducing the infringement of one or more claims of the  
17 Patents-in-Suit, as alleged herein;

18 b. That such infringement is willful;

19 c. That Defendants and their parents, subsidiaries, affiliates, successors,  
20 predecessors, assigns, and the officers, directors, agents, servants, and employees  
21 of each of the foregoing, customers and/or licensees and those persons acting in  
22 concert or participation with any of them, are enjoined and restrained from  
23 continued infringement, including but not limited to using, making, importing,  
24 offering for sale and/or selling products that infringe, and from contributorily  
25 and/or inducing the infringement of the Patents-in-Suit prior to their expiration,  
26 including any extensions;

27 d. An Order directing Defendants to file with this Court and serve upon  
28 Plaintiff's counsel within 30 days after the entry of the Order of Injunction a report

1 setting forth the manner and form in which Defendants have complied with the  
2 injunction;

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

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

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

12 h. Costs and expenses in this action;

13 i. Such other and further relief, in law and in equity, as this Court may  
14 deem just and appropriate.

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20 Dated: April 28, 2017

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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

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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: April 28, 2017

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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

Attorney for Epistar Corporation

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