

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

| | | |
|------------------------------|---|---------------------|
| GLOBE ELECTRIC COMPANY INC., |) | |
| |) | |
| <i>Plaintiff,</i> |) | |
| |) | Civil Action No.: |
| v. |) | |
| |) | Jury Trial Demanded |
| ALL STAR LIGHTING SUPPLIES, |) | |
| INC. d/b/a LUXRITE, |) | |
| |) | |
| <i>Defendant.</i> |) | |

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Globe Electric Company Inc. (“Globe” or “Plaintiff”), by its undersigned counsel, and for its Complaint against Defendant All Star Lighting Supplies, Inc. d/b/a Luxrite (“All Star” or “Defendant”), hereby alleges as follows:

SUMMARY OF NATURE OF ACTION

1. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* Plaintiff asserts infringement of its patented lighting technology as disclosed and claimed in U.S. Patent No. 10,234,091 (“the ‘091 patent”).

PARTIES

2. Plaintiff Globe Electric Company Inc. is incorporated in Canada with its principal place of business located at 150 Avenue Oneida, Montreal, QC H9R 1A8, Canada.

3. On information and belief, Defendant All Star Lighting Supplies Inc. d/b/a Luxrite is a New York corporation registered at 1483 59th Street, Brooklyn, New York, 11219.

4. Defendant makes, sells, offers for sale in the United States, and/or imports into the United States, lighting products, including but not limited to the following model numbers: LR23760, LR23763, LR23755, LR23758, LR23750, and LR23753.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant because Defendant engages in business within this District, Defendant is incorporated in the State of New York, Defendant has committed acts of infringement in violation of 35 U.S.C. § 271, and Defendant has placed infringing products into the stream of commerce, through an established distribution channel, with the knowledge and/or understanding that such products are shipped into, sold, and/or used in this District. These acts have caused injury to Plaintiff within this District and continue to cause injury to Plaintiff within this District. Defendant derives substantial revenue from the sale of infringing products distributed within this District. Defendant expects or should reasonably expect its actions to have consequences within this District, and Defendant derives substantial revenue from interstate commerce.

7. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b) because, among other reasons, Defendant resides in this District through its incorporation in this District, and has committed acts of infringement in this District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 10,234,091

8. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

9. Plaintiff is the owner of all rights and interests in U.S. Patent No. 10,234,091, entitled “Ceiling Mountable LED Light Fixture with Accessible CCT Selectable Switch,” which was duly and lawfully issued by the United States Patent and Trademark Office on March 19, 2019. A true and correct copy of the ‘091 patent is attached as **Exhibit A** and made a part hereof.

10. The ‘091 patent lists Adam Chaimberg and Xianwen Xiong as inventors.

11. Defendant has had knowledge of the '091 patent since at least as early as February 14, 2020, when Plaintiff sent a letter to Defendant regarding the '091 patent.

12. Defendant has at no time been licensed under the '091 patent.

13. Defendant has infringed and continues to infringe one or more claims of the '091 patent, literally and/or under the doctrine of equivalents, by its manufacture, use, sale, importation, and/or offer for sale of certain lighting products, including but not limited to the following: LR23760, LR23763, LR23755, LR23758, LR23750, and LR23753.

14. By way of example, Claim 1 of the '091 patent recites as follows:

A ceiling mountable LED light fixture comprising an LED light housing, at least two sets of LED's mounted in said housing for generating light at different correlated color temperature (CCT), a driver housing having a driver circuit mounted therein, said driver housing being adapted for mounting behind a ceiling sheet material and spaced from a fixture mounting hole formed in said ceiling sheet material, a cable interconnecting said driver circuit in said driver housing to said LED light housing for supplying output current from said driver circuit to said at least two sets of LED's, said light fixture having an outer circumferential flange, detachable retention means secured to said LED light housing for removable securement of said LED light fixture in said fixture mounting hole with said circumferential flange in abutment against and outer surface of said ceiling sheet material about said fixture mounting hole, said cable having a predetermined length to permit said LED light fixture to be withdrawn from said fixture mounting hole a predetermined distance to provide access to a selector switch mounted in said cable to permit selective activation of either one of said at least two sets of LED's or both sets of LED's simultaneously to cause said LED light fixture to generate light at a selected desired correlated color temperature (CCT).

15. Certain of Defendant's color CCT switch lighting products, including but not limited to model numbers LR23760, LR23763, LR23755, LR23758, LR23750, and LR23753, include each and every limitation of one or more claims of the '091 patent, including at least Claim 1.

16. For example, and without limitation, Defendant's lighting product model number LR23763, which is representative of at least the above model numbers, meets each and every limitation of Claim 1 of the '091 patent as shown in the attached **Exhibit B**.

17. Defendant has also induced infringement of the '091 patent by inducing its customers to use Defendant's color CCT switch lighting products, including but not limited to model numbers LR23760, LR23763, LR23755, LR23758, LR23750, and LR23753. Defendant actively induces such infringement by, among other things, providing installation guides and other instruction material for its color CCT switch lighting products (*see, e.g.*, <https://www.allstarlighting.com/lr23763.html>) that induce its customers to use these products in a way that infringes the '091 patent.

18. Upon information and belief, Defendant performed these acts with knowledge of the '091 patent and with the knowledge or willful blindness that the induced acts constitute direct infringement. Upon information and belief, Defendant specifically intended for others, such as its customers, to directly infringe one or more claims of the '091 patent because Defendant had knowledge and was aware of Plaintiff's infringement allegations concerning the '091 patent, and actively induced its customers to directly infringe the '091 patent by using these color CCT switch lighting products.

19. Defendant's infringement of the '091 patent is willful and deliberate, and entitles Plaintiff to increased damages pursuant to 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. § 285. Since at least as early as February 14, 2020, Defendant has had knowledge of the '091 patent as discussed above. Nevertheless, Defendant has infringed and continues to infringe the '091 patent despite an objectively high likelihood that its actions constituted infringement.

20. Plaintiff has been injured and damaged by Defendant's infringement of the '091 patent. Defendant's infringement has caused, and will continue to cause, irreparable harm to

Plaintiff, for which Plaintiff has no adequate remedies at law, unless and until enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of a judgment in its favor and against Defendant as follows:

A. Finding that Defendant has infringed one or more claims of the '091 patent and that such infringement has been willful;

B. Preliminarily and permanently enjoining Defendant, its officers, directors, employees, agents, subsidiaries, licensees, servants, successors and assigns, and any and all persons acting in privity or in concert or participation with Defendant from further infringement of the '091 patent under 35 U.S.C. § 283;

C. Awarding Plaintiff all damages adequate to compensate Plaintiff for Defendant's infringement of the '091 patent, along with pre- and post-judgment interest, and trebling such damages under 35 U.S.C. § 284;

D. Finding this case is an exceptional case under 35 U.S.C. § 285, and awarding Plaintiff its attorneys' fees, costs, and all expenses incurred in this action;

E. Awarding Plaintiff all actual and compensatory damages; and

F. Awarding Plaintiff such other and further relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable by jury.

Dated: April 17, 2020

GREENBERG TRAURIG, LLP

By: /s/ Joshua Raskin

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