

1 Ryan E. Hatch (CA SB No. 235577)
ryan@ryanehatch.com
2 **Law Office of Ryan E. Hatch, PC**
13323 Washington Blvd., Suite 100
3 Los Angeles, CA 90066
Work: 310-279-5076
4 Mobile: 310-435-6374
Fax: 310-693-5328

5 Robert Katz (*pro hac vice* to be submitted)
6 rkatz@katzfirm.com
KATZ PLLC
7 6060 N. Central Expressway, Suite 560
Dallas, Texas 75206
8 Telephone: 214-865-8000
Fax: 888-231-5775

9 Attorneys for Plaintiff
10 NEXT LIGHTING CORP.

11
12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15 **NEXT LIGHTING CORP.,**
16 Plaintiff,
17 v.
18 **PRUDENTIAL LIGHTING**
CORPORATION,
19 Defendant.

Case No. 2:20-cv-3723
COMPLAINT FOR
PATENT INFRINGEMENT
DEMAND FOR JURY TRIAL

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1 Plaintiff NEXT Lighting Corp. (“Plaintiff” or “NEXT”) files this complaint for
2 patent infringement against Prudential Lighting Corporation (“Defendant” or
3 “Prudential”) and alleges as follows:

4 **THE PARTIES**

5 1. NEXT is a corporation organized and existing under the laws of Delaware.
6 NEXT, through its predecessor entity, was founded in San Francisco in 2009 with a
7 vision to develop environmentally friendly lighting solutions for the mass market.
8 NEXT is an innovator in the lighting market, having developed extensible lighting
9 platforms, control solutions, and efficient, low-glare lighting systems that optimize light
10 distribution. An overview of some of NEXT’s innovations is available at
11 www.nextlighting.com/products.

12 2. Upon information and belief, Prudential is a California corporation with
13 its principal place of business at 1774 E. 21st Street, Los Angeles, CA 90058. Prudential
14 may be served through its registered agent, Jolie Ellis, 1774 E. 21st Street, Los Angeles,
15 CA 90058.

16 **JURISDICTION AND VENUE**

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

20 4. This Court has personal jurisdiction over Prudential because, on
21 information and belief, Prudential has had and has substantial, continuous, and
22 systematic contacts with this forum and has purposefully availed itself in California of
23 the benefits of conducting activities in the forum by purposefully directing its activities
24 toward the state, including by operating its business at 1774 E. 21st Street, Los Angeles,
25 CA 90058 and importing, using, offering to sell, and selling infringing products in this
26 state, as well as to or through distributors and resellers located in this district thereby
27 obtaining the benefits and protections of the state’s laws; the dispute arises out of and
28 has a substantial connection with Prudential’s contacts with the state, including

1 Prudential’s importation, use, offer for sale, and sale of the infringing products herein;
2 and the exercise of jurisdiction would be fair and reasonable.

3 5. Venue is appropriate under 28 U.S.C. 1400(b) at least because Prudential
4 has committed acts of infringement in this district and has a regular and established
5 place of business in this district. Prudential’s regular and established place of business
6 in this district includes but is not limited to its location at 1774 E. 21st Street, Los
7 Angeles, CA 90058. Prudential’s acts of infringement include importing into, using,
8 offering to sell, and selling infringing products in this state, as well as to or through
9 distributors and resellers located in this district. Defendant purposefully and voluntarily
10 sold one or more of the infringing products with the expectation that they will be
11 purchased by and used by consumers in this district. These infringing products have
12 been and continue to be purchased by and used by consumers in this district. Defendant
13 has committed acts of patent infringement within the United States and, more
14 particularly, within this district.

15 **INFRINGEMENT OF UNITED STATES PATENT NO. 8,491,165**

16 6. NEXT incorporates the above paragraphs as if fully set forth herein.

17 7. On July 23, 2013, United States Patent No. 8,491,165 (“the ’165 patent”)
18 entitled “Lighting Unit Having Lighting Strips with Light Emitting Elements and a
19 Remote Luminescent Material” was duly and legally issued after full and fair
20 examination. NEXT is the owner of all right, title, and interest in and to the ’165 patent
21 by assignment, with full right to bring suit to enforce the patent, including the right to
22 recover for past infringement damages and the right to recover future royalties,
23 damages, and income. A copy of the ’165 patent is attached hereto as Exhibit A.

24 8. Claim 34 of the ’165 patent states:

25 A lighting strip comprising:

26 a linear support structure;

27 an at least partially reflective reflector extending substantially along the length of
said support; and

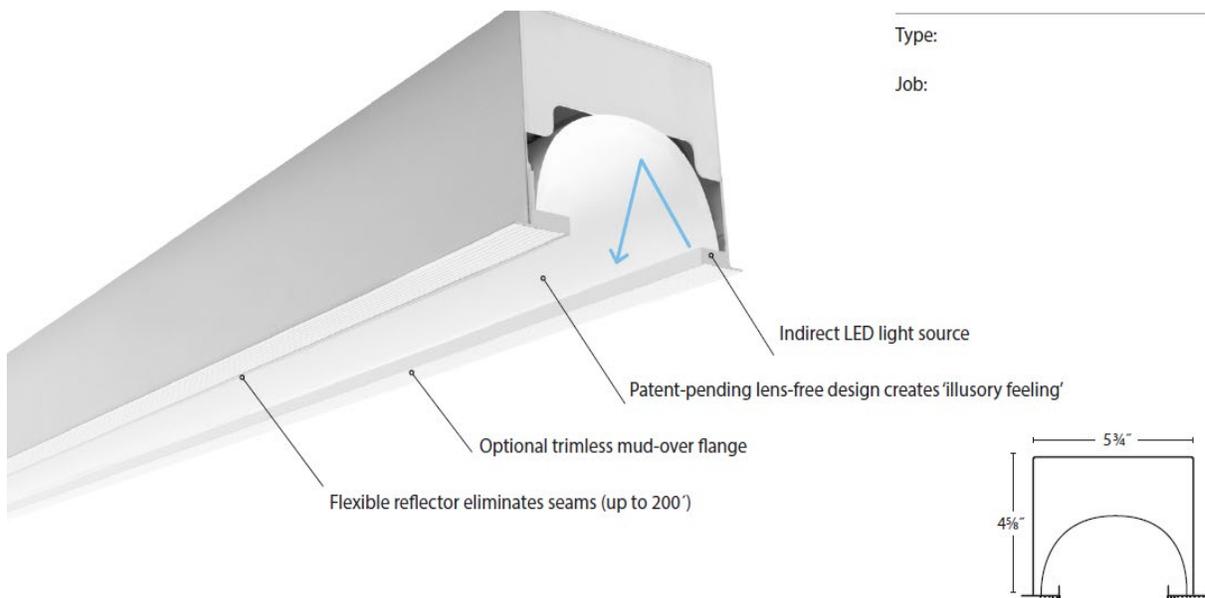
28 a plurality of open-air light emitting elements disposed along the length of said
support structure, wherein light from said light emitting elements does not

1 pass through secondary optics, and wherein the light from said light emitting
2 elements is reflected at least once before leaving the lighting strip.

3 9. The '165 patent is valid and enforceable.

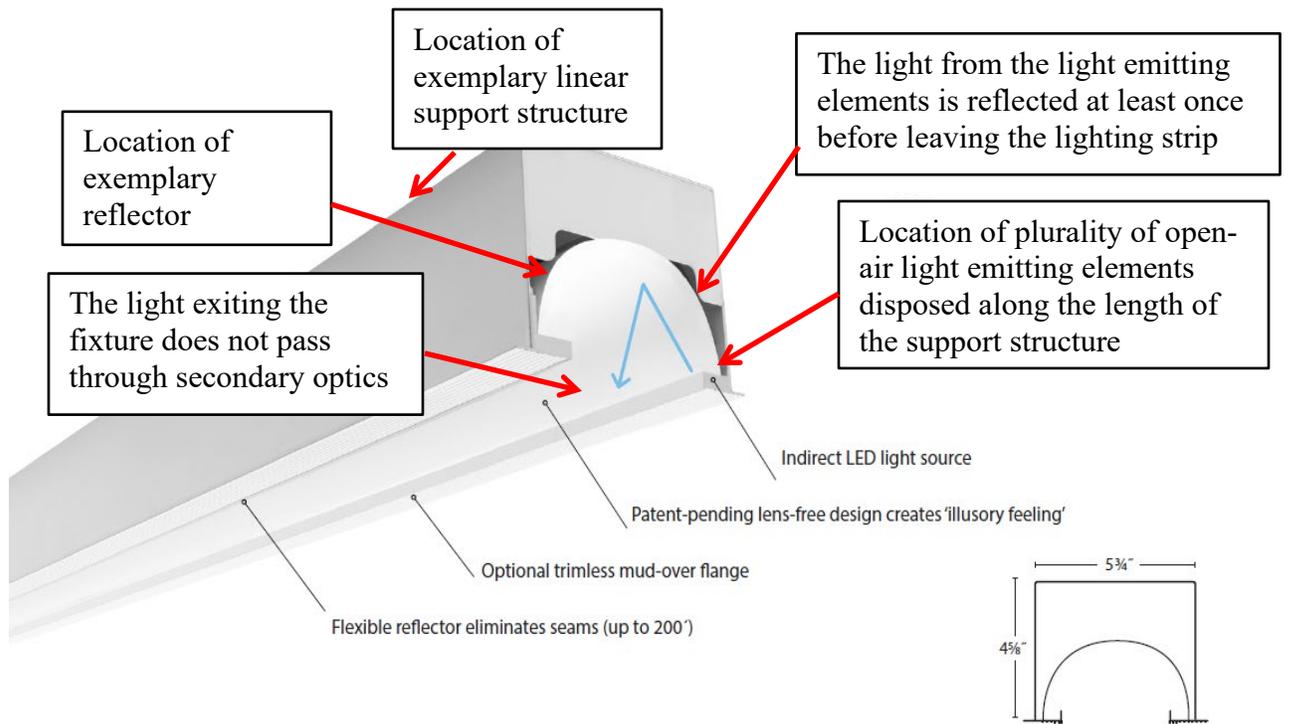
4 10. Defendant has infringed and continues to infringe (literally and/or under
5 the doctrine of equivalents) one or more claims of the '165 patent in this judicial district
6 and elsewhere in the United States, by making, using, importing, selling, and offering
7 for sale lighting products that incorporate the claimed lighting unit design.

8 11. One example of Defendant's infringing products is the Prudential Stream
9 Recessed Linear lighting product line including the 2" Veiled Ambient Slot and 4"
10 Veiled Ambient Slot models. Prudential's website reveals exemplary information
11 regarding the Prudential Stream Recessed Linear product line
(<https://www.prulite.com/product/stream/>). It is also depicted below:



12. The Prudential Stream Recessed Linear lighting product lines constitute a
lighting strip incorporating a linear support structure. The Prudential Stream Recessed
Linear lighting product lines use a reflector extending substantially along the length of
the support. The reflector used on the Prudential Stream Recessed Linear lighting
product lines uses a high-reflectance finish. The Prudential Stream Recessed Linear
lighting product lines also incorporate a plurality of open-air light emitting elements

1 disposed along the length of the support structure. The Prudential Stream Recessed
 2 Linear lighting product lines use high brightness light-emitting diodes (“LEDs”),
 3 advertised as producing up to 107 lumens per watt, as shown at
 4 <https://www.prulite.com/product/stream/>. The LEDs are disposed along the length of
 5 the support structure. Light from the Prudential Stream Recessed Linear lighting
 6 product lines’ LEDs does not pass through secondary optics. Light from the Prudential
 7 Stream Recessed Linear lighting product lines’ LEDs is reflected at least once before
 8 leaving the lighting strip. The Prudential Stream Recessed Linear lighting product lines
 9 meet each and every limitation of claim 34 of the ’165 patent.



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 23 Above image: *Stream --- 4: Veiled-Ambient-Slot-LED-Spec.pdf* (April 10, 2020),
 24 <https://www.prulite.com/wp-content/uploads/2015/12/Stream-%E2%80%94-4%CB%9D-Veiled-Ambient-Slot-LED-Spec.pdf> (annotated).

25
 26 13. Defendant’s Stream Series Cove & Perimeter lighting line also meets each
 27 and every limitation of claim 34 of the ’165 patent.
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1 14. Defendant's P59 Cove & Perimeter lighting line also meets each and every
2 limitation of claim 34 of the '165 patent.

3 15. Defendant's MicroCove Cove & Perimeter lighting line also meets each
4 and every limitation of claim 34 of the '165 patent.

5 16. The above products, and similar products are collectively defined as the
6 "'165 Patent Exemplary Accused Products". On information and belief, the '165 Patent
7 Exemplary Accused Products have been purchased by end-users located in this judicial
8 district, installed in locations within this judicial district, and used by persons within
9 this judicial district.

10 17. Defendant has infringed and continues to infringe (literally and/or under
11 the doctrine of equivalents) one or more claims of the '165 patent in this judicial district
12 and elsewhere in the United States, by making, using, importing, selling, and offering
13 for sale the '165 Patent Exemplary Accused Products that incorporate the claimed
14 lighting unit design.

15 18. Defendant has been at no time, either expressly or impliedly, licensed
16 under the '165 patent.

17 **INFRINGEMENT OF UNITED STATES PATENT NO. 8,684,566**

18 19. NEXT incorporates the above paragraphs as if fully set forth herein.

19 20. On April 1, 2014, United States Patent No. 8,684,566 ("the '566 patent")
20 entitled "Lighting Unit with Indirect Light Source" was duly and legally issued after
21 full and fair examination. NEXT is the owner of all right, title, and interest in and to the
22 '566 patent by assignment, with full right to bring suit to enforce the patent, including
23 the right to recover for past infringement damages and the right to recover future
24 royalties, damages, and income. A copy of the '566 patent is attached hereto as Exhibit
25 B.

26 21. Claim 1 of the '566 patent states:

27 A lighting unit comprising
28 at least one light source;

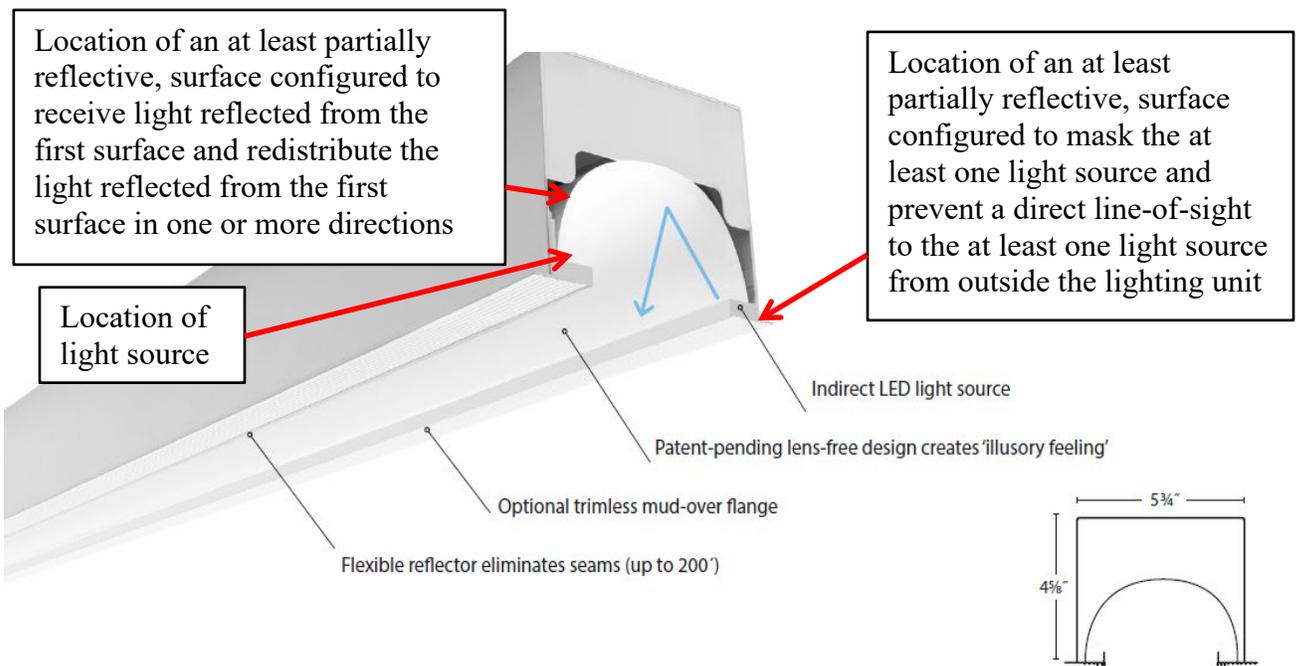
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a first, at least partially reflective, surface configured to mask the at least one light source and prevent a direct line-of-sight to the at least one light source from outside the lighting unit; and
a second, at least partially reflective, surface configured to receive light reflected from the first surface and redistribute the light reflected from the first surface in one or more directions.

22. Defendant has infringed and continues to infringe (literally and/or under the doctrine of equivalents) one or more claims of the '566 patent in this judicial district and elsewhere in the United States, by making, using, importing, selling, and offering for sale the Prudential Stream Recessed Linear lighting product lines including the 2" Veiled Ambient Slot and 4" Veiled Ambient Slot models, which incorporate the claimed lighting unit design.

23. The Prudential Stream Recessed Linear lighting product lines constitute lighting units that use LEDs as the light source. The Prudential Stream Recessed Linear lighting product lines use a first surface that masks the LEDs and prevents a direct line-of-sight to the LEDs from outside the lighting unit. The Prudential Stream Recessed Linear lighting product lines also use a second surface that is configured to receive light from the first surface and redistribute the light in multiple directions. The second surface is at least partially reflective. See <https://www.prulite.com/product/stream/> ("Indirect LED light source and WhiteOptics™ reflector create soft luminescence with 4"aperture"). The Prudential Stream Recessed Linear lighting product lines meet each and every limitation of claim 1 of the '566 patent.

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Above image: *Stream --- 4: Veiled-Ambient-Slot-LED-Spec.pdf* (April 10, 2020), <https://www.prulite.com/wp-content/uploads/2015/12/Stream-%E2%80%944-CB%9D-Veiled-Ambient-Slot-LED-Spec.pdf> (annotated).

24. Defendant’s Stream Recessed Linear lighting product lines meet each and every limitation of claim 1 of the ’566 patent.

25. Defendant’s Stream Series Cove & Perimeter lighting line also meets each and every limitation of claim 1 of the ’566 patent.

26. Defendant’s P59 Cove & Perimeter lighting line also meets each and every limitation of claim 1 of the ’566 patent.

27. Defendant’s MicroCove Cove & Perimeter lighting line also meets each and every limitation of claim 1 of the ’566 patent.

28. Defendant’s Stream Dot Round Pendant lighting line also meets each and every limitation of claim 1 of the ’566 patent.

1 29. Defendant’s Stream Dot Square Pendant lighting lines in both the Square
2 and Round configurations also meet each and every limitation of claim 1 of the ’566
3 patent.

4 30. The above products, and similar products are defined as the “’566 Patent
5 Exemplary Accused Products”. On information and belief, the ’566 Patent Exemplary
6 Accused Products have been purchased by end-users located in this judicial district,
7 installed in locations within this judicial district, and used by persons within this judicial
8 district.

9 31. Defendant has infringed and continues to infringe (literally and/or under
10 the doctrine of equivalents) one or more claims of the ’566 patent in this judicial district
11 and elsewhere in the United States, by making, using, importing, selling, and offering
12 for sale the ’566 Patent Exemplary Accused Products that incorporate the claimed
13 lighting unit design.

14 32. Defendant has been at no time, either expressly or impliedly, licensed
15 under the ’566 patent.

16 **INFRINGEMENT OF UNITED STATES PATENT NO. 8,360,607**

17 33. NEXT incorporates the above paragraphs as if fully set forth herein.

18 34. On January 29, 2013, United States Patent No. 8,360,607 (“the ’607
19 patent”) entitled “Lighting Unit with Heat-Dissipating Chimney” was duly and legally
20 issued after full and fair examination. NEXT is the owner of all right, title, and interest
21 in and to the ’607 patent by assignment, with full right to bring suit to enforce the patent,
22 including the right to recover for past infringement damages and the right to recover
23 future royalties, damages, and income. A copy of the ’607 patent is attached hereto as
24 Exhibit C.

25 35. Claim 19 of the ’607 patent states:

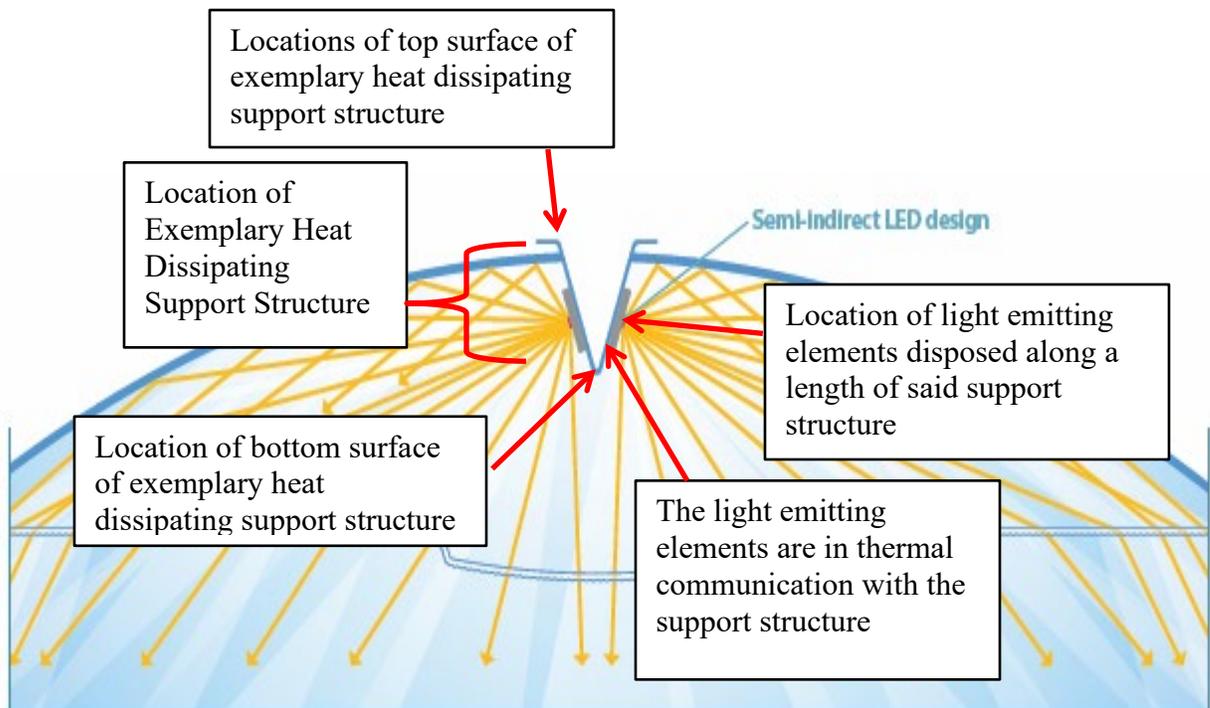
26 A lighting unit comprising:
27 a heat dissipating support structure having a top surface and a bottom surface,
28 and having at least one space between portions of the support structure;

1 a plurality of light emitting elements in thermal communication with the support
 2 structure and disposed along a length of said support structure between the bottom
 surface and the top surface;

3 and at least one thermal conduit formed with substantially smooth, solid, and
 4 finless walls without heat dissipating surface fins extending through the support
 structure from the top surface to the bottom surface to form a substantially linear
 convection path for dissipating heat from the light emitting elements of the lighting unit,
 and in fluid communication with the at least one space.

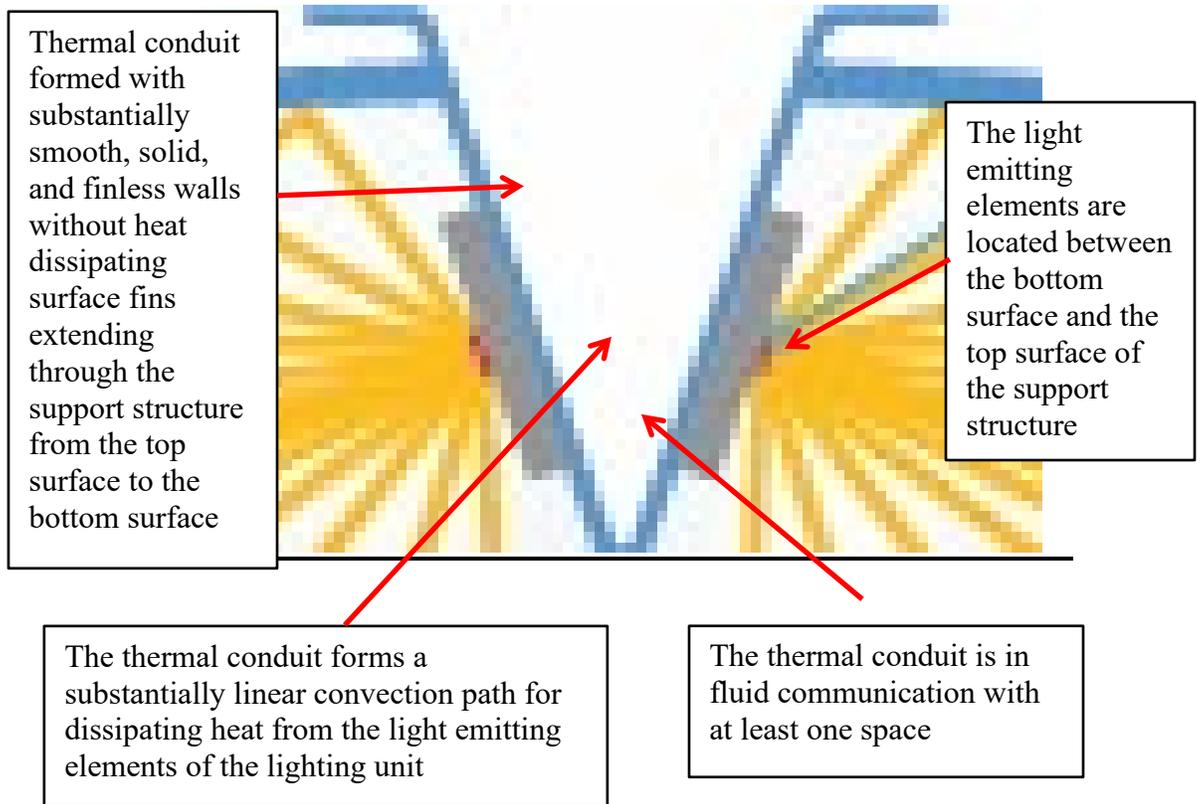
5 36. Defendant has infringed and continues to infringe (literally and/or under
 6 the doctrine of equivalents) one or more claims of the '607 patent in this judicial district
 7 and elsewhere in the United States, by making, using, importing, selling, and offering
 8 for sale the Prudential Wing recessed lighting product lines, which incorporate the
 9 claimed lighting unit design.

10 37. The Prudential Wing recessed lighting product lines constitute lighting
 11 units that use LEDs as the light source. These lines include the Wing models in 1' x 1',
 12 1' x 4', 2' x 2', and 2' x 4' configurations. The Prudential Wing recessed lighting
 13 product lines include a heat dissipating support structure having a top surface and a
 14 bottom surface, and having at least one space between portions of the support structure.
 15 The Prudential Wing recessed lighting product lines meet each and every limitation of
 16 claim 19 of the '607 patent.



1 Above image: *Wing-brochure.pdf* (April 21, 2020), [https://www.prulite.com/wp-](https://www.prulite.com/wp-content/uploads/2015/12/Wing-brochure.pdf)
2 [content/uploads/2015/12/Wing-brochure.pdf](https://www.prulite.com/wp-content/uploads/2015/12/Wing-brochure.pdf) (annotated).

3 38. The Prudential Wing recessed lighting product lines include at least one
4 thermal conduit formed with substantially smooth, solid, and finless walls without heat
5 dissipating surface fins extending through the support structure from the top surface to
6 the bottom surface to form a substantially linear convection path for dissipating heat
7 from the light emitting elements of the lighting unit, and in fluid communication with
8 the at least one space.



23 Above image: *Wing-brochure.pdf* (April 21, 2020), [https://www.prulite.com/wp-](https://www.prulite.com/wp-content/uploads/2015/12/Wing-brochure.pdf)
24 [content/uploads/2015/12/Wing-brochure.pdf](https://www.prulite.com/wp-content/uploads/2015/12/Wing-brochure.pdf) (annotated).

25 39. The Prudential Wing recessed lighting product lines provide “on-board
26 thermal management” which incorporate the claimed lighting unit design, and allow the
27 Prudential Wing recessed lighting product lines to avoid requiring supplemental heat
28 sinks:

1 Wing LED's are available with 3000k, 3500K and
2
3 4000K color temperatures targeted precisely on
4 the Black Body Locus for natural white light. Due to
5 on-board thermal management, supplemental heat
6
7 sinks are not necessary.

8 40. The Prudential Wing recessed lighting product lines include a plurality of
9 light emitting elements in thermal communication with the support structure and
10 disposed along a length of said support structure between the bottom surface and the
11 top surface.

12 41. The above products, and similar products are defined as the "'607 Patent
13 Exemplary Accused Products". On information and belief, the '607 Patent Exemplary
14 Accused Products have been purchased by end-users located in this judicial district,
15 installed in locations within this judicial district, and used by persons within this judicial
16 district.

17 42. Defendant has infringed and continues to infringe (literally and/or under
18 the doctrine of equivalents) one or more claims of the '607 patent in this judicial district
19 and elsewhere in the United States, by making, using, importing, selling, and offering
20 for sale the '607 Patent Exemplary Accused Products that incorporate the claimed
21 lighting unit design.

22 43. Defendant has been at no time, either expressly or impliedly, licensed
23 under the '607 patent.

24 44. Defendant's acts of infringement have caused damage to Plaintiff.
25 Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a
26 result of the wrongful acts of Defendant in an amount subject to proof at trial.
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1 45. Collectively, the '165 Patent Exemplary Accused Products, '566 Patent
2 Exemplary Accused Products, and '607 Patent Exemplary Accused Products are
3 defined as the "Exemplary Accused Products".

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

7 **Defendant's Willful Infringement**

8 47. Defendant has had actual notice of the '165, '566, and '607 patents since
9 at least February 6, 2018, when Defendant received NEXT's letter making it aware of
10 the '165, '566, and '607 patents and identifying Defendant's Stream Series product line.

11 48. Since at least the filing of the original complaint in this action, and/or
12 service of same, Defendant has had knowledge of its infringement of the '165, '566,
13 and '607 patents. Defendant's infringement of the '165, '566, and '607 patents
14 continues to be willful and deliberate, entitling NEXT to enhanced damages and
15 attorneys' fees. Additional allegations regarding Defendant's knowledge of the '165,
16 '566, and '607 patents and willful infringement will likely have evidentiary support
17 after a reasonable opportunity for discovery. Upon information and belief, the risks of
18 infringement were known to Defendant and/or were so obvious under the circumstances
19 that the infringement risks should have been known. Defendant has acted despite an
20 objectively high likelihood that its actions constituted infringement of the '165, '566,
21 and '607 patents. In addition, this objectively-defined risk was known or should have
22 been known to Defendant. Defendant's actions constitute egregious behavior beyond
23 typical infringement.

24 **Defendant's Indirect Infringement**

25 49. Further and in the alternative, at least since the filing and service of the
26 Original Complaint, Defendant has been and now is actively inducing infringement of
27 at least claim 34 of the '165 patent, claim 1 of the '566 patent, and claim 19 of the '607
28 patent in violation of 35 U.S.C. § 271(b). Users of the Exemplary Accused Products

1 directly infringe at least claim 34 of the '165 patent, claim 1 of the '566 patent, and
2 claim 19 of the '607 patent when they use the Exemplary Accused Products in the
3 ordinary, customary, and intended way. Defendant's affirmative acts of selling the
4 Exemplary Accused Products, causing Defendant's Exemplary Accused Products to be
5 manufactured and distributed, and providing instruction manuals for the Exemplary
6 Accused Products have induced and continue to induce Defendant's manufacturers,
7 resellers, and/or end-users to make or use the Exemplary Accused Products in their
8 normal and customary way to infringe the '165, '566, and '607 patents. For example,
9 it can be reasonably inferred that retailers will re-sell the infringing products, and that
10 end-users will use the infringing products, which will cause the Exemplary Accused
11 Products that are the subject of the claimed invention to be used. By way of example
12 only, the lighting products that are the subject of the claimed invention are used when
13 one of the Exemplary Accused Products is turned on and its LEDs illuminated. In
14 addition, Defendant provides instructional materials, such as user guides, that
15 specifically teach end-users to use the Exemplary Accused Products. For example,
16 Defendant makes available installation instructions at [https://www.prulite.com/wp-](https://www.prulite.com/wp-content/uploads/2015/12/Stream-Install-X1-T-bar.pdf)
17 [content/uploads/2015/12/Stream-Install-X1-T-bar.pdf](https://www.prulite.com/wp-content/uploads/2015/12/Stream-Install-X1-T-bar.pdf). By providing such instructions,
18 Defendant knows (and has known), or was willfully blind to the probability that its
19 actions have, and continue to, actively induce infringement. These actions have induced
20 and continue to induce the direct infringement of the '165, '566, and '607 patents by
21 end-users, businesses, distributors, resellers, and sales representatives.

22 PRAYER

23 WHEREFORE, NEXT respectfully requests that the Court:

24 A. Enter judgment that Defendant has infringed the '165, '566, and '607
25 patents;

26 B. A judgment and order permanently enjoining Defendant and its directors,
27 officers, employees, agents, parents, subsidiaries, affiliates, and all persons in active
28 concert or participation with it from infringement, inducement to infringe, or

1 contributory infringement of the '165, '566, and '607 patents, including the making,
2 use, sale, offer for sale, distribution, or promotion of products and/or services falling
3 within the scope of the claims of the '165, '566, and '607 patents pursuant to 35
4 U.S.C. § 283;

5 C. A judgment and order requiring Defendant to pay NEXT damages
6 sufficient to compensate NEXT for Defendant's infringement of the '165, '566, and
7 '607 patents, in an amount not less than NEXT's lost profits and/or a reasonable
8 royalty and interest and costs, pursuant to 35 U.S.C. § 284, and supplemental damages
9 for any continuing post-verdict infringement up until entry of final judgment with an
10 accounting, as needed;

11
12 Respectfully submitted,

13 Dated: April 23, 2020

Law Office of Ryan E. Hatch, PC

14
15 By: */s/ Ryan E. Hatch*

Ryan E. Hatch

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17 Attorney for Plaintiff
18 NEXT LIGHTING CORP.
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JURY TRIAL DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff NEXT Lighting Corp. respectfully demands a jury trial on all issues in this action so triable by a jury.

Respectfully submitted,

Dated: April 23, 2020

Law Office of Ryan E. Hatch, PC

By: /s/ Ryan E. Hatch

Ryan E. Hatch

Attorney for Plaintiff
NEXT LIGHTING CORP.