

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LIGHTING SCIENCE GROUP CORP.,)
) **REDACTED – PUBLIC VERSION**
Plaintiff,)
)
v.) CA No. _____
)
SIGNIFY N.V. (F/K/A PHILIPS)
LIGHTING N.V.) & SIGNIFY NORTH) JURY TRIAL DEMANDED
AMERICA CORPORATION (F/K/A)
PHILIPS LIGHTING NORTH AMERICA)
CORPORATION))
Defendants.)

COMPLAINT

Plaintiff Lighting Science Group Corp. files this Complaint against Defendants Signify N.V. (F/K/A Philips Lighting N.V.) & Signify North America Corporation (F/K/A Philips Lighting North America Corporation) for patent infringement under 35 U.S.C. § 271. Plaintiff alleges, based on its own personal knowledge with respect to its own actions and based upon information and belief with respect to all others' actions, as follows:

INTRODUCTION

1. For nearly two decades, Lighting Science Group Corporation (“LSG”) has been at the forefront of innovation in the light-emitting diode (“LED” or “LEDs”) lighting space. LSG was the first U.S.-based manufacturer to make an LED light commercially available. In the ensuing years, LSG proved instrumental to the proliferation of LED lighting across American residences. In May 2010, through a relationship with The Home Depot, LSG released a 40-watt equivalent, 429 lumen LED bulb under The Home Depot’s EcoSmart brand for \$20. In an article titled, “The Home Depot takes LED lighting mainstream with \$20 bulbs,” Endgaget celebrated the product for

making high-quality LED lighting more economically accessible, noting that LSG's product was "cheaper and nearly as powerful as the 450 lumen, \$40-\$50 design industry heavyweight GE unveiled" the month before, and concluding, "[h]onestly, we're starting to wonder what the catch is."¹

2. By 2011, LSG's winning combination of innovation, quality, and accessible pricing had led the company to become the largest North American producer of LED lights, selling 4.5 million LED lights in 2011 alone, and increasing sales by 450-percent over the prior year.² That success, in turn, led LSG to become a significant American employer. For three consecutive years, from 2012 to 2014, LSG was named on Deloitte's Technology Fast 500TM as one of the top 500 fastest growing companies in North America.³

3. Meanwhile, as LSG continued to advance the field of LED lighting both commercially and technologically, it simultaneously protected and disclosed its innovative intellectual property through hundreds of issued U.S. patents. Those patents, in turn, further advanced the LED lighting space, garnering thousands of citations from later patents filed by LSG's competitors.

4. But in recent years, an explosion of products which infringe LSG's innovative

¹ Sean Hollister, "The Home Depot Takes LED Lighting Mainstream with \$20 Bulbs," Engadget (May 11, 2010), <https://www.engadget.com/2010/05/11/the-home-depot-takes-led-lighting-mainstream-with-20-bulbs/>.

² Jasmine Zhuang, "Lighting Science Group Becomes North American Largest LED Lights Producer," LEDinside (Jan. 31, 2012), https://www.ledinside.com/news/2012/1/lighting_science_group_north_american_largest_producer_20120131.

³ "Lighting Science Group Corporation Ranked in Top 500 Fastest Growing Companies for Third Consecutive Year in North America on Deloitte's 2014 Technology Fast 500TM," Pegasus Capital Advisors (Nov. 17, 2014), <http://www.pcalp.com/lighting-science-group-corporation-ranked-top-500-fastest-growing-companies-third-consecutive-year-north-america-deloittes-2014-technology-fast-500/>

patents has eroded LSG's market position. Thus, in order to protect its valuable intellectual property rights and substantial investments in innovating the LED lighting space, LSG files this complaint for patent infringement.

5. This matter is a companion case to an ITC proceeding, captioned *In the Matter of Certain Light-Emitting Diode Products, Systems, and Components Thereof*, filed concurrently herewith by the same Plaintiff, naming the same Defendants as respondents. Plaintiff hereby incorporates by reference the relevant portions of the Complaint filed in that ITC proceeding as if restated herein.

THE PARTIES

6. Lighting Science Group Corp. is a Delaware corporation with its principal place of business located at 801 N. Atlantic Avenue, Cocoa Beach, FL 32931.

7. Both directly and through its subsidiaries, LSG is in the business of manufacturing, researching, developing, and selling devices and systems that use LEDs as the light source.

8. Signify N.V. (f/k/a Philips Lighting N.V.) is a publicly traded company organized under the laws of the Netherlands. It has its principal place of business at High Tech Campus 48, 5656 AE Eindhoven, The Netherlands. Signify N.V. recently changed its name from Philips Lighting N.V. and will continue to sell products under the Philips brand name.

9. Signify N.V. designs and manufactures, among other things, LED lighting products.⁴ Upon information and belief, Signify N.V. manufactures certain Accused Products abroad, including in manufacturing facilities in China and Mexico.⁵

⁴ Ex. 147 (Signify 2018 Annual Report) at 9, 21.

⁵ See, e.g., *infra* Section VIII(E); Ex. 34 (Stonedale Importation Decl.) ¶¶ 9, 36-40, 42-47, 49-55, 103-104, 208, 212-215 (identifying Signify (f/k/a Philips) products with indicated country of origin of Mexico and/or China).

10. On information and belief, Signify N.V. directly or through its affiliates, imports into the United States, sells for importation into the United States, and/or sells after importation into the United States certain Accused Products and/or knowingly induces such activity.

11. Signify North America Corporation (f/k/a Philips Lighting North America Corporation), is a privately held corporation organized under the laws of the State of Delaware. It has its principal place of business at 200 Franklin Square Drive, Somerset, New Jersey 08873. Signify North America Corporation recently changed its name from Philips Lighting North America Corporation.

12. On information and belief, Signify North America Corporation is a wholly-owned subsidiary of Signify N.V., and it, directly or through its affiliates, imports into the United States, sells for importation into the United States, and/or sells after importation into the United States certain Accused Products, including products manufactured abroad by Signify N.V. On information and belief, Signify North America Corporation will continue to import and sell products under the Philips brand name and/or knowingly induces such activity.

13. Signify N.V. and Signify North America Corporation collectively are referred to as the “Signify Defendants.”

14. As a result of the above, Signify N.V. and Signify North America Corporation are liable jointly, severally, or in the alternative with respect to the same series of transactions or occurrences, and questions of fact common to both of them will arise in this action, consistent with 35 U.S.C. § 299.

JURISDICTION AND VENUE

15. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and

1338(a).

16. This Court has personal jurisdiction over Signify in this action because Signify has committed acts within this district giving rise to this action, and has established minimum contacts with this forum such that the exercise of jurisdiction over Signify would not offend traditional notions of fair play and substantial justice. Signify, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this district by, among other things, importing, offering to sell, and selling products that infringe the asserted patents. Signify North America Corporation is a resident of this district. Signify N.V. controls the products sold by Signify North America Corporation, and controls or acts jointly with Signify North America Corporation in the marketing and sale of the accused products.

17. Venue is proper as to Defendant Signify in this district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b). Defendant Signify North America Corporation is organized under the laws of Delaware, and thus resides in this district, and commits acts of infringement in this district.

18. Venue is proper as to Defendant Signify N.V., which is organized under the laws of the Netherlands. 28 U.S.C. § 1391(c)(3) provides that “a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.”

COUNT ONE: INFRINGEMENT OF THE '483 PATENT

19. U.S. Patent No. 7,098,483 (“the '483 Patent”), titled “Light Emitting Diodes Packaged for High Temperature Operation,” was issued on August 29, 2006, naming Joseph Mazzochette and Greg Blonder as the inventors. Ex. 1 ('483 Patent).

20. LSG owns by assignment all rights, title, and interest in the '483 Patent, and holds all substantial rights pertinent to this suit, including the right to sue and recover for all past, current,

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