

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

RELUME CORPORATION TRUST, and
DENNY FOY, SHAWN GRADY and MARIE
HOCHSTEIN, TRUSTEES,

Plaintiffs,

v.

LEOTEK ELECTRONICS USA CORP.

Defendant.

Civil Action No.:

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Relume Corporation Trust and Denny Foy, Shawn Grady and Marie Hochstein, Trustees of the Relume Corporation Trust (collectively “RCT”) complain of Defendant Leotek Electronics USA Corp. (“Leotek”) as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

2. Denny Foy (“Foy”) is a resident of the State of Arizona who resides in Phoenix, Arizona.

3. Shawn Grady (“Grady”) is a resident of the State of Michigan who resides in Okemos, Michigan.

4. Marie Hochstein is a resident of the State of Michigan who resides in Troy, Michigan, and is the successor trustee to the late Peter Hochstein with respect to the Relume Corporation Trust.

5. Relume Corporation Trust is a trust governed by and construed in accordance

with the laws of the State of Michigan.

6. Relume Corporation Trust owns all right, title and interest in United States Patent No. RE 42,161 E, entitled “Power Supply for Light Emitting Diode Array,” which issued on February 22, 2011 (the “‘161 Patent”), and is a reissue of United States Patent No. 5,661,645, entitled “Power Supply for Light Emitting Diode Array,” which issued on August 26, 1997 (the “‘645 Patent”).

7. Through the authority of a valid agreement and declaration of trust dated June 1, 2009, Foy and Grady became and remain trustees of Relume Corporation Trust, and Peter Hochstein as well, now deceased, became a trustee of Relume Corporation Trust.

8. Following the death of Peter Hochstein, Marie Hochstein was appointed successor trustee to Peter Hochstein for the Relume Corporation Trust and remains as successor trustee at this time.

9. As trustees of Relume Corporation Trust, Foy, Grady and Marie Hochstein have the right to bring suit for infringement of the ‘161 Patent.

10. Defendant Leotek Electronics USA Corp. is a corporation duly organized and existing under the laws of the State of California, with its principal place of business at 726 South Hillview Drive, Milpitas, California, 95035. Leotek is a designer, developer, manufacturer and seller of light emitting diode (LED) lighting systems and solutions.

JURISDICTION AND VENUE

11. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

12. This Court has personal jurisdiction over Leotek. Leotek conducts business in this judicial district including, at least, offering for sale the products accused of infringement herein

to residents of this judicial district through Leotek's Mid-Western Regional Marketing Manager, Rob Spaulding, as well as through various distributors including, but not limited to, Traffic Signal Company located in Indianapolis, Indiana. Leotek is doing business in this judicial district, has purposefully availed itself of the privilege of conducting business with residents of this judicial district, and has established sufficient minimum contacts with the State of Michigan such that it should reasonably and fairly anticipate being brought into court in Michigan.

13. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(d) and 1400(b).

CLAIM FOR PATENT INFRINGEMENT

14. Plaintiffs repeat and incorporate by reference the allegations contained in paragraphs 1 through 13 as if fully restated herein.

15. Leotek has a line of products called the IL3 Series LED Traffic Signal Modules.

16. Leotek makes its IL3 Series LED Traffic Signal Modules.

17. Leotek uses its IL3 Series LED Traffic Signal Modules.

18. Leotek offers to sell its IL3 Series LED Traffic Signal Modules.

19. Leotek sells its IL3 Series LED Traffic Signal Modules.

20. Leotek imports its IL3 Series LED Traffic Signal Modules.

21. Leotek's IL3 Series LED Traffic Signal Modules were designed to replace incandescent lamps in round traffic signal applications.

22. Leotek's IL3 Series LED Traffic Signal Modules have an electrical input for coupling to a source of alternating current (AC) line voltage.

23. Leotek's IL3 Series LED Traffic Signal Modules have a rectifier.

24. Leotek's IL3 Series LED Traffic Signal Modules have a power supply.

25. Leotek's IL3 Series LED Traffic Signal Modules have a plurality of LEDs.

26. Leotek's IL3 Series LED Traffic Signal Modules have a power supply for powering LEDs.

27. The Leotek IL3 Series LED Traffic Signal Modules' power supplies are switchmode power supplies.

28. Leotek's IL3 Series LED Traffic Signal Modules are compliant with the Institute of Transportation Engineers "Vehicle Traffic Control Signal Heads: Light Emitting Diode (LED) Circular Signal Supplement" ("ITE VTCSH LED Circular Signal Supplement"), June 2005, Section 5.6, Controller Assembly Compatibility.

29. The ITE VTCSH LED Circular Signal Supplement, June 2005, Section 5.6.1 provides that "The current draw shall be sufficient to ensure compatibility and proper triggering and operation of load current switches and conflict monitors in signal controller units."

30. The ITE VTCSH LED Circular Signal Supplement, June 2005, Section 5.6.2 provides that "Off State Voltage Decay: When the module is switched from the on state to the off state the terminal voltage shall decay to a value less than 10 VAC RMS in less than 100 milliseconds when driven by a maximum allowed load switch leakage current of 10 milliamps peak (7.1 milliamps AC)."

31. Leotek's IL3 Series LED Traffic Signal Modules have conflict monitor compatibility circuitry.

32. Leotek's IL3 Series LED Traffic Signal Modules' conflict monitor compatibility circuitry includes a transistor biased as a switch to switch in a low impedance load in the presence of leakage current from a roadside traffic controller switch.

33. Leotek generates revenue and profits from its sales of IL3 Series LED Traffic Signal Modules.

34. Leotek has infringed and continues to infringe at least claims 24, 25, 26, 27 and 31 of the '161 Patent within the meaning of 35 U.S.C. § 271(a) through the foregoing activities including, without limitation, making, using, selling, offering to sell and importing into the United States the IL3 Series LED Traffic Signal Modules line of products including, without limitation, Leotek Model No. TSL-08R-LX-IL3-A1, and other signal modules with different model names or numbers but with the same or substantially the same designs, features and functionalities as Model No. TSL-08R-LX-IL3-A1, such as its switchmode power supply for powering LEDs and its conflict monitor compatibility circuitry, including without limitation any model of the IL, IL1, IL3 or IL6 Series LED Traffic Signal Modules (the "Accused Leotek Products").

35. To the extent required by law, RCT has complied with the provisions of 35 U.S.C. § 287 with respect to the '161 Patent.

36. Leotek's direct infringement of the '161 Patent by making, using, selling, offering to sell and importing into the United States the Accused Leotek Products has injured RCT and RCT is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff RCT respectfully asks this Court to enter judgment against Defendant Leotek and against each of its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of Plaintiff RCT and against Defendant Leotek;
- B. An award of damages as to Defendant Leotek adequate to compensate Plaintiff RCT

for the infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;

C. A finding that this case is exceptional and an award to Plaintiff RCT of its reasonable attorneys' fees and costs as provided by 35 U.S.C. § 285; and

D. Such other relief that RCT is entitled to under law, and any other and further relief that this Court or a jury may deem just and proper.

JURY DEMAND

RCT demands a trial by jury on all issues presented in this Complaint.

Dated: July 12, 2012

Respectfully submitted,

/s/ Edward J. Hood

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