

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RAB LIGHTING INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
IDEAL INDUSTRIES LIGHTING LLC,)	JURY TRIAL DEMANDED
d/b/a CREE LIGHTING, and)	
E-CONOLIGHT LLC,)	
)	
Defendants.)	

COMPLAINT

Plaintiff RAB Lighting Inc. (“RAB”), by and through its undersigned counsel, files this Complaint for patent infringement against Defendant IDEAL INDUSTRIES LIGHTING LLC, d/b/a Cree Lighting (“Cree Lighting”), and Defendant E-CONOLIGHT LLC (“E-conolight”), and upon personal knowledge as to itself and on information and belief as to all other matters, hereby alleges as follows:

NATURE OF THE ACTION

1. This action arises under the patent laws of the United States, Title 35 of the United States Code, based on Defendants’ and their predecessors in interests’ infringement of patents owned by RAB, i.e. U.S. Patent No. 9,010,970 (“the ’970 patent”), attached as Exhibit A; U.S. Patent No. 8,985,816 (“the ’816 patent”), attached as Exhibit B; and U.S. Design Patent No. D745,202 (“the ’202 patent”), attached as Exhibit C. RAB seeks damages for Defendants’ infringement, enhancement of damages due to Defendants’ willful infringement, and an injunction barring Defendants from further infringement. Pursuant to 35 U.S.C. § 289, RAB seeks an award in the amount equivalent to disgorgement of Defendants’ profits resulting from said infringement of the ’202 patent. RAB further seeks that this case be adjudged an exceptional

case under 35 U.S.C. § 285 and that RAB be awarded its costs, expenses, and disbursements incurred in this action, including reasonable attorneys' fees as available by law to be paid by Defendants.

THE PARTIES

2. Plaintiff RAB is a company organized and existing under the laws of the State of New York, with a principal place of business located at 170 Ludlow Avenue, Northvale, New Jersey 07647.

3. Defendant Cree Lighting is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business located at 4401 Silicon Drive, Durham, North Carolina. The Delaware registered agent for Cree Lighting is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

4. Defendant E-conolight is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business located at 13900 Grandview Parkway, Sturtevant, WI 53177. The Delaware registered agent for E-conolight is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

5. Defendant Cree Lighting is the combination of certain businesses acquired and combined by Cree, Inc., including Ruud Lighting, Inc. ("Ruud") and Ruud's former subsidiary, Defendant E-conolight. Ideal Industries LLC acquired the lighting business of Cree, Inc. in or about May 2019 and formed Ideal Industries Lighting LLC (Cree Lighting).

JURISDICTION AND VENUE

6. This is an action for patent infringement arising out of the unauthorized importing, manufacturing, using, offering for sale, and selling of certain lighting systems by Defendants in violation of RAB's patent rights. Because this is an action for infringement under the patent laws of the United States, 35 U.S.C. § 271, *et seq.*, this Court has subject matter

jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Defendants in that, at all times pertinent hereto, upon information and belief, Cree Lighting and E-conolight are incorporated in this District, are doing business and have systematic activities in this District, and are committing infringing acts in this District.

8. Venue properly lies in this District pursuant to 28 U.S.C. §§ 1391 and 1400 because Defendants Cree Lighting and E-conolight are subject to personal jurisdiction in this District, due at least to the fact that Cree Lighting and E-conolight reside in this District.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 9,010,970

9. RAB repeats and re-alleges each and every allegation contained in paragraphs 1-8, inclusive, as though fully set forth herein.

10. RAB is the assignee and owner of United States Patent No. 9,010,970 (“the ’970 patent”).

11. The ’970 patent, entitled “Light Fixture with Peripheral Cooling Channels,” was duly and legally issued by the United States Patent and Trademark Office on April 21, 2015. A Certificate of Correction to the ’970 patent was issued on November 10, 2020. A true and correct copy of the ’970 patent is attached hereto as Exhibit A.

12. The ’970 patent is valid and enforceable.

13. Without permission or authorization from RAB and in violation of 35 U.S.C. § 271(a), Defendants (including their predecessors) have imported, made, sold, offered for sale, and/or used, and continue to import, make, sell, offer for sale, and/or use in this District and elsewhere in the United States, certain lighting fixtures that infringe at least one claim of the ’970

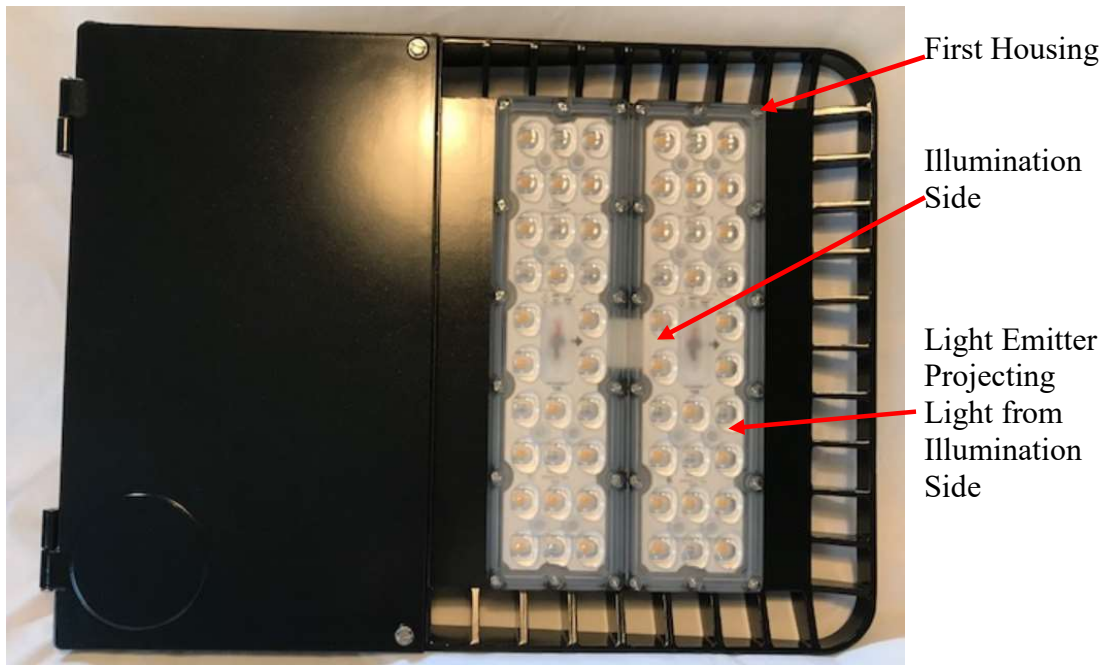
patent (the “’970 Infringing Products”), including, but not limited to:

- E-APE09/10/16/17/18/27/28/30/31 Series LED Area Lights
- C-LITE C-AR-A-SL3/SL4/SL5-9L/10L/16L/18L/27L/28L/30L/31L LED Area Lights
- Noctura NTA-A Series LED Area Lights
- Certain products among Noctura NTF-A Series LED Flood Lights, including at least the NTF-A-XX-N6-28L LED Flood Light
- OSQ Series LED Area Luminaires

14. For example, independent claim 17 is generally directed to a light fixture for a light emitter that includes a first housing, an illumination side of the first housing with the light emitter projecting light from the illumination side, an opposite side of the first housing, located opposite the illumination side, a first and second edge defined by the first housing between the illumination and opposite sides, a rim extending around at least two opposite edges of the first housing, a first plurality of fins spanning between the rim and at least two opposite edges of the first housing and across the opposite side of the first housing, and a plurality of airflow channels, with each of the plurality of airflow channels defined between adjacent ones of the first plurality of fins, each of the plurality of airflow channels open to the illumination side of the first housing between the rim and a first one of the at least two opposite edges of the first housing, extending across the opposite side of the first housing, and open to the illumination side of the first housing between the rim and a second one of the at least two opposite edges of the first housing. All of the ’970 Infringing Products practice the claimed invention.

15. For example, the C-LITE C-AR-A-SL4-9L LED Area Light is a light fixture for light emitters that practices the claimed invention by including a first housing, an illumination

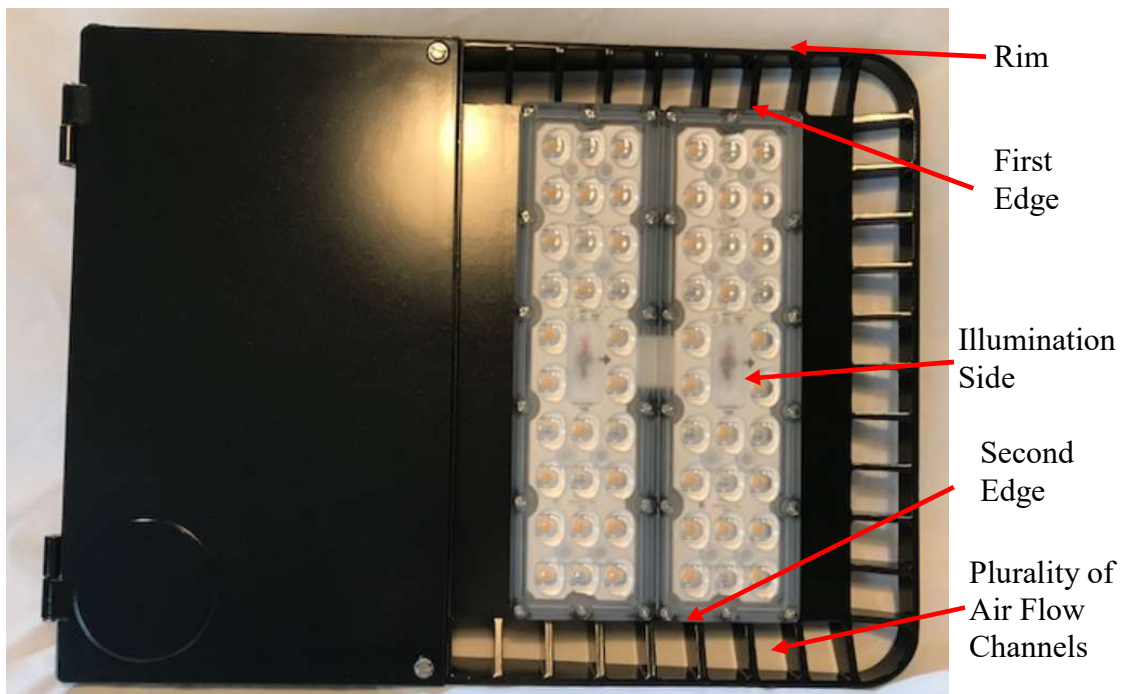
side of the first housing with the light emitter projecting light from the illumination side, as shown below.



16. The C-LITE C-AR-A-SL4-9L LED Area Light also includes an opposite side of the first housing, located opposite the illumination side, a first and second edge defined by the first housing between the illumination and opposite sides, a rim extending around at least two opposite edges of the first housing, a first plurality of fins spanning between the rim and at least two opposite edges of the first housing and across the opposite side of the first housing, and a plurality of airflow channels, with each of the plurality of airflow channels defined between adjacent ones of the first plurality of fins, as shown below.



17. Each of the plurality of airflow channels in the C-LITE C-AR-A-SL4-9L LED Area Light is open to the illumination side of the first housing between the rim and a first one of the at least two opposite edges of the first housing, extending across the opposite side of the first housing, and open to the illumination side of the first housing between the rim and a second one of the at least two opposite edges of the first housing, as shown below.



18. Each of the plurality of airflow channels in the C-LITE C-AR-A-SL4-9L LED Area Light also extends across the opposite side of the first housing, as shown below.



19. To the extent that any marking or notice was required by 35 U.S.C. § 287, RAB has complied with the requirements of that statute by providing constructive notice to Defendants of their infringement of the '970 patent.

20. At least Defendant Cree Lighting's infringement of the '970 patent has been and continues to be willful and deliberate. Cree Lighting's prior owner, Cree, Inc., cited the publication of the '970 patent (US 2013/0088882, "the '970 Publication") as prior art to at least two patents, D743,088 and D822,261. Both of these patents, which are now owned by Cree Lighting, were directed to '970 Infringing Products. From the citation of the '970 Publication, on information and belief, Cree Lighting recognized and acknowledged the relevance of the '970 patent to the '970 Infringing Products. The '970 Publication was cited at least as early as September 9, 2015, yet despite its knowledge of this RAB intellectual property Cree Lighting has continued to manufacture and sell all the '970 Infringing Products, thus willfully infringing the '970 patent.

21. Defendants' conduct has caused and will continue to cause RAB substantial

damage, including irreparable harm, for which RAB has no adequate remedy at law, unless and until Defendants are enjoined from infringing the '970 patent.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 8,985,816

22. RAB repeats and re-alleges each and every allegation contained in paragraphs 1-21, inclusive, as though fully set forth herein.

23. RAB is the assignee and owner of United States Patent No. 8,985,816 (“the ’816 patent”).

24. The ’816 patent, entitled “Light Fixture with Central Lighting Housing and Peripheral Cooling Housing,” was duly and legally issued by the United States Patent and Trademark Office on March 24, 2015. A Certificate of Correction to the ’816 patent was issued on November 10, 2020. A true and correct copy of the ’816 patent is attached hereto as Exhibit B.

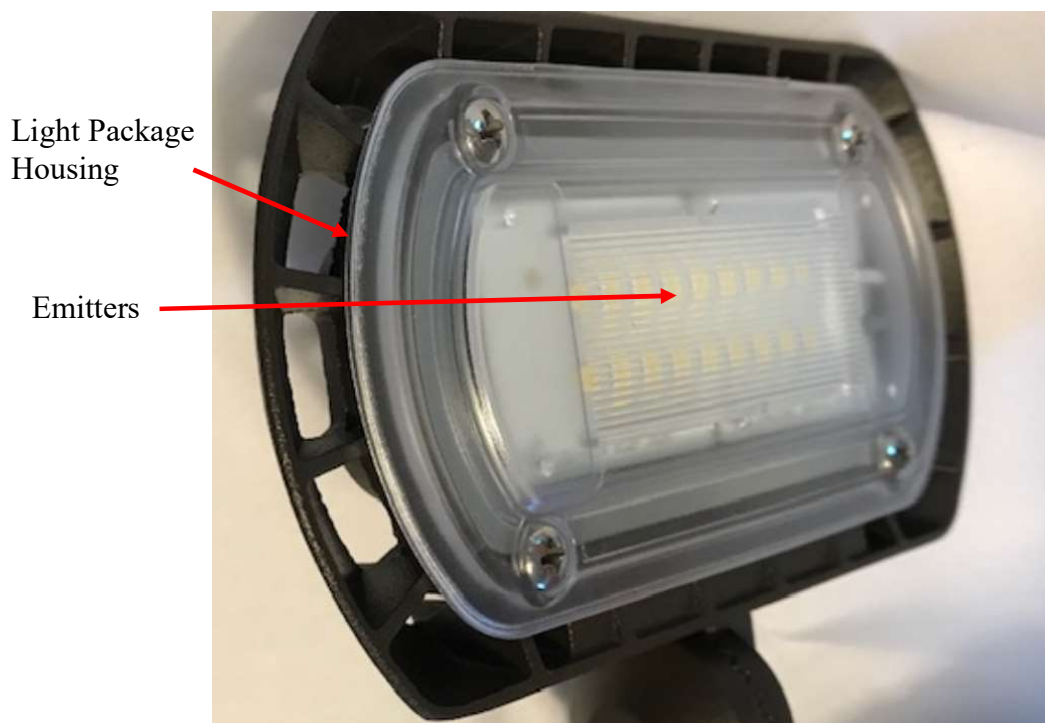
25. The ’816 patent is valid and enforceable.

26. Without permission or authorization from RAB and in violation of 35 U.S.C. § 271(a), Defendants (including their predecessors) have imported, made, sold, offered for sale, and/or used and continue to import, make, sell, offer for sale, and/or use in this District and elsewhere in the United States, certain lighting fixtures that infringe at least one claim of the ’816 patent (the “’816 Infringing Products”), including, but not limited to, E-FFL Series LED Flood Lights (the “E-FFL product”).

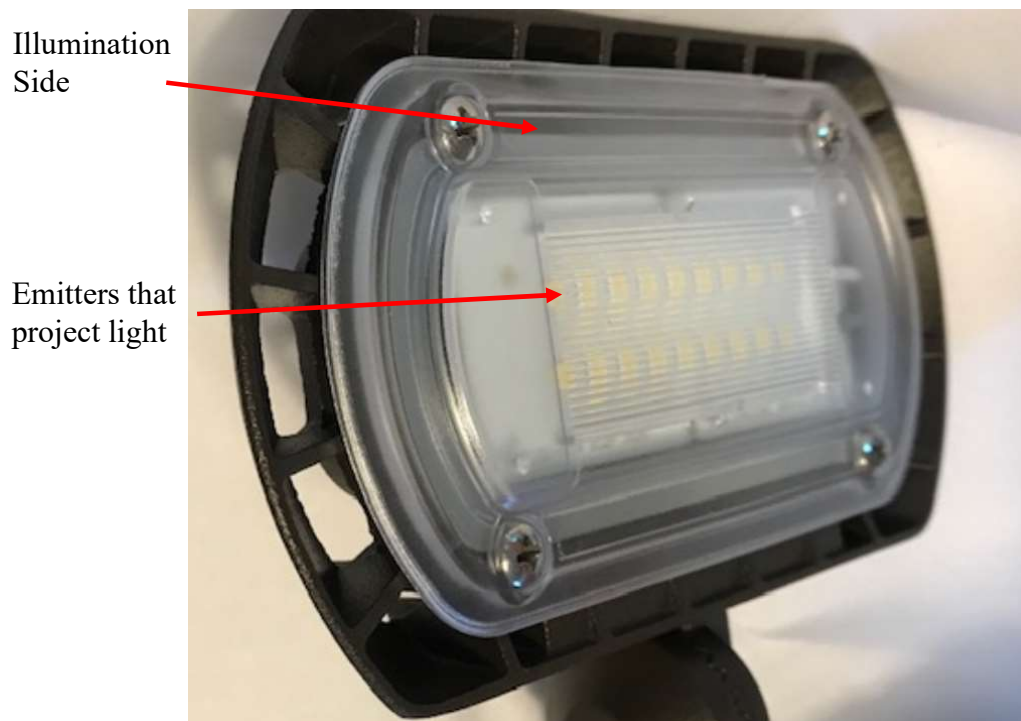
27. For example, independent claim 1 is generally directed to a light fixture that includes a light package housing including emitters, an illumination side of the light package housing, emitters projecting light from the illumination side, a top side of the light package

housing located opposite the illumination side, and a cooling housing extending peripherally around an outer circumference of the light package housing with the cooling housing including a plurality of cooling fins, a rim, and a radial ring fin support. The rim couples the cooling fins around an outer circumference of the cooling housing, the plurality of cooling fins span radially between the outer circumference of the light package housing and the rim, and the radial ring fin support radially spans a portion of adjacent vertical fins between the rim and the outer circumference of the light package housing.

28. The E-FFL product is a light fixture that practices the claimed invention by including a light package housing including emitters, as seen below.



29. The E-FFL product also includes an illumination side of the light package housing, with emitters projecting light from the illumination side, as shown below.



30. The E-FFL product also includes a top side of the light package housing located opposite the illumination side, and a cooling housing extending peripherally around an outer circumference of the light package housing with the cooling housing including a plurality of cooling fins, a rim, and a radial ring fin support, as shown below.



31. The rim in the E-FFL product couples the cooling fins around an outer circumference of the cooling housing, the plurality of cooling fins span radially between the outer circumference of the light package housing and the rim, and the radial ring fin support radially

spans a portion of adjacent vertical fins between the rim and the outer circumference of the light package housing as shown below.



32. To the extent that any marking or notice was required by 35 U.S.C. § 287, RAB has complied with the requirements of that statute by providing constructive notice of the '816 patent.

33. At least Defendant Cree Lighting's infringement of the '816 patent has been and continues to be willful and deliberate. The '816 patent was cited in July of 2015 against a patent application then-owned by the prior owner of Cree Lighting, Cree, Inc. That Cree, Inc. patent application led to United States patent D750,317 ("the '317 patent"), and the '317 patent is now fully assigned to Ideal Industries. From the citation of the '816 patent against this patent application, Cree Lighting had knowledge of the '816 patent at least as early as July 20, 2015. Despite having knowledge of the '816 patent, Cree Lighting willfully infringed by continuing to manufacture and sell the '816 Infringing Products.

34. Defendants' conduct has caused and will continue to cause RAB substantial damage, including irreparable harm, for which RAB has no adequate remedy at law, unless and until Defendants are enjoined from infringing the '816 patent.

COUNT III

INFRINGEMENT OF U.S. DESIGN PATENT NO. D745,202

35. RAB repeats and re-alleges each and every allegation contained in paragraphs 1-34, inclusive, as though fully set forth herein.

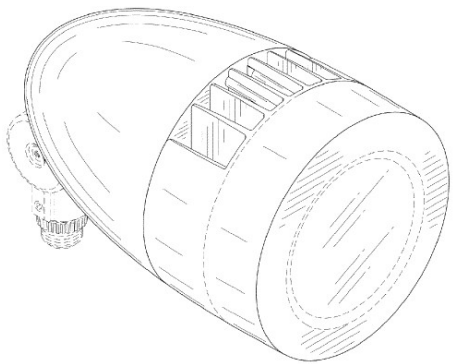

36. RAB is the assignee and owner of United States Design Patent No. D745,202 (“the ’202 patent”).

37. The ’202 patent, entitled “Bullet Shaped LED Flood Light,” was duly and legally issued by the United States Patent and Trademark Office on December 8, 2015. A true and correct copy of the ’202 patent is attached hereto as Exhibit C.

38. The ’202 patent is valid and enforceable.

39. Without permission or authorization from RAB and in violation of 35 U.S.C. § 271(a), Defendants (including their predecessors) have imported, made, sold, offered for sale, and/or used and continue to import, make, sell, offer for sale, and/or use in this District and elsewhere in the United States, certain lighting fixtures that infringe the single claim of the ’202 patent by including all of the claimed design elements in the product (the “’202 Infringing Products”), including, but not limited to, Defendants’ E-conolight E-GL5M/GL5N/GL5W and C-LITE C-FL-A-RDM/RDW products.

40. For example, a side by side comparison of Figure 1 of the ’202 patent and the C-FL-A-RDM Light is shown below:

	
'202 patent, Figure 1	C-FL-A-RDM Light

41. To the extent that any marking or notice was required by 35 U.S.C. § 287, RAB has complied with the requirements of that statute by providing constructive notice to Defendants of their infringement of the '202 patent.

42. Defendants' conduct has caused and will continue to cause RAB substantial damage, including irreparable harm, for which RAB has no adequate remedy at law, unless and until Defendants are enjoined from infringing the '202 patent.

PRAYER FOR RELIEF

Wherefore, RAB respectfully prays for entry of a judgment:

- A. That Defendants have infringed the '816, '970, and '202 patents;
- B. That Defendants and their respective agents, servants, officers, directors, employees and all persons in privity or active concert or participation with them, directly or indirectly, be enjoined from infringing, inducing others to infringe, or contributing to the infringement of the '816 and '970, and '202 patents;
- C. That Defendants be ordered to account for and pay to RAB damages adequate to

compensate for Defendants' infringement of the '816 and '970, and '202 patents, including lost profits and/or reasonable royalty, and/or for the '202 patent disgorgement of Defendants' profits pursuant to 35 U.S.C. § 289;

D. That a post-judgment equitable accounting of damages be ordered for the period of infringement of the '970, '816, and '202 patents following the period of damages established by RAB at trial;

E. That damages be trebled for the willful, deliberate, and intentional infringement by Defendants as alleged herein in accordance with 35 U.S.C. § 284;

F. That this case be adjudged an exceptional case under 35 U.S.C. § 285 and that RAB be awarded its costs, expenses, and disbursements incurred in this action, including reasonable attorneys' fees as available by law to be paid by Defendants;

G. For an award of pre-judgment interest, post-judgment interest, and costs in this action; and

H. For such other relief to RAB as this Court deems just and proper.

DEMAND FOR JURY TRIAL

RAB demands a trial by jury on all issues so triable.

POLSINELLI PC

/s/ Stephen J. Kraftschik

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