

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSSETTS**

MARK A. PINCHOT

Plaintiff,

v.

COOLEDGE LIGHTING, INC.

Defendant.

C.A. No. 1:24-cv-11436

COMPLAINT

Plaintiff Mark A Pinchot, through his undersigned attorneys, hereby files this Complaint for patent infringement against Defendant Cooledge Lighting, Inc and alleges as follows:

THE PARTIES

1. Mark Pinchot (Mr. Pinchot”) is an individual who resides at 30805 Stratford Drive, Solon, Ohio 44139.
2. Heilux, LLC (“Heilux”) is a limited liability company having a principal place of business at 10921 Valley View Road, Eden Prairie, MN 55344.
3. Upon information and belief, Cooledge Lighting Inc. (“Cooledge”) is a corporation existing under the laws of Canada and having a principal place of business at 110-13551 Commerce Parkway, Richmond, BC, Canada, V6V 2L1. Upon information and belief, Cooledge’s United States headquarters is located at 100 Summit Drive, Burlington, Massachusetts 01803.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, et seq., as is more fully set forth below.

5. The Court has subject matter jurisdiction over Mr. Pinchot's claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. The Court has personal jurisdiction over Cooledge because Cooledge has a place of business in this District and engages in continuous and systematic business within this District. The Court also has personal jurisdiction over Cooledge because Cooledge has committed, induced, or contributed to acts of patent infringement in this District by selling and offering for sale infringing products throughout the United States, including in this District.

7. Venue is proper pursuant to 28 U.S.C. §§ 1391(b)(1) or (2) and 1400(b), including because, upon information and belief, Cooledge maintains a place of business in and resides in this District.

FACTUAL BACKGROUND

Ownership of the Patents

8. Mr. Pinchot and Heilux together own all rights, title and interest in U.S. Patent No. 10,215,387 (the "'387 Patent"), entitled ACOUSTIC-CONTROL LIGHT FIXTURE AND METHOD FOR MAKING AND USING. The '387 Patent was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on February 26, 2019. The '387 Patent is in force and effect and is presumed valid under the U.S. patent laws. Attached as Exhibit A is true and accurate copy of the '387 Patent.

9. Mr. Pinchot and Heilux together own all rights, title and interest in U.S. Patent No. 10,779,478 (the "'478 Patent"), entitled METHOD AND APPARATUS FOR AN ACOUSTIC-CONTROL LIGHT FIXTURE. The '478 Patent was duly and legally issued by the USPTO on September 22, 2020. The '478 Patent is in force and effect and is presumed valid under the U.S. patent laws. Attached as Exhibit B is a true and accurate copy of the '478 Patent.

10. On May 31, 2023, Heilux and Mr. Pinchot entered into an agreement (“Enforcement Agreement”) in which the parties agreed that, through at least May 31, 2024, Heilux would cooperate with any efforts by Mr. Pinchot to enforce the ’387 Patent or the ’478 Patent (collectively “Asserted Patents”).

11. Prior to Mr. Pinchot’s initiation of this action, Heilux and Mr. Pinchot had multiple conversations and communications regarding the possibility that Heilux might be deemed a necessary party to this action. Heilux has not indicated to Mr. Pinchot that it is willing to voluntarily join Mr. Pinchot as plaintiff. However, paragraph 1 of the Enforcement Agreement states in part:

Pinchot, at his own expense, may file one or more Complaints in federal court for infringement of one or both of the Patents (hereinafter the Lawsuits), and after the filing may prosecute at his sole discretion the Lawsuits for whatever period of time is necessary, and Heilux agrees that, if necessary to prosecute the Lawsuits, Heilux will join as a co-plaintiff in said Lawsuits, but any expense incurred as a result of Heilux joining as a co-plaintiff shall be borne exclusively by Pinchot and not by Heilux. If Heilux is joined as a co-plaintiff, Pinchot retains sole control over the prosecution of the Lawsuits and Heilux agrees to cooperate with Pinchot.

Cooledge’s Infringing Activity

12. Cooledge offers for sale and/or sells products that infringe the Asserted Patents, including but not limited to Cooledge’s TILE Acoustic products (e.g., the acoustic versions of the TILE interior and TILE Tunable White products) (the “Infringing “Products”)^{1, 2}. Attached as Exhibit C is true and accurate copy of a specification sheet for Cooledge’s TILE Acoustic product (which is, upon information and belief, representative of the Infringing Products) that is available on Cooledge’s web site.

¹ See [https://www.cooledgelighting.com/storage/resources/Cooledge TILE Interior Acoustic - Specifications \(Imperial-Ltr\) R03.pdf](https://www.cooledgelighting.com/storage/resources/Cooledge TILE Interior Acoustic - Specifications (Imperial-Ltr) R03.pdf)

² See [https://www.cooledgelighting.com/storage/resources/Cooledge TILE Tunable White Acoustic - Specifications \(Imperial-Ltr\).pdf](https://www.cooledgelighting.com/storage/resources/Cooledge TILE Tunable White Acoustic - Specifications (Imperial-Ltr).pdf)

13. Cooledge has had knowledge of the Asserted Patents and, upon information and belief, has nonetheless continued to sell the Infringing Products. Specifically, Cooledge has acted with willful, intentional, and conscious disregard of the objectively high likelihood that its conduct constitutes infringement of the Asserted Patents.

COUNT I: INFRINGEMENT OF THE '387 PATENT

14. Mr. Pinchot incorporates by reference herein the allegations of Paragraphs 1-13 of this Complaint.

15. Cooledge has infringed and, unless enjoined, will continue to infringe one or more claims of the '387 Patent in violation of 35 U.S.C. § 271, by, among other things, making, using, offering to sell, and/or selling within the United States, supplying or causing to be supplied in or from the United States, and/or importing into the United States, without authority or license, the Infringing Products.

16. The Cooledge TILE Acoustic lighting product ("TILE Product") infringes at least Claim 1 of the '387 Patent, which reads as follows, either literally or under the doctrine of equivalents:

1. An apparatus comprising:

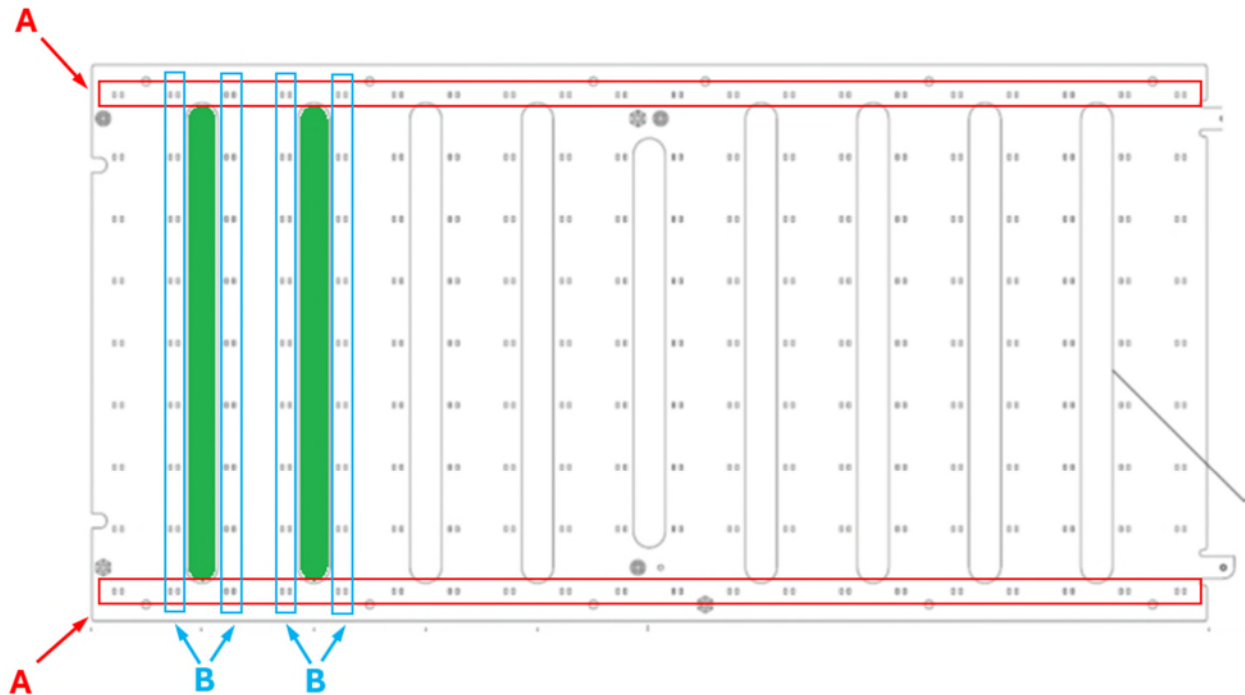
a light system that includes one or more lighting sheets including a first lighting sheet, wherein the first lighting sheet includes a first plurality of LEDs arranged on a grid of intersecting rows and columns of electrical conductors on an insulating substrate, wherein the first plurality of LEDs emit light having a first color spectrum, wherein the first lighting sheet includes a plurality of holes through the insulating substrate of the first lighting sheet, wherein each one of the plurality of holes through the insulating substrate of the first lighting sheet is positioned between an adjacent pair of rows of electrical conductors and between an adjacent pair of columns of electrical conductors of the first lighting sheet; and

an acoustic tile, wherein the first lighting sheet is mounted to the acoustic tile.

17. As shown in Exhibit C, the TILE Product includes a lighting sheet.

18. As shown in Exhibit C and in the image below, the TILE Product includes a

lighting sheet having plurality of LEDs arranged on a grid of intersecting rows (A in red) and columns (B in blue) of electrical conductors on an insulating substrate.



19. As shown in Exhibit C, the TILE Product includes a lighting sheet having a plurality of LEDs that emit light at a first color spectrum. For example, the LEDs can emit light having a color of 2200K, 2700K, 3000K, 3500K, 4000K, or 5700K.

20. As shown in Exhibit C and in the image above, the TILE Product includes a lighting sheet having a plurality of holes (highlighted green) through the insulating substrate, wherein each of the plurality of holes is positioned between an adjacent pair of rows (A in red) of electrical conductors and between an adjacent pair of columns (B in blue) of electrical conductors. Exhibit C explains that the holes (slots) are provided on the TILE Product “to allow sound transmission to acoustic materials.”

21. The TILE Product is mounted to an acoustic tile. As explained in Cooledge’s web site, “TILE Acoustic is intended to be mounted to a sound absorbing substrate to form a light

emitting panel with strong acoustic properties.”³

22. By offering to sell, and/or selling within the United States, supplying or causing to be supplied in or from the United States, and/or importing into the United States, without authority or license, the Infringing Products along with acoustic tiles, Cooledge has been directly infringing and continues to directly infringe the '387 Patent under 35 U.S.C. § 271(a).

23. By offering to sell, and/or selling within the United States, supplying or causing to be supplied in or from the United States, and/or importing into the United States, without authority or license, the Infringing Products for use with an acoustic tile in a lighting system, Cooledge has been inducing infringement and continues to induce infringement of the '387 Patent under 35 U.S.C. § 271(b).

24. By offering to sell, and/or selling within the United States, supplying or causing to be supplied in or from the United States, and/or importing into the United States, without authority or license, the Infringing Products for use with an acoustic tile in a lighting system, Cooledge has been contributorily infringing and continues to contributorily infringe the '387 Patent under 35 U.S.C. § 271(c), knowing the Infringing Products to be especially made or especially adapted for use with an acoustic tile in a lighting system and knowing that the Infringing Products are not staple articles or commodities of commerce suitable for substantial non-infringing uses.

25. Upon information and belief, Cooledge's actions have been and are with knowledge of the '387 Patent and thus have been and are in willful disregard of those patent rights.

26. Mr. Pinchot will be harmed unless the Court enjoins Cooledge and its agents,

³ See <https://www.cooledgelighting.com/products/lighting-systems/tile-acoustic>

affiliates, servants, employees, attorneys, representatives, and all others acting on their behalf from infringing the '387 Patent.

27. Mr. Pinchot has also suffered monetary damages in an amount not yet determined because of Cooledge's infringement of the '387 Patent.

COUNT II: INFRINGEMENT OF THE '478 PATENT

28. Mr. Pinchot incorporates by reference herein the allegations of Paragraphs 1-27 of this Complaint.

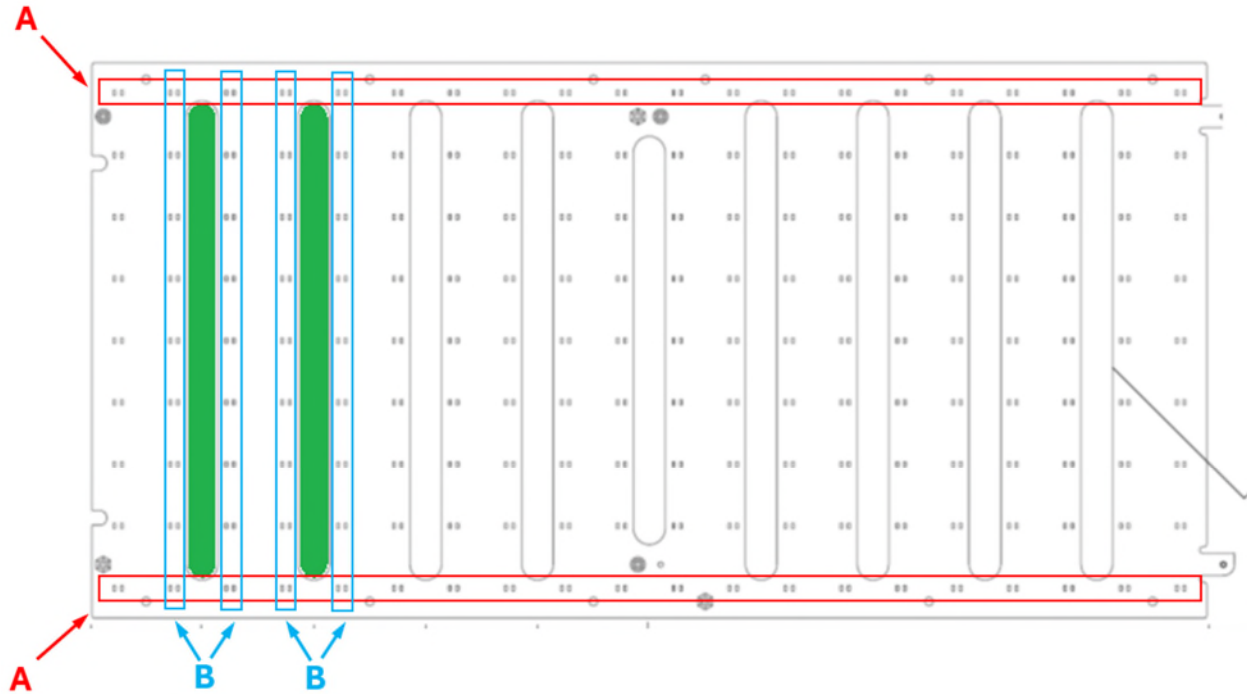
29. Cooledge has infringed and, unless enjoined, will continue to infringe one or more claims of the '478 Patent in violation of 35 U.S.C. § 271, by, among other things, making, using, offering to sell, and/or selling within the United States, supplying or causing to be supplied in or from the United States, and/or importing into the United States, without authority or license, the Infringing Products.

30. The Cooledge TILE Acoustic lighting product ("TILE Product") infringes at least Claim 1 of the '387 Patent, which reads as follows, either literally or under the doctrine of equivalents:

1. A method comprising:
 - providing a light system that includes one or more lighting sheets including a first lighting sheet, wherein the first lighting sheet includes a first plurality of LEDs arranged on a grid of intersecting rows and columns of electrical conductors on an insulating substrate, wherein the first plurality of LEDs emit light having a first color spectrum;
 - mounting the light system to a first face of an acoustic tile; and
 - coupling a light diffuser across the light system such that the one or more lighting sheets are located between the light diffuser and the first face of the acoustic tile, wherein the light diffuser includes a plurality of micro-louvers having openings that form portions of a plurality of open-air channels that extend from an exterior of the light diffuser to the acoustic tile.

31. As shown in Exhibit C, the TILE Product includes a lighting sheet.

32. As shown in Exhibit C and in the image below, the TILE Product includes a lighting sheet having plurality of LEDs arranged on a grid of intersecting rows (A in red) and columns (B in blue) of electrical conductors on an insulating substrate.



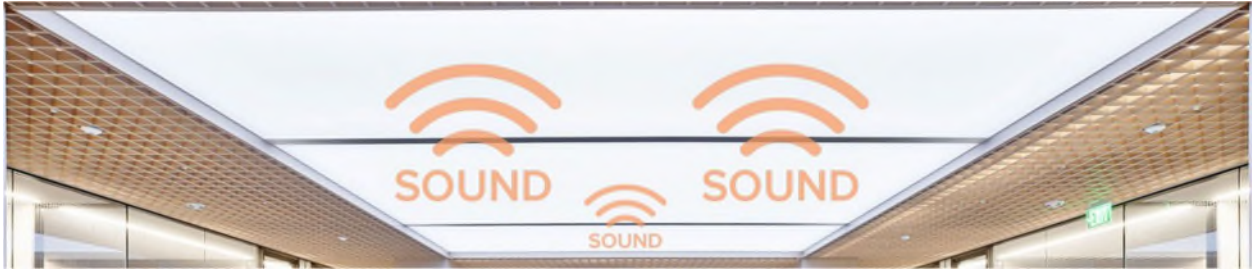
33. As shown in Exhibit C, the TILE Product includes a lighting sheet having a plurality of LEDs that emit light at a first color spectrum. For example, the LEDs can emit light having a color of 2200K, 2700K, 3000K, 3500K, 4000K, or 5700K.

34. The TILE Product is mounted to an acoustic tile. As explained in Cooledge's web site, "TILE Acoustic is intended to be mounted to a sound absorbing substrate to form a light emitting panel with strong acoustic properties."⁴

35. As shown in Cooledge's web site, diffusers are coupled across the light system such that the one or more lighting sheets are located between the light diffuser and the acoustic tiles.⁵

⁴ See <https://www.cooledgelighting.com/products/lighting-systems/tile-acoustic>

⁵ *Id.*



36. To enable transmission of sound through the light diffuser, the light diffuser mounted to the TILE Product includes a plurality of micro-louvers having openings that form portions of a plurality of open-air channels.

37. As shown in Exhibit C and in the image above, the TILE Product includes a lighting sheet having a plurality of holes (highlighted green) through the insulating substrate, “to allow sound transmission to acoustic materials.” The open air channels of the light diffuser combine with the holes of the lighting sheet to form channels that extend from an exterior of the light diffuser through the lighting sheet to the acoustic tile.

38. By supplying and installing the Infringing Products along with acoustic tiles and light diffusers in a lighting system in the United States, Cooledge has been directly infringing and continues to directly infringe the '478 Patent under 35 U.S.C. § 271(a).

39. By offering to sell, and/or selling within the United States, supplying or causing to be supplied in or from the United States, and/or importing into the United States, without authority or license, the Infringing Products for use with an acoustic tile in a lighting system having a diffuser, Cooledge has been inducing infringement and continues to induce infringement of the '478 Patent under 35 U.S.C. § 271(b).

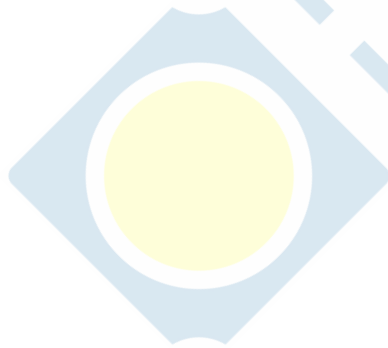
40. By offering to sell, and/or selling within the United States, supplying or causing to be supplied in or from the United States, and/or importing into the United States, without authority or license, the Infringing Products for use with an acoustic tile in a lighting system

having a diffuser, Cooledge has been contributorily infringing and continues to contributorily infringe the '387 Patent under 35 U.S.C. § 271(c), knowing the Infringing Products to be especially made or especially adapted for use with an acoustic tile in a lighting system having a diffuser and knowing that the Infringing Products are not staple articles or commodities of commerce suitable for substantial non-infringing uses.

41. Cooledge's actions have been and are with knowledge of the '478 Patent and thus have been and are in willful disregard of those patent rights.

42. Mr. Pinchot will be harmed unless the Court enjoins Cooledge and its agents, affiliates, servants, employees, attorneys, representatives, and all others acting on their behalf from infringing the '478 Patent.

43. Mr. Pinchot has also suffered monetary damages in an amount not yet determined because of Cooledge's infringement of the '478 Patent.



PRAYER FOR RELIEF

Mr. Pinchot prays for the following relief:

- (a) A judgment that Cooledge has infringed the '387 Patent and the '478 Patent;
- (b) A permanent injunction against Cooledge, its officers, directors, employees, agents, servants, successors and assigns, and any and all persons acting in privity or in concert with it, pursuant to 35 U.S.C. § 283, preventing Cooledge and any such entity from infringing the '387 Patent and the '478 Patent;
- (c) A judgment against Cooledge awarding Mr. Pinchot damages, together with prejudgment interest and costs increasing those damages to three times the amount found or assessed as provided by 35 U.S.C. § 284;
- (d) A judgment that Cooledge's infringement of the '387 Patent and the '478 Patent has been willful;
- (e) A judgment that this is an exceptional case and that Mr. Pinchot be awarded reasonable attorney fees and costs pursuant to 35 U.S.C. § 285; and
- (f) Any other and further relief as the Court deems just and equitable.

Dated: May 31, 2024

Respectfully submitted,

/s/ Benjamin M. Stern

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