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11 ***Attorneys for Plaintiffs Jiaxing***
Super Lighting Electric Appliance Co., Ltd.,
12 ***and Obert, Inc.***

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15 Jiaxing Super Lighting Electric
Appliance Co., Ltd., and
16 Obert, Inc.

17 Plaintiffs,

18 v.

19 MaxLite, Inc.

20 Defendant.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Jiaxing Super Lighting Electric Appliance Co., Ltd. (“Super Lighting”), and
2 Obert, Inc. (“Obert”) (collectively “Plaintiffs”), by and through their counsel, hereby
3 bring this action for patent infringement against Defendant MaxLite, Inc. (“Defendant”
4 or “MaxLite”) and allege as follows:

5 **Parties**

6 1. Super Lighting is a corporation organized and existing under the laws of
7 the People’s Republic of China with its principal place of business at No. 1288
8 Jiachuang Rd., Xiuzhou Area, Jiaxing, Zhejiang, China.

9 2. Obert is the North American affiliate of Super Lighting and is a
10 corporation organized under the laws of the State of California with its principal place
11 of business at 1380 Charles Willard St., Carson, CA 90746. Obert operates a sales
12 office and warehouse at that address in Carson, CA, serving customers in the U.S.
13 market. Obert plans to operate a factory at that address by 2020.

14 3. MaxLite is a New Jersey corporation with its principal place of business at
15 12 York Avenue, West Caldwell, Essex County, New Jersey 07006.

16 **Background of the Parties**

17 4. Super Lighting and Obert share a parent, Zhejiang Super Lighting Electric
18 Appliance Co. Ltd, and those three companies are collectively referred to as “Super
19 Lighting Group” in this section.

20 5. Super Lighting Group is an industry-leading manufacturer of commercial
21 and industrial indoor lighting and has more than 2,100 employees worldwide. Super
22 Lighting Group offers a full range of energy efficient tube lighting products from
23 fluorescent lamps to LED lighting. Super Lighting Group’s mission is to help create a
24 more environmentally-friendly and sustainable society working closely with all brand-
25 name players. Super Lighting is today a significant supplier of LED tubes in the United
26 States and the world.

27 6. Since initially established in 1993, Super Lighting Group has conducted
28 extensive research and development of its patented lighting technologies, including

1 fluorescent and LED tube lamp products. As an innovator in the tube lamp sector,
2 Super Lighting Group has made substantial investments over the past two decades that
3 have driven progress across the lighting industry. Super Lighting Group's investment
4 has resulted in continuous innovation in the lighting sector, including to meet standards
5 for safety and reliability. Super Lighting Group has an established patent portfolio of
6 more than 600 patents worldwide primarily related to LED tube lamps, which are
7 widely used in Double Ended Type B tube LED (Ballast Bypass), Type A tube LED
8 (Direct Replacement) and mixed mode tube LED (Type A + Type B), the subject of
9 this litigation.

10 7. MaxLite imports, uses, offers to sell, and sells infringing Double Ended
11 Type B tube LED (Ballast Bypass), Type A tube LED (Direct Replacement), and mixed
12 mode tube LED (Type A + Type B).

13 **Super Lighting's Ownership and**
14 **Obert's Exclusive Licensing of the Patents-in-Suit**

15 8. Super Lighting is the current owner and assignee of U.S. Patent Nos.
16 9,689,536 ("the '536 Patent"), 9,841,174 ("the '174 Patent"), 9,723,662 ("the '662
17 Patent"), 10,208,897 ("the '897 Patent"), 9,807,826 ("the '826 Patent") and 9,897,265
18 ("the '265 Patent") (collectively the "Patents-in-Suit") and has the right to bring and
19 join actions by Obert to recover damages for MaxLite's infringement of the Patents-in-
20 Suit. The Patents-in-Suit are attached hereto as Exhibit 1 ("the '536 Patent"), Exhibit 2
21 ("the '174 Patent"), Exhibit 3 ("the '662 Patent"), Exhibit 4 ("the '897 Patent"), Exhibit
22 5 ("the '826 Patent"), and Exhibit 6 ("the '265 Patent").

23 9. Obert is the exclusive licensee of the Patents-in-Suit and has the right to
24 bring and join actions by Super Lighting to recover damages for MaxLite's
25 infringement of the Patents-in-Suit.

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Jurisdiction and Venue

10. This action arises under the patent laws of the United States of America, 35 U.S.C. § 1 *et seq.* This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11. This Court has personal jurisdiction over MaxLite because, on information and belief, MaxLite has had and has substantial, continuous, and systematic contacts with this forum and has purposefully availed itself in California of the benefits of conducting activities in the forum by purposefully directing its activities toward the state, including by operating its “West Location” at 1148 Ocean Cir., Anaheim, CA 92806 and importing, using, offering to sell, and selling infringing products in this state including at MaxLite’s West Location, as well as to or through distributors and resellers located herein, such as CED Laguna Hills, 23331 Peralta Dr., Ste 12, Laguna Hills CA 92653; West-Lite Supply Company, Inc., 12951 166th St., Cerritos, CA 90703; and Main Electric Supply, Co., 3600 W. Segerstrom Ave., Santa Ana, CA 92704 (*see* Exhibits 8-10), thereby obtaining the benefits and protections of the state's laws; the dispute arises out of and has a substantial connection with MaxLite’s contacts with the state, including MaxLite’s importation, use, offer for sale, and sale of the infringing products herein; and the exercise of jurisdiction would be fair and reasonable.

12. Plaintiffs incorporate paragraph 11 as if set forth herein. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400(b). Venue is appropriate under 28 U.S.C. 1400(b) at least because MaxLite has committed acts of infringement in this district and has a regular and established place of business in this district. MaxLite’s regular and established place of business in this district includes but is not limited to its West Location at 1148 Ocean Cir., Anaheim, CA 92806. MaxLite’s acts of infringement include importing into, using, offering to sell, and selling infringing products in this state including at MaxLite’s West Location, as well as to or through distributors and resellers located herein, such as CED Laguna Hills, 23331 Peralta Dr., Ste 12, Laguna Hills CA 92653; West-Lite Supply Company, Inc., 12951

1 166th St., Cerritos, CA 90703; and Main Electric Supply, Co., 3600 W. Segerstrom
2 Ave., Santa Ana, CA 92704 (*see* Exhibits 8-10).

3 **MaxLite's Infringement of the Patents-in-Suit**

4 13. MaxLite has infringed and continues to infringe the Patents-in-Suit.
5 Charts showing infringement of exemplary claims of the Patents-in-Suit by
6 representative features and functionality of accused products are attached as Exhibits
7 11-21 and are incorporated herein. Plaintiffs reserve the right to assert additional
8 patents and claims and identify additional accused products.

9 14. As described below, MaxLite has been and continues to infringe the
10 Patents-in-Suit by making, using, offering for sale, selling, or importing accused
11 products that practice the Patents-in-Suit.

12 15. On September 26, 2018, Super Lighting provided notice to MaxLite of its
13 patents and accused products, including Double Ended Type B tube LEDs.

14 16. Super Lighting provided further notice to MaxLite of the Patents-in-Suit
15 on November 28, 2018, including by providing MaxLite an identification of the
16 Patents-in-Suit and specific features and functionality of the products that practice the
17 Patents-in-Suit. Super Lighting's letter provided additional notice of the Patents-in-Suit
18 and its licensing program. It also included an associated presentation on the products
19 covered by Super Lighting's patents and the claim elements of claims 18 and 28 of the
20 '174 Patent.

21 17. Thereafter, the parties exchanged correspondence, and on December 5,
22 2018, Super Lighting offered to further explain to MaxLite the bases for Super
23 Lighting's infringement allegations.

24 18. On January 18, 2019, after an additional exchange of correspondence,
25 Super Lighting further identified accused products infringing the '265 and '662 Patents
26 and provided infringement charts.

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1 Accused Products”). Plaintiffs reserve the right to assert additional claims of the ’174
2 Patent.

3 33. Additionally, MaxLite has induced and is still inducing infringement of at
4 least claim 18 of the ’174 Patent in violation of 35 U.S.C. § 271(b). MaxLite has and
5 has had knowledge of claim 18 of the ’174 Patent and the products practicing that claim
6 based on, at least, the September 26, 2018, November 28, 2018, and February 14, 2019
7 correspondence described above, as well as this Complaint. Since that time, on
8 information and belief, MaxLite has acted affirmatively and with specific intent to
9 encourage its original equipment manufacturers, distributors, and resellers (including at
10 least CED, as well as others) to commit infringing acts, including manufacturing, using,
11 selling, and importing devices capable of practicing at least claim 18 of the ’174 Patent
12 (including the accused exemplary product, MaxLite LED Tube L11.5T8DE440-CG4),
13 based on MaxLite’s control of and instructions for the manufacture, design, use, sale
14 and importation of the infringing products. MaxLite has further acted affirmatively and
15 with specific intent that users of the infringing products commit infringing acts by
16 providing operating instructions for installation to users of at least the accused
17 exemplary product, MaxLite LED Tube L11.5T8DE440-CG4, with knowledge that the
18 operating instructions, which include installation instructions, would cause users
19 installing the product to practice at least claim 18 of the ’174 Patent, which is directed
20 to a detection method for an LED tube lamp that prevents a user from experiencing
21 electric shock when the LED tube lamp is being installed. *See, e.g.*, Exhibit 7 (MaxLite
22 LED Tube L11.5T8DE440-CG4 Operating Instructions, downloaded on May 4, 2019
23 from [https://websvc.maxlite.com//api/products/documents/manuals/?itemno=](https://websvc.maxlite.com//api/products/documents/manuals/?itemno=L11.5T8DE440-CG4)
24 L11.5T8DE440-CG4).

25 34. Upon information and belief, the ’174 Accused Products satisfy each of
26 the limitations of at least claims 18 and 28 of the ’174 Patent, as further set forth in
27 Exhibits 12-13 and incorporated herein.

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41. Upon information and belief, the '662 Accused Products satisfy each of the limitations of at least claim 23 of the '662 Patent, as further set forth in Exhibits 14-15 and incorporated herein.

42. Plaintiffs have no adequate remedy at law for MaxLite's acts of infringement.

43. As a direct and proximate result of MaxLite's acts of infringement, Plaintiffs have suffered and continue to suffer damages and irreparable harm. Unless MaxLite's acts of infringement are enjoined by this Court, Plaintiffs will continue to be damaged and irreparably harmed.

44. On information and belief, MaxLite's past and continuing infringement has been deliberate and willful, and this case is therefore exceptional, warranting an award of treble damages pursuant to 35 U.S.C. § 284 and attorneys' fees pursuant to 35 U.S.C. § 285. By at least as early as November 28, 2018, MaxLite had actual knowledge of the '662 Patent and that MaxLite's activities were infringing this patent. After receiving actual knowledge of the '662 Patent, MaxLite has continued to make use, offer for sale, sell, and/or import the '662 Accused Products into the United States in disregard of the '662 Patent.

Count IV

(Infringement of U.S. Patent No. 10,208,897)

45. Plaintiffs repeat and re-allege the allegations of paragraphs 1 through 44 above as if fully set forth herein.

46. The '897 Patent was duly and legally issued on Feb. 19, 2019. The '897 Patent is valid and enforceable. A copy of the '897 Patent is attached hereto as Exhibit 4.

47. In violation of 35 U.S.C. § 271, MaxLite has been and is still infringing, either literally and/or under the doctrine of equivalents, one or more claims of the '897 Patent by making, using, offering for sale, selling, or importing infringing products, including, but not limited to, the products identified in Exhibits 16-18 (the “'897

1 Accused Products”). Plaintiffs reserve the right to assert additional claims of the ’897
2 Patent.

3 48. Upon information and belief, the ’897 Accused Products satisfy each of
4 the limitations of at least claims 1 and 31 of the ’897 Patent, as further set forth in
5 Exhibits 16-18 and incorporated herein.

6 49. Plaintiffs have no adequate remedy at law for MaxLite’s acts of
7 infringement.

8 50. As a direct and proximate result of MaxLite’s acts of infringement,
9 Plaintiffs have suffered and continue to suffer damages and irreparable harm. Unless
10 MaxLite’s acts of infringement are enjoined by this Court, Plaintiffs will continue to be
11 damaged and irreparably harmed.

12 51. On information and belief, MaxLite’s past and continuing infringement
13 has been deliberate and willful, and this case is therefore exceptional, warranting an
14 award of treble damages pursuant to 35 U.S.C. § 284 and attorneys’ fees pursuant to 35
15 U.S.C. § 285. By at least as early as November 28, 2018, MaxLite had actual
16 knowledge of the ’897 Patent and that MaxLite’s activities were infringing this patent.
17 After receiving actual knowledge of the ’897 Patent, MaxLite has continued to make
18 use, offer for sale, sell, and/or import the ’897 Accused Products into the United States
19 in disregard of the ’897 Patent.

20 **Count V**

21 **(Infringement of U.S. Patent No. 9,807,826)**

22 52. Plaintiffs repeat and re-allege the allegations of paragraphs 1 through 51
23 above as if fully set forth herein.

24 53. The ’826 Patent was duly and legally issued on Oct. 31, 2017. The ’826
25 Patent is valid and enforceable. A copy of the ’826 Patent is attached hereto as Exhibit
26 5.

27 54. In violation of 35 U.S.C. § 271, MaxLite has been and is still infringing,
28 either literally and/or under the doctrine of equivalents, one or more claims of the ’826

1 Patent by making, using, offering for sale, selling, or importing infringing products,
2 including, but not limited to, the products identified in Exhibit 19 (the “’826 Accused
3 Products”). Plaintiffs reserve the right to assert additional claims of the ’826 Patent.

4 55. Upon information and belief, the ’826 Accused Products satisfy each of
5 the limitations of at least claim 1 of the ’826 Patent, as further set forth in Exhibit 19
6 and incorporated herein.

7 56. Plaintiffs have no adequate remedy at law for MaxLite’s acts of
8 infringement.

9 57. As a direct and proximate result of MaxLite’s acts of infringement,
10 Plaintiffs have suffered and continue to suffer damages and irreparable harm. Unless
11 MaxLite’s acts of infringement are enjoined by this Court, Plaintiffs will continue to be
12 damaged and irreparably harmed.

13 58. On information and belief, MaxLite’s past and continuing infringement
14 has been deliberate and willful, and this case is therefore exceptional, warranting an
15 award of treble damages pursuant to 35 U.S.C. § 284 and attorneys’ fees pursuant to 35
16 U.S.C. § 285. By at least as early as November 28, 2018, MaxLite had actual
17 knowledge of the ’826 Patent and that MaxLite’s activities were infringing this patent.
18 After receiving actual knowledge of the ’826 Patent, MaxLite has continued to make
19 use, offer for sale, sell, and/or import the ’826 Accused Products into the United States
20 in disregard of the ’826 Patent.

21 **Count VI**

22 **(Infringement of U.S. Patent No. 9,897,265)**

23 59. Plaintiffs repeat and re-allege the allegations of paragraphs 1 through 58
24 above as if fully set forth herein.

25 60. The ’265 Patent was duly and legally issued on Feb. 20, 2018. The ’265
26 Patent is valid and enforceable. A copy of the ’265 Patent is attached hereto as Exhibit
27 6.

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- a. A judgment in favor of Plaintiffs that MaxLite has infringed and continues to infringe, either literally and/or under the doctrine of equivalents, the Patents-in-Suit;
- b. A permanent injunction prohibiting MaxLite from further acts of infringement;
- c. A judgment and order requiring MaxLite to pay Plaintiffs' damages, costs, expenses, and any enhanced damages, including under 35 U.S.C. § 284, to which Plaintiffs are entitled for MaxLite's infringement;
- d. A judgment and order requiring MaxLite to provide an accounting and to pay supplemental damages to Plaintiffs, including without limitation, pre-judgment and post-judgment interest;
- e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiffs their reasonable attorneys' fees against MaxLite; and
- f. Any and all other relief, in law and in equity, as the Court may deem appropriate and just under the circumstances.

Demand for Jury Trial

Pursuant to Rules 38 and 39 of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury on all issues so triable.

1 DATED: May 8, 2019

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