

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**IDEAL INDUSTRIES LIGHTING LLC
d/b/a CREE LIGHTING, a company of
IDEAL INDUSTRIES, INC.,**

Plaintiff,

v.

VOOTU, INC.,

Defendant.

Case No. _____

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff IDEAL Industries Lighting LLC d/b/a Cree Lighting, a company of IDEAL Industries, Inc. (“Cree Lighting”), for its Complaint against Defendant Vootu, Inc. (“Vootu”), states and alleges as follows:

PARTIES

1. Plaintiff Cree Lighting is a Delaware limited liability company having offices at 4401 Silicon Drive, Durham, NC 27703 and 9201 Washington Avenue, Racine, WI 53406.

2. On information and belief, defendant Vootu is a corporation organized and existing under the laws of the State of Florida with a principal place of business at 11721 US Highway 19N, Clearwater, FL 33764.

3. Vootu makes, uses, sells, offers to sell in, and/or imports into the United States lighting products including LED products and apparatuses utilizing LEDs.

JURISDICTION AND VENUE

4. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including without limitation 35 U.S.C. §§ 271 and 281. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Vootu because Vootu regularly and deliberately engages in business in the State of Florida and in this judicial district, including placing infringing products into the stream of commerce by using, selling, offering for sale, and/or importing infringing products in and/or into the State of Florida and this judicial district.

6. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b) because Vootu is subject to personal jurisdiction in this district, resides in this district, has committed acts of infringement in this district, and has a regular and established place of business in this district.

BACKGROUND

7. Cree Lighting is a market-leading innovator engaged in the design, manufacture, and sale of lighting products including light emitting diode (“LED”) products as well as devices and apparatuses utilizing LEDs.

8. One of Cree Lighting’s products is the industry-leading CPY250[®] Canopy/Soffit luminaire, an outdoor LED light that helps increase location visibility and incoming traffic at locations including service stations, convenience stores, drive-thru restaurants, parking garages or banking locations. Two models of Cree Lighting’s CPY250[®] product are shown below:



9. Cree Lighting devoted substantial time, effort, and resources to the development and promotion of the CPY250[®] luminaire. As a result, the public has come to recognize and rely upon the CPY250[®] luminaire as an indication of the high quality associated with Cree Lighting.

10. The distinctive design of the CPY250[®] LED luminaire has become well known in the industry. The CPY250[®] LED luminaire designs have a thin profile constructed of rugged cast aluminum with a distinctive capital “T” shaped design through the center. The luminaires also contain unique ribbing down the length of the fixtures.

11. Cree Lighting has two design patents relating to its CPY250[®] luminaire, U.S. Patent Nos. D721,844 and D743,084. An example figure from each patent is shown below:

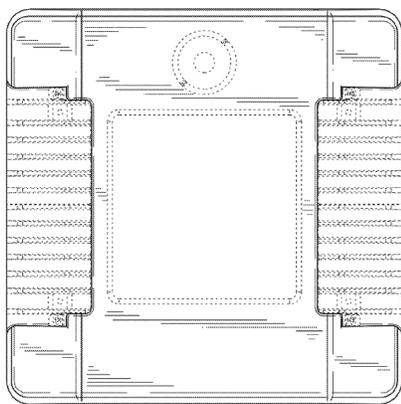


FIG. 2

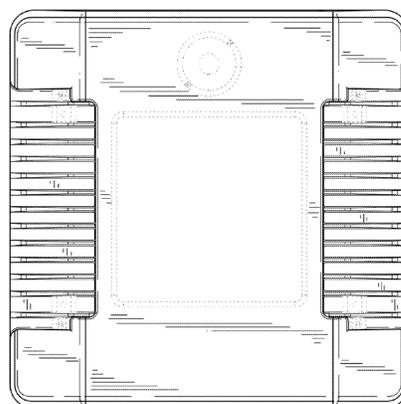


FIG. 2

See Exhibit A (U.S. Patent No. D721,844) & Exhibit B (U.S. Patent No. D743,084).

12. After the introduction of the Cree Lighting CPY250[®] luminaire, Vootu began selling knock-off products, including the LED Gas Station Canopy Light 130w (“the Accused Products”), through a website called “americasbestled.com,” displaying the image below:



See Exhibit C (printout of <https://americasbestled.com/product/led-gas-station-canopy-light-130w/>, accessed on November 26, 2019).

13. The Accused Products are copies of Cree Lighting’s CPY250[®] luminaire design. Vootu’s sales of the Accused Products are damaging to the goodwill associated with Cree Lighting’s products and Cree Lighting’s reputation.

COUNT I – INFRINGEMENT OF U.S. DESIGN PATENT NO. D721,844

14. Cree Lighting repeats and re-alleges each and every allegation of paragraphs 1 - 13.

15. Cree Lighting is the owner of United States Design Patent No. 721,844 (“the ’844 Patent”) titled “Light Fixture.” The ’844 Patent was duly and legally issued by the United States Patent and Trademark Office on January 27, 2015. A true and correct copy of the ’844 Patent is attached as Exhibit A.

16. Cree Lighting has practiced the '844 patent in connection with the commercialization of its CPY250[®] product. Cree Lighting marks its CPY250[®] products with the '844 patent.

17. As the owner of the '844 Patent, Cree Lighting is authorized and has standing to bring legal action to enforce all rights arising under the '844 Patent.

18. Vootu has infringed, and will continue to infringe, the '844 patent in violation of 35 U.S.C. § 271, by making, using, selling, offering, to sell in, and/or importing the Accused Products into the United States.

19. Vootu infringes the '844 Patent because, *inter alia*, in the eye of an ordinary observer, giving such attention as a purchaser usually gives, the design of the '844 Patent and the design of the Accused Products are substantially the same, the resemblance being such as to deceive such an ordinary observer, inducing them to purchase one supposing it to be the other.

20. Upon information and belief, Vootu has actual knowledge of the '844 Patent and actual knowledge that its activities constitute direct infringement of the '844 Patent, or has willfully blinded itself to the infringing nature of its activities, and yet continues its infringing activities.

21. Vootu has been on notice of the '844 Patent, and its infringement of that patent, since at least December 2019, when Cree Lighting sent Vootu a letter notifying Vootu of its infringement of the patent (and attaching the patent). Vootu's infringement of the '844 Patent has been and will continue to be willful, deliberate and intentional.

22. As a result of Vootu's infringement of the '844 Patent, Cree Lighting has suffered and will continue to suffer irreparable and monetary damages in an amount to be determined at

trial, but in no event less than a reasonable royalty, together with interest and costs as fixed by the Court.

COUNT II – INFRINGEMENT OF U.S. DESIGN PATENT NO. D743,084

23. Cree Lighting repeats and re-alleges each and every allegation of paragraphs 1 - 13.

24. Cree Lighting is the owner of United States Design Patent No. 743,084 (“the ’084 Patent”) titled “Light Fixture.” The ’084 Patent was duly and legally issued by the United States Patent and Trademark Office on November 10, 2015. A true and correct copy of the ’084 Patent is attached as Exhibit B.

25. Cree Lighting has practiced the ’084 patent in connection with the commercialization of its CPY250[®] product. Cree Lighting marks its CPY250[®] products with the ’084 patent.

26. As the owner of the ’084 Patent, Cree Lighting is authorized and has standing to bring legal action to enforce all rights arising under the ’084 Patent.

27. Vootu has infringed, and will continue to infringe, the ’084 patent in violation of 35 U.S.C. § 271, by making, using, selling, offering, to sell in, and/or importing the Accused Products into the United States.

28. Vootu infringes the ’084 Patent because, *inter alia*, in the eye of an ordinary observer, giving such attention as a purchaser usually gives, the design of the ’084 Patent and the design of the Accused Products are substantially the same, the resemblance being such as to deceive such an ordinary observer, inducing them to purchase one supposing it to be the other.

29. Upon information and belief, Vootu has actual knowledge of the ’084 Patent and actual knowledge that its activities constitute direct infringement of the ’084 Patent, or has

willfully blinded itself to the infringing nature of its activities, and yet continues its infringing activities.

30. Vootu has been on notice of the '084 Patent, and its infringement of that patent, since at least December 2019, when Cree Lighting sent Vootu a letter notifying Vootu of its infringement of the patent (and attaching the patent). Vootu's infringement of the '084 Patent has been and will continue to be willful, deliberate and intentional.

31. As a result of Vootu's infringement of the '084 Patent, Cree Lighting has suffered and will continue to suffer irreparable and monetary damages in an amount to be determined at trial, but in no event less than a reasonable royalty, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Cree Lighting prays for entry of judgment against Vootu as follows:

- A. An entry of judgment in favor of Cree Lighting that Vootu has infringed one or more claims of the '844 and '084 Patents under 35 U.S.C. § 271, and that such infringement has been willful;
 - B. A permanent injunction against further infringement of the '844 and '084 Patents by Vootu and all persons in active concert or participation with it pursuant to 35 U.S.C. § 283;
 - C. An award of damages adequate to compensate Cree Lighting for Vootu's infringement and willful infringement, treble damages under 35 U.S.C. § 284, and interest;
 - D. A finding that this is an exceptional case under 35 U.S.C. § 285, and that Cree Lighting be awarded its attorneys' fees, costs, and all expenses incurred in this action;
- and

E. Such other and further relief as this Court or a jury may deem just and proper.

JURY DEMAND

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

Dated: July 6, 2020

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