

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

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U.S. DISTRICT COURT  
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TEXAS EASTERN

**LITEPANELS, LTD and  
LITEPANELS, INC.,**  
  
**Plaintiffs,**  
  
v.  
  
**SWITRONIX, INC.,  
PROMPTER PEOPLE, INC. d/b/a  
Q-GEAR, and  
OMEGA BROADCAST GROUP, L.P.**  
  
**Defendants.**

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Case No. 6:09cv171

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Litepanels, LTD and Litepanels, Inc. file this Complaint For Patent Infringement of United States Patent No. 6,948,823, a copy of which is attached as Exhibit “A”, United States Patent No. 7,163,302, a copy of which is attached as Exhibit “B”, United States Patent No. 7,429,117, a copy of which is attached as Exhibit “C”, and United States Patent No, 7,510,290, a copy of which is attached as Exhibit “D,” under 35 U.S.C. § 271, and hereby demand a jury trial, and in support thereof would respectfully show the Court the following:

**THE PARTIES**

1. Plaintiff Litepanels, LTD is a United Kingdom Limited Company with its principal place of business at 73 Western Way, Bury St Edmonds, Suffolk, UK. Litepanels, LTD is the owner of United States Patent Nos. 6,948,823, 7,163,302, 7,510,290, and 7,429,117 (the “Patents-in-Suit”).

2. Plaintiff Litepanels, Inc. is a corporation organized under the laws of the State of Delaware with its principal place of business at 16152 Saticoy Street, Van Nuys (Los Angeles), California. Litepanels, Inc. is the exclusive licensee of the Patents-in-Suit from Litepanels, LTD.

3. Upon information and belief, Switronix, Inc. (“Swit”) is a corporation organized under the laws of the State of New York with its principal place of business in Rockville Centre, New York.

4. Upon information and belief, Prompter People, Inc. (“PPI”) is a corporation organized under the laws of the State of California with its principal place of business in Campbell, California. Upon information and belief, PPI also does business as Q-Gear at the same corporate location.

5. Upon information and belief, Omega Broadcast Group, L.P. (“Omega”) is a limited partnership organized under the laws of the State of Texas with its principal place of business in Austin, Texas. Upon information and belief, Omega is and has been a Texas distributor for Defendant Swit, including lighting products branded “Switronix TorchLED lights,” and for Defendant PPI.

#### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. §§ 271 and 281-285. Accordingly, this Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Swit.

8. Upon information and belief, Swit conducts business within the State of Texas. Swit directly ships, imports, distributes, offers for sale, sells, and advertises (including the provision of an interactive web site that, *inter alia*, provided the means for consumers to directly order and purchase Defendant Swit's products, including those that infringe Litepanels' patents) its products in and to the United States, the State of Texas, and the Eastern District of Texas. Plaintiffs know of one or more infringing products that has been sold to residents of the Eastern District of Texas.

9. Swit has purposefully and voluntarily placed infringing products and services in the stream of commerce with the expectation that such products will be purchased by consumers in the Eastern District of Texas. Upon information and belief, Swit imports, markets, distributes, sells, uses, manufactures, and offers to sell in the United States, including in this judicial district, video production lighting equipment, and peripheral products, including among other things, the TorchLED TL-50, TL-68, TL-88, as well as the XD-L56P and XD-L56S . Said equipment is sold and/or offered directly for sale in the State of Texas, via online at [www.switronix.com](http://www.switronix.com).

10. Upon information and belief, Defendant Swit has induced, directed, contracted with, or encouraged distributors, resellers, and similar entities to sell video production support equipment, including lighting systems, to consumers in the United States and the State of Texas, including, in the Eastern District of Texas which infringe Litepanels' patents. For example, the Swit website states that it has five dealers in the State of Texas, including a dealer in Eastern District of Texas - <http://www.switronix.com/locator.php>.

11. Therefore, Swit has made these products available for purchase and delivery in the Eastern District of Texas.

12. Upon information and belief, Swit has directly advertised products in and to the United States, the State of Texas, and the Eastern District of Texas (including directly targeting consumers via sales marketing materials, and/or magazine ads which provide the means for consumers to directly or indirectly order and purchase products including those that infringe Litepanels' patents).

13. Swit has committed patent infringement within the State of Texas and this District.

14. This Court has personal jurisdiction over PPI.

15. Upon information and belief, PPI conducts business within the State of Texas. PPI directly ships, imports, distributes, offers for sale, sells, and advertises (including the provision of an interactive web site that, inter alia, provided the means for consumers to directly order and purchase Defendant PPI's products, including those that infringe Litepanels' patents) its products in and to the United States, the State of Texas, and the Eastern District of Texas. The Defendant PPI's own website promotes its numerous Texas-based customers, including the University of Texas, Texas A&M, El Paso School District, and Baylor College of Medicine ([http://www.prompterpeople.com/about\\_us.php](http://www.prompterpeople.com/about_us.php)). Plaintiffs know of one or more infringing products that has been sold to residents of the Eastern District of Texas.

16. PPI has purposefully and voluntarily placed infringing products and services in the stream of commerce with the expectation that such products will be purchased by consumers in the Eastern District of Texas. Upon information and belief,

PPI imports, markets, distributes, sells, uses, manufactures, and offers to sell in the United States, including in this judicial district, video production lighting equipment, and peripheral products, including among other things, the FloLight MicroBeam 128LED and FloLight MicroBeam 256LED. Said equipment is sold and/or offered directly for sale in the State of Texas, via online at [www.prompterpeople.com](http://www.prompterpeople.com).

17. Therefore, PPI has made this product available for purchase and delivery in the Eastern District of Texas.

18. Upon information and belief, Defendant PPI has induced, directed, contracted with, or encouraged distributors, resellers, and similar entities to sell video production support equipment, including lighting systems to consumers in the United States and the State of Texas, including, in the Eastern District of Texas. For example, the website of Texas-based Co-Defendant Omega Broadcast Group (Austin, TX) states that it resells Prompter People's products:

[http://omegabroadcast.com/web\\_content/sales.html](http://omegabroadcast.com/web_content/sales.html).

19. Upon information and belief, PPI has directly advertised products in and to the United States, the State of Texas, and the Eastern District of Texas (including directly targeting consumers via sales marketing materials, and/or magazine ads which provide the means for consumers to directly order and purchase products including those that infringe Litepanels' patents).

20. PPI has committed patent infringement within the State of Texas and this District.

21. This Court has personal jurisdiction over Omega.

22. Upon information and belief, Omega is a Texas-based Limited Partnership and has conducted and does conduct business within the State of Texas. Omega directly ships, imports, distributes, offers for sale, sells, and/or advertises its products (including those that infringe Litepanels' patents) and services in and to the United States, the State of Texas, and, upon information and belief, the Eastern District of Texas.

23. Omega has purposefully and voluntarily placed infringing products and services in the stream of commerce with the expectation that such products will be purchased by consumers in the Eastern District of Texas. Plaintiffs know of one or more infringing products that has been sold to residents of the Eastern District of Texas.

24. Omega has committed patent infringement within the State of Texas and this District.

25. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400.

#### **PATENTS-IN-SUIT**

26. Plaintiffs reallege and incorporate by reference ¶¶ 1 through 25 above as if fully set forth herein at this point.

27. United States Patent No. 6,948,823 (hereinafter "the '823 patent"), entitled "Wide Area Lighting Apparatus and Effects System," duly and legally issued on September 27, 2005, by the United States Patent and Trademark Office after fair and full examination. Litepanels, LTD is the assignee of all rights, title and interest in and to the '823 patent. Litepanels, Inc. is the exclusive licensee of the '823 patent from Litepanels, LTD.

28. United States Patent No. 7,163,302 (hereinafter "the '302 patent"), entitled "Camera-Mounted Semiconductor Lighting Apparatus," duly and legally

issued on January 16, 2007, by the United States Patent and Trademark Office after fair and full examination. Litepanels, LTD is the assignee of all rights, title and interest in and to the '302 patent. Litepanels, Inc. is the exclusive licensee of the '302 patent from Litepanels, LTD.

29. United States Patent No. 7,510,290 (hereinafter "the '290 patent"), entitled "Stand-Mounted Light Panel for Natural Illumination in Film, Television or Video" duly and legally issued on March 31, 2009, by the United States Patent and Trademark Office after fair and full examination. Litepanels, LTD is the assignee of all rights, title and interest in and to the '290 patent. Litepanels, Inc. is the exclusive licensee of the '290 patent from Litepanels, LTD.

30. United States Patent No. 7,429,117 (hereinafter "the '117 patent"), entitled "Camera-mounted Dimmable Lighting Apparatus" duly and legally issued on September 30, 2008, by the United States Patent and Trademark Office after fair and full examination. Litepanels, LTD is the assignee of all rights, title and interest in and to the '117 patent. Litepanels, Inc. is the exclusive licensee of the '117 patent from Litepanels, LTD.

31. Swit, PPI, and Omega make, use, sell, import, or offer to sell lighting systems in competition with Litepanels, Inc.

#### **CLAIM 1: PATENT INFRINGEMENT BY SWIT**

32. Plaintiffs reallege and incorporate by reference ¶¶ 1 through 31 above as if fully set forth herein at this point.

33. Upon information and belief, Swit knowingly and willfully infringed and continues to infringe United States Patent Nos. 6,948,823, 7,163,302, and

7,429,117 by making, using, selling, importing, or offering to sell within the United States, or actively inducing others to make, use, sell, import, or offer to sell within the United States, goods and services that practice the Patents-in-Suit.

34. Swit has infringed and continues to infringe United States Patent Nos. 6,948,823, 7,163,302, and 7,429,117 directly and through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

**CLAIM 2: PATENT INFRINGEMENT BY PPI**

35. Plaintiffs reallege and incorporate by reference ¶¶ 1 through 34 above as if fully set forth herein at this point.

36. Upon information and belief, PPI knowingly and willfully infringed and continues to infringe United States Patent Nos. 6,948,823, 7,510,290, and 7,429,117 by making, using, selling, importing, or offering to sell within the United States, or actively inducing others to make, use, sell, import, or offer to sell within the United States, goods and services that practice the Patents-in-Suit.

37. PPI has infringed and continues to infringe United States Patent Nos. 6,948,823, 7,510,290, and 7,429,117 directly and through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

**CLAIM 3: PATENT INFRINGEMENT BY OMEGA**

38. Plaintiffs reallege and incorporate by reference ¶¶ 1 through 37 above as if fully set forth herein at this point.

39. Upon information and belief, Omega knowingly and willfully infringed and continues to infringe United States Patent Nos. 6,948, 823, 7,163,302, and 7,429,117 by making, using, selling, importing, or offering to sell within



the United States, or actively inducing others to make, use, sell, import, or offer to sell within the United States, goods and services that practice the Patents-in-Suit.

40. Omega has infringed and continues to infringe United States Patent Nos. 6,948, 823, 7,163,302, and 7,429,117 directly and through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

### **REMEDIES**

41. Plaintiffs reallege and incorporate by reference ¶¶ 1 through 40 above as if fully set forth herein at this point.

42. Litepanels, LTD and Litepanels, Inc. have been damaged as a result of the infringing activities of Swit, PPI and Omega and will continue to be damaged unless such activities are enjoined by this Court.

43. Swit and Omega have received actual notice of Plaintiffs' rights in the '823, '302 and '117 patents and their infringement thereof by written notice, by filing suit or otherwise, or, in the alternative, have been given constructive notice pursuant to 35 U.S.C. § 287(a).

44. PPI has received actual notice of Plaintiffs' rights in the '823, '290 and '117 patents and its infringement thereof by written notice, by filing suit or otherwise, or, in the alternative, have been given constructive notice pursuant to 35 U.S.C. § 287(a).

45. Upon information and belief, Swit and Omega's infringement of the '823, '302 and '117 patents has been and is willful, and will continue unless enjoined by this Court.

46. Upon information and belief, PPI's infringement of the '823, '290 and '117 patents has been and is willful, and will continue unless enjoined by this Court.

47. Litepanels, LTD and Litepanels, Inc. will continue to suffer, and they will be irreparably harmed if infringement of the '823, '302, '290 and '117 patents by Swit, PPI and Omega continues.

48. Litepanels, LTD and Litepanels, Inc. will continue to suffer, and they will be irreparably harmed if infringement of the '823, '302, '290 and '117 patents by Swit, PPI, and Omega continues.

49. This case is exceptional, and therefore, Litepanels, LTD and Litepanels, Inc. are entitled to attorneys' fees and costs pursuant to 35 U.S.C. § 285.

#### **JURY DEMAND**

50. Plaintiffs Litepanels, LTD and Litepanels, Inc. hereby demand a trial by jury pursuant to Federal Rule of Civil Procedure 38.

#### **COMBINED PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs Litepanels, LTD and Litepanels, Inc. respectfully request that the Court:

(a) enter judgment for Litepanels, LTD and Litepanels, Inc. against Swit, PPI and Omega on this complaint;

(b) enter judgment declaring that the claims of the '823, '302, '290 and '117 patents are not invalid and not unenforceable;

(c) enter judgment that the '823, '302 and '117 patents have been and/or continue to be infringed by Swit and Omega;

(d) enter judgment that the '823, '290 and '117 patents have been and/or continue to be infringed by PPI;

(e) enter judgment awarding Litepanels, LTD and Litepanels, Inc. all gains, profits, advantages and other damages adequate to compensate them for Swit's, PPI's and Omega's infringement, such damages to be determined by a jury, and if necessary to adequately compensate Litepanels, LTD and Litepanels, Inc. for the infringement, and accounting with prejudgment interest.

(f) enter a preliminary and permanent injunction enjoining Swit, PPI and Omega and those acting in privity with and/or in concert with PPI from infringing the '823 patent during the remainder of the term of the '823 patent;

(g) enter a preliminary and permanent injunction enjoining Swit and Omega and those acting in privity with and/or in concert with Swit and Omega from infringing the '302 patent during the remainder of the term of the '302 patent;

(h) enter a preliminary and permanent injunction enjoining PPI and those acting in privity with and/or in concert with PPI from infringing the '290 patent during the remainder of the term of the '290 patent;

(i) enter a preliminary and permanent injunction enjoining Swit, PPI and Omega and those acting in privity with and/or in concert with Swit, PPI and Omega from infringing the '117 patent during the remainder of the term of the '117 patent;

(j) enter judgment that Swit and Omega willfully infringed the '823, '302 and '117 patents and awarding enhanced damages pursuant to 35 U.S.C. § 284;

(k) enter judgment that PPI willfully infringed the '823, '290, and '117 patents and awarding enhanced damages pursuant to 35 U.S.C. § 284;

(l) enter judgment that this is an exceptional case and an award of attorneys' fees and costs to Litepanels, LTD and Litepanels, Inc. pursuant to 35 U.S.C. § 285;

(m) enter judgment awarding Litepanels, LTD and Litepanels, Inc. such other relief as this Court may deem is just and proper.

Dated: April 20, 2009

Respectfully submitted,

By: 

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