

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

LEXINGTON LUMINANCE LLC,

Plaintiff,

v.

GREEN CREATIVE LLC,

Defendant.

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Civil Action No. 6:22-cv-01608

JURY DEMANDED

PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lexington Luminance LLC ("Lexington" or "Plaintiff") files this complaint for patent infringement against Green Creative LLC ("Green Creative" or "Defendant") and states as follows:

THE PARTIES

1. Plaintiff Lexington Luminance LLC is a limited liability company organized under the laws of Massachusetts with its principal place of business at 468 Lowell Street, Lexington, Massachusetts 02420.

2. On information and belief, Defendant is a limited liability company organized and existing under the laws of California, with a place of business located at 519 Codisco Way, Sanford, Florida 32771. Defendant may be served via officer or director at the above address.

3. On information and belief, Defendant owns the registered trademark “Green Creative” in the field of use involving LED light bulbs.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. Jurisdiction as to these claims is conferred on this Court by 35 U.S.C. §§1331 and 1338(a).

5. Venue is proper in this District under 28 U.S.C. 1400(b) because Defendant maintains a place of business at 519 Codisco Way, Sanford, Florida 32771 and has committed acts of infringement in this district.

6. This Court has personal jurisdiction over the Defendant because Defendant maintains a place of business at 519 Codisco Way, Sanford, Florida 32771 and has committed acts of infringement in this district.

PATENT INFRINGEMENT

7. Lexington incorporates by reference the paragraphs above as if fully set forth herein.

8. On August 30, 2005, United States Patent No. 6,936,851 B2 entitled “Semiconductor Light-Emitting Device and Method for Manufacturing the Same” was duly and legally issued after full and fair examination. Lexington is the owner of all right, title, and interest in and to the patent by assignment, with full right to bring suit to enforce the patent, including the right to recover for past

infringement damages and the right to recover future royalties, damages, and income.

9. On September 30, 2013, an *ex parte* reexamination no. 90/012,964 was initiated for United States Patent No. 6,936,851 B2. An *ex parte* reexamination certificate was issued on December 5, 2014 for United States Patent No. 6,936,851 C1. The patent, together with the *ex parte* reexamination certificate, is attached hereto as Exhibit 1. United States Patent No. 6,936,851 B2 and 6,936,851 C1 are collectively known as the '851 Patent.

10. The '851 Patent is valid and enforceable.

11. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the applicable marking and/or notice requirements of 35 U.S.C. § 287.

Defendant's Accused Products

12. Upon information and belief, Defendant has infringed and/or continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '851 Patent in this judicial district and elsewhere in the United States, including at least claim 1, by, among other things, making, using, offering for sale, selling, and/or importing lighting products and other electronic devices including, without limitation:

(1) Green Creative 34899 PAR30 11W Refine Series Dimmable 2700K

- (2) Green Creative 34865 PLL 2G11 16W PL Edge Series 4000K
- (3) Green Creative 34890 PAR20 6.5W 520 Lm 2700K Refine Series
- (4) Green Creative 36064 B11 5.5W 500 Lm 2700K T20 Filament Bulb
- (5) Green Creative 36770 4 Ft T8 Tube 9.5W HE 3000K
- (6) Green Creative 57918 PLV G24q 11W PL Edge Series 3000K
- (7) Green Creative 57954 T5 Tube HE 3 Ft 12W 1420 Lm 3000K
- (8) Green Creative 57955 3 Ft T5 Tube 12W 3500K
- (9) Green Creative 57956 3 Ft T5 Tube 12W 4000K
- (10) Green Creative 57958 2 Ft T5 Tube 8W 950 Lm 3000K
- (11) Green Creative 57959 2 Ft T5 Tube 8W 3500K
- (12) Green Creative 57960 2 Ft T5 Tube 8W 4000K
- (13) Green Creative 97925 4 Ft T5 Tube 24W 3500K
- (14) Green Creative 97926 4 Ft T5 Tube 24W 4000K
- (15) Green Creative 97930 4 Ft T5 Tube 15W 3500K
- (16) Green Creative 97931 4 Ft T5 Tube 15W 4000K
- (17) Green Creative 97934 2 Ft T8 Tube 8.5W 3000K
- (18) Green Creative 97935 2 Ft T8 Tube 8.5W 3500K
- (19) Green Creative 98245 PLH 14.5W 3500K 1800Lm
- (20) Green Creative 98326 2 Ft T8 Tube 9.5W 3500K
- (21) Green Creative 98342 3 Ft T8 Tube 12W 4000K

(22) Green Creative 98440 1 in Gimbal Downlight 5W MiniFIT Series

(23) Green Creative 98488 PLL 2G11 14.5W PL Edge Series 3500K

(24) Green Creative 98563 A19 9W 3000K CRI 92 T20

and other similar products, which perform substantially the same function as the devices embodied in one or more claims of the '851 Patent in substantially the same way to achieve the same result.

13. The devices above are collectively referred to as the “Accused Products.”¹

14. On information and belief, the Accused Products use Light-Emitting Diodes (“LEDs”) that infringe one or more claims of the '851 Patent, including, at least, claim 1, as explained in the following paragraphs.

15. Photographs of the Green Creative 34899 PAR30 11W Refine Series Dimmable 2700K appear below:

¹ The cited products are identified only to satisfy Plaintiff’s pleading requirements. The cited products are merely representative. A fulsome description of the Accused Products will be provided with Plaintiff’s infringement contentions according to the case schedule or local patent rules as applicable.

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