IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SIGNIFY NORTH AMERICA CORPORATION; SIGNIFY HOLDING B.V., *Plaintiffs*, v. MENARD, INC., *Defendant*.	Case No Honorable **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Signify North America Corporation and Signify Holding B.V. (collectively, "Plaintiffs" or "Signify"), hereby files this Complaint against Defendant Menard, Inc. ("Defendant" or "Menards"), and alleges and avers as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including specifically, 35 U.S.C. § 271, based on Defendant's infringement of U.S. Patents 7,038,399 ("the '399 Patent"), 7,256,554 ("the '554 Patent"), 7,737,643 ("the '643 Patent"), 7,348,604 ("the '604 Patent"), 7,658,506 ("the '506 Patent"), and 10,299,336 ("the '336 Patent") (collectively, "the Patents-in-Suit"), attached as Exhibits 1-6, respectively.

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THE PARTIES

2. Plaintiff Signify North America Corporation is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 200 Franklin Square Drive, Somerset, NJ 08873.

3. Plaintiff Signify Holding B.V. is a corporation organized and existing under the laws of the Netherlands with its registered office at High Tech Campus 48, 5656 AE Eindhoven, The Netherlands.

4. Upon information and belief, Defendant Menard, Inc. is a corporation organized and existing under the laws of the State of Wisconsin, with a principal place of business at 5101 Menard Drive, Eau Claire, WI 54703. Defendant may be served in Ohio via its registered agent, Corporation Service Company, which is located at 3366 Riverside Drive, Suite 103, Upper Arlington, OH 43221.

JURISDICTION AND VENUE

5. This Complaint states an action for patent infringement arising under the Patent Laws, Title 35 of the United States Code. Therefore, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue in this District is proper for Defendant under 28 U.S.C. §§ 1391(b) and (c) and 1400(b). Defendant owns and operates regular and established places of business in this District under the language of 28 U.S.C. § 1400(b), including physical retail stores at least at (i) 7700 Brookpark Road, Cleveland, OH 44129, (ii) 35700 Chester Road, Avon, OH 44011, and (iii) 9600 Diamond Centre Drive, Mentor, OH 44060.[1] All three of the aforementioned Menards

[1] Defendant's public website identifies additional physical locations within this District. *See* https://www.menards.com/store-details/locator.html; *see also* https://www.menards.com/main/company-information/about-us/c-3582.htm ("Menards® is

physical retail stores, and other Menards physical retail stores within this District, contain "Expanded Lighting Showroom[s]" which showcase "hundreds of models" of lighting products. Exhibits 13, 14, 15 (information on Menards' Cleveland, Avon, and Mentor, Ohio retail stores, respectively, all indicating "Expanded Lighting Showroom" under "Services Available"); *see also* https://menards.com/lightingstore (last retrieved on June 16, 2022) ("Your local Menards® Store has a lighting showroom with hundreds of models to choose from! Come browse our BIG selection of styles and finishes where you can find all the latest trends in one place."); https://hw-video.menardc.com/main/items/media/Electrical/Video/Lighting_Showroom_Tour.mp4 (Menards promotional video describing Menards' lighting showrooms). Upon information and belief, Defendant also offers employment to and employs hundreds of residents of Ohio and of this District at its physical retail stores.

7. Furthermore, upon information and belief, venue is proper in this District because Defendant has conducted and regularly does conduct substantial business in this District, directly and/or through subsidiaries, agents, representatives, or intermediaries, such substantial business including but not limited to: (i) marketing, testing, use, offers for sale, and sales of lighting products that practice the claimed inventions of one or more of the Patents-in-Suit; (ii) at least a substantial portion of the infringements alleged herein; (iii) purposefully and voluntarily placing one or more lighting products that practice the claimed inventions of one or more of the Patents-in-Suit into the stream of commerce with the expectation that they will be purchased by consumers in this District; and/or (iv) regularly doing or soliciting business, engaging in other

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headquartered in Eau Claire, Wisconsin and has more than 300 home improvement stores located in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, ***Ohio***, South Dakota, West Virginia, Wisconsin, and Wyoming." (emphasis added)).

persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Ohio and in this District.

8. This Court has general and/or specific personal jurisdiction over Defendant because, among other reasons, the Defendant has established continuous and systematic contacts with this forum and/or minimum contacts within the forum such that the exercise of jurisdiction over Defendant will not offend traditional notions of fair play and substantial justice. As stated above, Defendant owns and maintains numerous physical locations within this District through which it markets and sells products to individuals within this District and the State of Ohio generally. Upon information and belief, Defendant has, directly and/or through intermediaries, agents, subsidiaries, divisions, groups and/or distributors, had sufficient minimum contacts with this forum as a result of directly and/or indirectly marketing, using, offering to sell and selling lighting products that practice the claimed inventions of one or more of the Patents-in-Suit within this District, and/or placing lighting products thereof that practice the claimed inventions of one or more of the Patents-in-Suit into a stream of commerce with the knowledge and/or reasonable expectation that purchasers and/or users of such products were located within the State of Ohio, and within this District, including by directly and indirectly working with customers, distributors, and/or other entities located in the State of Ohio, to ensure the accused products reach the State of Ohio and this District. Defendant purposefully directed its activities involving at least the marketing, use, offers for sale and sales of lighting products that practice the claimed inventions of one or more of the Patents-in-Suit at residents of this District, and Signify's claims arise out of and relate to those activities.

9. Furthermore, upon information and belief, Defendant maintains commercial websites accessible to and targeting residents of the State of Ohio and this District, through

which Defendant promotes and facilitates sales of the lighting products that practice the claimed inventions of one or more of the Patents-in-Suit, including to residents of this District, with knowledge that such products will be sold to or otherwise provided to residents of this District. For example, Menards' website https://www.menards.com/ is accessible to consumers in the United States, including those in the State of Ohio and in this District, where Defendant supplies information about lighting products that practice the claimed inventions of one or more of the Patents-in-Suit and maintains an online marketplace for purchasing these products. Menards' website specifically allows lighting products that practice the claimed inventions of one or more of the Patents-in-Suit to be purchased for delivery to locations within this District.

10. Furthermore, Menards previously further availed itself of this District in at least one prior lawsuit, *Menard, Inc. v. Bart (In re Bart)*, Ch. 13 Case No. 14-30998, Adv. No. 14-03082 (Bankr. N.D. Ohio), where Menards filed suit as a plaintiff. In so doing, Menards benefited from this District's judicial resources and received protections from this District's rules and laws.

SIGNIFY AND THE PATENTS-IN-SUIT

11. Signify, formerly Philips Lighting, is a global market leader with recognized expertise in the development, manufacturing, and application of a multitude of innovative lighting products, including LED lighting solutions. Signify's LED lighting products have been installed and utilized throughout the world, including the San Francisco Bay Bridge (https://www.signify.com/en-us/our-company/news/press-release-archive/2013/20130305-philips-led-technology-helps-shine-light-on-bay-bridge-as-sustainable-art),

Seattle's CenturyLink Field (https://www.signify.com/en-us/blog/archive/showcase/seattle-seahawks-and-centurylink),

London Bridge (https://www.signify.com/global/our-company/news/press-releases/2018/20181129-london-calling-for-illuminated-bridges-for-worlds-longest-public-art-commission),

and Milwaukee's Daniel Hoan Memorial Bridge (https://www.signify.com/global/our-company/news/press-releases/2020/20201021-signifys-connected-led-lighting-on-iconic-daniel-hoan-memorial-bridge).

12. To protect its intellectual property resulting from its significant investments, Signify has obtained numerous patents directed to, among other things, various LED inventions and technologies. Signify's LED-related patents include, for example, the Patents-in-Suit.

13. The '399 Patent, entitled "Methods and Apparatus for Providing Power to Lighting Devices," was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on May 2, 2006. On August 22, 2006, a Certificate of Correction was issued in the '399 Patent, correcting two minor typographical errors in the issued patent. Plaintiff Signify North America Corporation is the assignee and owner of all right, title, and interest in the '399 Patent. A copy of the '399 Patent is attached as Exhibit 1.

14. On May 28, 2015, a petition for *inter partes* review ("IPR") of the '399 Patent was filed with the USPTO's Patent Trial and Appeal Board ("PTAB") and assigned IPR2015-01294. On November 25, 2015, the PTAB instituted *inter partes* review. On November 23, 2016, the PTAB issued a Final Written Decision which upheld the patentability of the challenged claims. The PTAB's Final Written Decision was appealed to the Federal Court of Appeals for the Federal Circuit (CAFC) and assigned Appeal No. 17-1532. On March 14, 2018, the CAFC issued a Decision affirming the PTAB's Final Written Decision. On December 9, 2019, the USPTO issued an IPR Certificate in the '399 Patent, indicating that as a result of the *inter partes* review, claims 7, 8, 17, 28, 28, and 34 of the '399 Patent were confirmed patentable.

15. On March 29, 2018, another petition for *inter partes* review of the '399 Patent was filed with the PTAB, with this petition being assigned IPR2018-00790. On October 10, 2018, the PTAB denied institution of *inter partes* review, on the basis that the petitioner had not demonstrated a reasonable likelihood it would prevail in showing at least one of the challenged claims of the '399 Patent was unpatentable.

16. The ’554 Patent, entitled “LED Power Control Methods and Apparatus,” was duly and legally issued by the USPTO on August 14, 2007. Plaintiff Signify North America Corporation is the assignee and owner of all right, title, and interest in the ’554 Patent. A copy of the ’554 Patent is attached as Exhibit 2.

17. The ’643 Patent, entitled “LED Power Control Methods and Apparatus,” was duly and legally issued by the USPTO on June 15, 2010. Plaintiff Signify North America Corporation is the assignee and owner of all right, title, and interest in the ’643 Patent. A copy of the ’643 Patent is attached as Exhibit 3.

18. The ’604 Patent, entitled “Light-Emitting Module,” was duly and legally issued by the USPTO on March 25, 2008. Plaintiff Signify Holding B.V. is the assignee and owner of all right, title, and interest in the ’604 Patent. A copy of the ’604 Patent is attached as Exhibit 4.

19. The ’506 Patent, entitled “Recessed Cove Lighting Apparatus for Architectural Surfaces,” was duly and legally issued by the USPTO on February 9, 2010. Plaintiff Signify North America Corporation is the assignee and owner of all right, title, and interest in the ’506 Patent. A copy of the ’506 Patent is attached as Exhibit 5.

20. The ’336 Patent, entitled “Configurable Lighting System,” was duly and legally issued by the USPTO on May 21, 2019. Plaintiff Signify Holding B.V. is the assignee and owner of all right, title, and interest in the ’336 Patent. A copy of the ’336 Patent is attached as Exhibit 6.

DEFENDANT AND ITS INFRINGING LED LIGHTING PRODUCTS

21. Through its more than 300 physical retail stores and through its website, Defendant is in the business of offering for sale, selling and distributing lighting products including lighting products based on and/or incorporating LED technology.[2]

22. Upon information and belief, Defendant is the owner of one or more Federal registered trademarks for the mark "Patriot Lighting" in various trademark classes including those relating to lighting products. *See, e.g.*, Trademark Reg. Nos. 2195461 and 6534564.

23. Upon information and belief, Defendant is the owner of one or more Federal registered trademarks for the mark "MasterForce" in various trademark classes including those relating to lighting products. *See, e.g.*, Trademark Reg. Nos. 3815867, 3465741, and 5616305.

24. Upon information and belief, Defendant is the owner of one or more Federal registered trademarks for the mark "Smart Electrician" in various trademark classes including those relating to lighting products. *See, e.g.*, Trademark Reg. Nos. 3836929, 3997476, 5081316, and 6302884.

25. Upon information and belief, Defendant controls the "Patriot Lighting," "MasterForce," and "Smart Electrician" brands, including the association of products with these brands. *See, e.g.*, Paragraphs 21-24 (trademark registrations), *supra*; *see also* Exhibit 16 (Menards webpage, last visited May 22, 2022) at 3 (noting that "Patriot Lighting®" branded products are available "Only at Menards®").

26. Upon information and belief, Defendant offers for sale, sells, and/or imports LED lighting products under brands that are owned and/or controlled by Defendant ("Menards

[2] Defendant's public website has a section devoted to lighting (https://menards.com/lightingstore, last retrieved on June 16, 2022) and another section specifically devoted to LED lighting (https://www.menards.com/main/led-lighting/c-19450.htm, last retrieved on June 8, 2022).

Branded Products") which infringe one or more claims of the Patents-in-Suit ("Accused Menards Products"), including those marketed under the "Patriot Lighting," "MasterForce," and "Smart Electrician" brands.

27. Non-limiting examples of the Accused Menards Products include: SKU#s 346-0639, 346-7258, 346-9030, 347-0090, 348-2107, 349-1199, 349-1201, 349-1202, 349-1204, 349-1206, 349-1207, 349-1274, 349-1279, 349-1292, 349-1293, 349-1294, 349-1342, 349-1343, 349-1345, 349-1346, 349-1347, 349-1348, 349-1349, 349-1352, 349-1353, 349-1354, 349-1362, 349-1385, 349-1386, 349-1387, 349-1388, 349-1391, 349-1392, 349-1393, 349-1394, 349-1395, 349-2101, 349-2102, 349-2134, 349-2135, 351-0008, 351-1510, 351-4739, 351-8420, 351-8703, 351-8716, 351-8792, 356-4264, 370-1972, 370-3689, 370-5380, 370-5390, 370-5391, 370-5392, 370-5395, 370-5396, 370-5450, 370-5493, 370-5497, 370-5536, and 370-5537.

28. For example, upon information and belief, Defendant offers for sale, sells, and/or imports at least a 5-1/2" (4" internal diameter) round recessed downlight LED lighting product under the Patriot Lighting® brand name, Menards stock keeping unit (SKU) number 349-1348. Defendant offers for sale and sells this product online at https://www.menards.com/main/lighting-ceiling-fans/indoor-lighting/recessed-lights/patriot-lighting-reg-4-integrated-led-baffle-ultra-thin-recessed-downlight/rs2788/p-1561098576689-c-7499.htm (last retrieved on May 23, 2022). *See* Exhibit 17. Defendant also offers for sale and sells this product at its retail stores within Ohio and this District. A true and accurate copy of the Menards webpage, indicating the in-store availability of this product at certain Menards retail stores within Ohio and this District, is attached hereto as Exhibit 18.

29. Upon information and belief, Defendant also offers for sale, sells, and/or imports the Patriot Lighting® 5-1/2" (4" internal diameter) round recessed downlight LED lighting

product (SKU# 349-1348) with the knowledge and/or reasonable expectation that this product will be used, offered for sale and/or sold within the State of Ohio, including within this District.

30. Upon information and belief, Defendant also has used and continues to use the Patriot Lighting® 5-1/2" (4" internal diameter) round recessed downlight LED lighting product (SKU# 349-1348) by testing the product and/or by operating the product in its physical retail stores (including, by way of example and not of limitation, operating such product within any "Expanded Lighting Showroom[s]" contained within such stores) within the State of Ohio, including within this District.

31. Upon information and belief, Defendant also offers for sale, sells, and/or imports at least a 6-7/8" (6" internal diameter) round recessed downlight LED lighting product under the Patriot Lighting® brand name, Menards SKU number 349-1353. Defendant offers for sale and sells this product online at https://www.menards.com/main/lighting-ceiling-fans/indoor-lighting/recessed-lights/patriot-lighting-reg-6-integrated-led-ultra-thin-round-downlight-4-pack/0065-2058/p-1561098568997-c-7499.htm (last retrieved on May 24, 2022). *See* Exhibit 20. Defendant also offers for sale and sells this product at its retail stores within Ohio and this District. A true and accurate copy of the Menards webpage, indicating the in-store availability of this product at certain Menards retail stores within Ohio and this District, is attached hereto as Exhibit 21.

32. Upon information and belief, Defendant also offers for sale, sells, and/or imports the Patriot Lighting® 6-7/8" (6" internal diameter) round recessed downlight LED lighting product (SKU# 349-1353) with the knowledge and/or reasonable expectation that this product will be used, offered for sale and/or sold within the State of Ohio, including within this District.

33. Upon information and belief, Defendant also has used and continues to use the Patriot Lighting® 6-7/8" (6" internal diameter) round recessed downlight LED lighting product (SKU# 349-1353) by testing the product and/or by operating the product in its physical retail stores (including, by way of example and not of limitation, operating such product within any "Expanded Lighting Showroom[s]" contained within such stores) within the United States, including within the State of Ohio and this District.

34. Upon information and belief, Defendant also offers for sale, sells, and/or imports at least a Seattle II Nickel integrated LED vanity light product under the Patriot Lighting® brand name, Menards SKU number 351-1510. Defendant offers for sale and sells this product online at https://www.menards.com/main/lighting-ceiling-fans/indoor-lighting/vanity-lights/patriot-lighting-reg-seattle-ii-nickel-integrated-led-vanity-light/va1126-nk3-24lfc-t/p-1550302354912-c-7502.htm (last retrieved on June 16, 2022). *See* Exhibit 23. Defendant also offers for sale and sells this product at its retail stores within Ohio and this District. A true and accurate copy of the Menards webpage, indicating the in-store availability of this product at certain Menards retail stores within Ohio and this District, is attached hereto as Exhibit 24.

35. Upon information and belief, Defendant also offers for sale, sells, and/or imports the Patriot Lighting® Seattle II Nickel integrated LED vanity light product (SKU# 351-1510) with the knowledge and/or reasonable expectation that this product will be used, offered for sale and/or sold within the State of Ohio, including within this District.

36. Upon information and belief, Defendant also has used and continues to use the Patriot Lighting® Seattle II Nickel integrated LED vanity light product (SKU# 351-1510) by testing the product and/or by operating the product in its physical retail stores (including, by way of example and not of limitation, operating such product within any "Expanded Lighting

Showroom[s]" contained within such stores) within the United States, including within the State of Ohio and this District.

37. Upon information and belief, Defendant also offers for sale, sells, and/or imports at least a 3-7/8" (3" internal diameter) integrated LED gimbal recessed downlight product under the Patriot Lighting® brand name, Menards SKU number 349-1362. Defendant offers for sale and sells this product online at https://www.menards.com/main/lighting-ceiling-fans/indoor-lighting/recessed-lights/patriot-lighting-reg-3-integrated-led-gimbal-recessed-downlight/rs2783/p-1561098576523-c-7499.htm (last retrieved on June 16, 2022). *See* Exhibit 26. Defendant also offers for sale and sells this product at its retail stores within Ohio and this District. A true and accurate copy of the Menards webpage, indicating the in-store availability of this product at certain Menards retail stores within Ohio and this District, is attached hereto as Exhibit 27.

38. Upon information and belief, Defendant also offers for sale, sells, and/or imports the Patriot Lighting® 3-7/8" (3" internal diameter) integrated LED gimbal recessed downlight product (SKU# 349-1362) with the knowledge and/or reasonable expectation that this product will be used, offered for sale and/or sold within the State of Ohio, including within this District.

39. Upon information and belief, Defendant also has used and continues to use the Patriot Lighting® 3-7/8" (3" internal diameter) integrated LED gimbal recessed downlight product (SKU# 349-1362) by testing the product and/or by operating the product in its physical retail stores (including, by way of example and not of limitation, operating such product within any "Expanded Lighting Showroom[s]" contained within such stores) within the United States, including within the State of Ohio and this District.

40. Upon information and belief, Defendant also offers for sale, sells, and/or imports at least a Norm Black integrated LED pendant light product under the Patriot Lighting® brand name, Menards SKU number 351-8716. Defendant offers for sale and sells this product online at https://www.menards.com/main/lighting-ceiling-fans/indoor-lighting/pendants/patriot-lighting-reg-norm-black-integrated-led-pendant/jaxp24l30d1bk/p-4221069731032612-c-7498.htm (last retrieved on June 30, 2022). *See* Exhibit 29. Defendant also offers for sale and sells this product at its retail stores within Ohio and this District. A true and accurate copy of the Menards webpage, indicating the in-store availability of this product at certain Menards retail stores within Ohio and this District, is attached hereto as Exhibit 30.

41. Upon information and belief, Defendant also offers for sale, sells, and/or imports the Patriot Lighting® Norm Black integrated LED pendant lighting product (SKU# 351-8716) with the knowledge and/or reasonable expectation that this product will be used, offered for sale and/or sold within the State of Ohio, including within this District.

42. Upon information and belief, Defendant also has used and continues to use the Patriot Lighting® Norm Black integrated LED pendant lighting product (SKU# 351-8716) by testing the product and/or by operating the product in its physical retail stores (including, by way of example and not of limitation, operating such product within any "Expanded Lighting Showroom[s]" contained within such stores) within the United States, including within the State of Ohio and this District.

43. Upon information and belief, Defendant also offers for sale, sells, and/or imports at least a 6" LED ultra-thin downlight product under the Patriot Lighting® brand name, Menards SKU number 349-1292. Defendant offers for sale and sells this product online at https://www.menards.com/main/lighting-ceiling-fans/indoor-lighting/recessed-lights/patriot-

lighting-reg-6-led-ultra-thin-downlight-3-pack/91288/p-1567578524821-c-7499.htm (last retrieved on June 16, 2022). *See* Exhibit 32. Defendant also offers for sale and sells this product at its retail stores within Ohio and this District. A true and accurate copy of the Menards webpage, indicating the in-store availability of this product at certain Menards retail stores within Ohio and this District, is attached hereto as Exhibit 33.

44. Upon information and belief, Defendant also offers for sale, sells, and/or imports the Patriot Lighting® 6" LED ultra-thin downlight product (SKU# 349-1292) with the knowledge and/or reasonable expectation that this product will be used, offered for sale and/or sold within the State of Ohio, including within this District.

45. Upon information and belief, Defendant also has used and continues to use the Patriot Lighting® 6" LED ultra-thin downlight product (SKU# 349-1292) by testing the product and/or by operating the product in its physical retail stores (including, by way of example and not of limitation, operating such product within any "Expanded Lighting Showroom[s]" contained within such stores) within the United States, including within the State of Ohio and this District.

46. Upon information and belief, Defendant also offers for sale, sells, and/or imports at least a 4-3/4" LED ultra-thin square recessed downlight product under the Patriot Lighting® brand name, Menards SKU number 349-1391. Defendant offers for sale and sells this product online at https://www.menards.com/main/lighting-ceiling-fans/indoor-lighting/recessed-lights/patriot-lighting-reg-4-3-4-led-ultra-thin-square-recessed-downlight/0065-2176/p-12148367797381490-c-7499.htm (last retrieved on June 16, 2022). *See* Exhibit 35. Defendant also offers for sale and sells this product at its retail stores within Ohio and this District. A true

and accurate copy of the Menards webpage, indicating the in-store availability of this product at certain Menards retail stores within Ohio and this District, is attached hereto as Exhibit 36.

47. Upon information and belief, Defendant also offers for sale, sells, and/or imports the Patriot Lighting® 4-3/4" LED ultra-thin square recessed downlight product (SKU# 349-1391) with the knowledge and/or reasonable expectation that this product will be used, offered for sale and/or sold within the State of Ohio, including within this District.

48. Upon information and belief, Defendant also has used and continues to use the Patriot Lighting® 4-3/4" LED ultra-thin square recessed downlight product (SKU# 349-1391) by testing the product and/or by operating the product in its physical retail stores (including, by way of example and not of limitation, operating such product within any "Expanded Lighting Showroom[s]" contained within such stores) within the United States, including within the State of Ohio and this District.

49. Upon information and belief, Defendant also offers for sale, sells, and/or imports at least a 10,000 lumen portable work light LED lighting product under the Masterforce® brand name, Menards SKU number 370-5380. Defendant offers for sale and sells this product online at https://www.menards.com/main/lighting-ceiling-fans/work-lights/masterforce-reg-10000-lumen-portable-led-work-light/mast83100/p-3149259783598238-c-7546.htm (last retrieved on May 23, 2022). *See* Exhibit 38. Defendant also offers for sale and sells this product at its at its retail stores within Ohio and this District. A true and accurate copy of the Menards webpage, indicating the in-store availability of this product at certain Menards retail stores within Ohio and this District, is attached hereto as Exhibit 39.

50. Upon information and belief, Defendant also offers for sale, sells, and/or imports the Masterforce® 10,000 lumen portable work light LED lighting product (SKU# 370-5380) with

the knowledge and/or reasonable expectation that this product will be used, offered for sale and/or sold within the State of Ohio, including within this District.

51. Upon information and belief, Defendant also has used and continues to use the Masterforce® 10,000 lumen portable work light LED lighting product (SKU# 370-5380) by testing the product and/or by operating the product in its physical retail stores (including, by way of example and not of limitation, operating such product within any "Expanded Lighting Showroom[s]" contained within such stores) within the United States, including within the State of Ohio and this District.

52. The Accused Menards Products include at least those products identified in paragraphs 21-51 above and/or in Counts One through Six below, and any and all other lighting products made, used, offered for sale, sold and/or imported into the United States under brands that are owned and/or controlled by Defendant (directly and/or indirectly) having a substantially similar design, configuration and/or operation and/or which otherwise infringe one or more claims of the Patents-in-Suit.

53. Upon information and belief, Defendant also has used and continues to use Menards Branded Products, including the Accused Menards Products and at least those products identified in paragraphs 21-51 above and/or in Counts One through Six below, by testing these products and/or by operating these products in its physical retail stores including, by way of example and not of limitation, in any "Expanded Lighting Showroom[s]" contained within such stores.

54. Upon information and belief, Menards' offers for sale, sales, importation, and/or use as referenced in paragraphs 21-51 above and/or in Counts One through Six below, have been ongoing and first began prior to the filing of this Complaint.

PRE-SUIT NOTICE AND COMMUNICATIONS

55. Menards received actual notice of its infringement of the ’399 Patent and the ’336 Patent at least by February 8, 2021.

56. Menards received actual notice of its infringement of the ’554 Patent and the ’643 Patent at least by August 13, 2021.

57. Menards received actual notice of its infringement of the ’604 Patent and the ’506 Patent at least as of the filing date of this Complaint.

58. On February 8, 2021, Signify sent Menards a letter (“February 8 Letter”) via U.S. Certified Mail. The February 8 Letter, signed by Mr. Aaron J. Rugh, Esq., informed Menards that Menards Branded Products infringe numerous Signify patents.

59. The February 8 Letter identified, among other Signify patents, at least the ’399 Patent and the ’336 Patent, and identified, as a non-limiting example and among other products, the Patriot Lighting® 5-1/2" (4" internal diameter) round recessed downlight LED lighting product (SKU# 349-1348) as practicing the claimed inventions of at least the ’399 Patent and the ’336 Patent.

60. The February 8 Letter invited Menards to engage in discussions regarding Menards’ infringing products and potential participation in Signify’s technology licensing program.

61. On February 24, 2021, Menards sent Signify a letter (“February 24 Letter”) via U.S. Certified Mail. The February 24 Letter was signed by Elizabeth Weber, Esq., senior corporate counsel for Menards. The February 24 Letter confirmed Menards’ receipt of the February 8 Letter, but made no substantive response to the issues raised in Signify’s February 8 letter.

62. On March 11, 2021, Mr. Rugh and Ms. Weber had a telephone conference, during which Mr. Rugh described Signify's technology licensing program and proposed next steps, including Signify's willingness to provide additional details through a technical presentation concerning Menards Branded Products and Signify's patents.

63. During the March 11, 2021 telephone conference, Ms. Weber declined to discuss a license, and requested that Signify instead speak to Menards' suppliers. Mr. Rugh explained that it was Signify's policy to license private label retailers directly, not suppliers.

64. On March 12, 2021, Mr. Rugh sent Ms. Weber an email summarizing the discussions that took place during the March 11, 2021 telephone call.

65. On March 15, 2021, Ms. Weber sent Mr. Rugh an email, confirming Mr. Rugh's summary of the March 11, 2021 telephone discussion. However, Ms. Weber again declined Signify's request to engage in substantive discussions regarding Menards' infringement of Signify's patented technologies and participation in Signify's technology licensing program.

66. On April 5, 2021, Mr. Rugh sent Ms. Weber an email ("April 5 Email"), again reiterating that Menards Branded Products infringe numerous Signify patents and inviting further discussion of these issues. The April 5 Email also identified additional Signify patents infringed by Menards Branded Products, and further identified additional Menards Branded Products which Signify believed infringe its patents.

67. For example, the April 5 Email identified, as a non-limiting example and among other products, the Patriot Lighting® 5-1/2" (4" internal diameter) round recessed downlight LED lighting product (SKU# 349-1348) as practicing the claimed inventions of at least the '399 Patent and the '336 Patent.

68. The April 5 Email also identified, among other products, the Patriot Lighting® 6-7/8" (6" internal diameter) round recessed downlight LED lighting product (SKU# 349-1353) as practicing the claimed inventions of one or more Signify patents.

69. On April 6, 2021, Ms. Weber sent Mr. Rugh an email which confirmed receipt of the April 5 Email, but again offered no substantive response to the issues raised by Signify.

70. On May 14, 2021, Ms. Weber sent Mr. Rugh an email, requesting that Signify provide detailed analysis regarding Signify's theories of infringement, ostensibly so that Menards could "better understand Signify's allegations" of infringement.

71. On August 13, 2021, Signify supplied a 423-page document containing claim charts articulating exemplary bases for infringement, including with respect to specific exemplary Signify patents and specific exemplary Menards Branded Products.

72. More specifically, Mr. Rugh sent Ms. Weber two emails ("first August 13 Email" and "second August 13 Email," respectively). The first August 13 Email identified 28 Signify patents (including the '399 Patent, the '554 Patent, the '643 Patent and the '336 Patent) and 18 different Menards Branded Products marketed, sold, offered for sale, and/or imported by Menards (including those marketed under the Patriot Lighting® brand).

73. For example, the first August 13 Email identified, among other products, the Patriot Lighting® 5-1/2" (4" internal diameter) round recessed downlight LED lighting product (SKU# 349-1348) as an exemplary Menards product that practiced the claimed inventions of at least the '399 Patent, the '554 Patent, the '643 Patent, and the '336 Patent.

74. As another example, the first August 13 Email also identified, among other products, the Patriot Lighting® 6-7/8" (6" internal diameter) round recessed downlight LED

lighting product (SKU# 349-1353) as an exemplary Menards product that practiced the claimed inventions of at least the ’399 Patent and the ’554 Patent (among other Signify patents).

75. The first August 13 Email again invited Menards to discuss the patent issues with Signify “with the goal of reaching an amicable resolution.”

76. The second August 13 Email attached, pursuant to Menards’ request, a PDF file containing 423 pages of claim charts (“August 13 Claim Charts”). The August 13 Claim Charts presented detailed exemplary factual support and analysis as to how certain exemplary products sold, offered for sale, and/or imported by Menards practiced one or more of the identified 28 Signify patents.

77. On August 16, 2021, Ms. Weber sent Mr. Rugh an email which confirmed receipt of the first and second August 13 Emails, but again failed to respond substantively to the issues raised by Signify.

78. On August 17, 2021, Mr. Rugh sent Ms. Weber an email to set a time to speak about “next steps and a path forward.”

79. On September 3, 2021, Ms. Weber sent Mr. Rugh an email (“September 3 Email”) which stated that Menards’ position “has not changed” and that in Menards’ view, another call between the parties would not be “productive.”

80. The September 3 Email did not dispute any substantive allegation, in whole or in part, contained in the August 13 Claim Charts which had previously been requested by Menards.

81. Despite multiple follow-up inquiries from Mr. Rugh, Menards did not further respond to Signify until January 28, 2022.

82. On January 28, 2022, Ms. Weber sent Mr. Rugh another email (“January 28 Email”) in which Menards claimed it was “not in a position to substantively evaluate Signify’s

allegations," despite the fact that Menards had requested and been provided over 400 pages in claim charts detailing instances of Menards' infringement.

83. Again, in the January 28 Email Menards did not dispute any substantive allegation, in whole or in part, of Signify's infringement analysis contained in the August 13 Claim Charts. Instead, in the January 28 Email Menards confirmed that it had not "substantively evaluate[d] Signify's allegations" despite previously requesting and being supplied with the August 13 Claim Charts.

84. In the January 28 Email, Menards again declined to engage in any good faith discussion of Signify's infringement allegations, the 423 pages of detailed bases Signify had provided at Menards' insistence, or a potential license.

FIRST CLAIM FOR RELIEF
INFRINGEMENT OF THE '399 PATENT

85. Paragraphs 1 through 84 are incorporated by reference as if fully stated herein.

86. Upon information and belief, Menards has directly infringed one or more claims of the '399 Patent under 35 U.S.C. § 271(a), including at least Claim 7, literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States infringing Menards Branded Products (including, but not limited to, "Patriot Lighting®", "MasterForce®", and/or "Smart Electrician®" brands) ("the '399 Patent Accused Products").

87. For example, Exhibit 7 presents exemplary claim charts comparing Claim 7 of the '399 Patent to exemplary accused products: the Patriot Lighting® 5-1/2" (4" internal diameter) round recessed downlight LED lighting product (SKU# 349-1348), the Patriot Lighting® 6-7/8" (6" internal diameter) round recessed downlight LED lighting product (SKU# 349-1353), and the

Patriot Lighting® Seattle II Nickel integrated LED vanity light product (SKU# 351-1510) ("Exemplary '399 Patent Accused Products").

88. Menards has sold the Exemplary '399 Patent Accused Products in its physical locations and through its website. *See, e.g.*, Exhibits 17-18, 20-21, 23-24.

89. As set forth in Exhibit 7, the Exemplary '399 Patent Accused Products practice and/or embody the technology claimed in the '399 Patent. Accordingly, the Exemplary '399 Patent Accused Products infringe at least Claim 7 of the '399 Patent.

90. For clarity, the '399 Patent Accused Products are not limited to the above referenced Exemplary '399 Patent Accused Products, but rather include all Menards Branded Products which infringe one or more claims of the '399 Patent. On information and belief, numerous other Menards Branded Products that infringe one or more claims of the '399 Patent have been made, used, sold, offered for sale, and/or imported into the U.S. by Menards. In this regard, and as presently advised, at least the following Menards Branded Products (by SKU number) also appear to infringe the '399 Patent: 349-1349, 349-1395, 349-1201, 349-1202, 349-1204, 349-1206, 349-1207, 349-1292, 349-1345, 349-1346, 349-1347, 349-1354, 349-1391, 349-1392, 349-1393, 349-1394, 349-2101, 349-2102, 349-2135, 349-1199, 349-1362, 349-2134, 351-0008, 351-8420, 351-8703, 351-8716, and 351-8792. Signify makes this preliminary identification of infringing products and infringed claims without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

91. Upon information and belief, in addition to making, importing and/or selling or offering for sale the '399 Patent Accused Products in this District and elsewhere in the U.S.,

Menards also directly infringes the ’399 Patent under 35 U.S.C. § 271(a) at least because it has operated the ’399 Patent Accused Products in its physical retail stores (including, by way of example and not of limitation, operating such products within any “Expanded Lighting Showroom[s]” contained within such stores) within the United States, including within the State of Ohio and this District.

92. Upon information and belief, Menards also directly infringes the ’399 Patent under 35 U.S.C. § 271(a) at least because it took part in testing and/or otherwise using ’399 Patent Accused Products within the United States.

93. Upon information and belief, Menards has induced infringement of the ’399 Patent under 35 U.S.C. § 271(b) at least by actively and knowingly aiding and abetting direct infringement by others, with specific intent to encourage infringement. Menards has had actual knowledge of the existence of the ’399 Patent and its infringement since at least February 8, 2021. Upon information and belief, Menards has actively induced infringement, and continues to actively induce infringement, by at least directing manufacturers to manufacture and/or import ’399 Patent Accused Products which infringe the ’399 Patent, knowing these products will be imported into, offered for sale, sold, and used within the United States, and with specific intent to encourage infringement. Menards also has actively induced infringement, and continues to actively induce infringement, by at least actively encouraging customers and other downstream users to purchase, install, and use ’399 Patent Accused Products which infringe the ’399 Patent, and/or actively encouraging customers and other downstream users to use ’399 Patent Accused Products in a manner that constitutes infringement of the ’399 Patent. *See, e.g.*, Exhibits 19

(SKU# 349-1348 installation manual), 22 (SKU# 349-1353 installation manual), 25 (SKU# 351-1510 installation manual).[3]

94. For example, Menards provides instructions for installing and using Menards Branded Products (including without limitation the Exemplary '399 Patent Accused Products) through its installation manuals, product specifications provided on its website, and, on information and belief, through other instructions provided to its customers and other downstream users.

95. Accordingly, Menards actively encourages and instructs its customers and other downstream users to purchase '399 Patent Accused Products (including without limitation the Exemplary '399 Patent Accused Products) and install such products in such a manner that, when used, the products perform the method of A) providing power to at least one LED based on a power-related signal from an alternating current (A.C.) power source that provides signals other than a standard A.C. line voltage (*see* Exhibit 7 at 6-8), wherein the act A) includes an act of: providing power to the at least one LED based on a power-related signal from an alternating current (A.C.) dimmer circuit (see *id.* at 6-8), wherein the A.C. dimmer circuit is controlled by a user interface to vary the power-related signal (*id.*), and wherein the act A) includes an act of: C) variably controlling at least one parameter of light generated by the at least one LED in response to operation of the user interface (*id.* at 9-10), wherein the operation of the user interface varies a duty cycle of the power-related signal (*id.*), and wherein the act C) includes an act of: D)

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[3] *Available at* https://hw.menardc.com/main/items/media/LUMIN005/Install_Instruct/349-1348_installationinstructions_update.pdf (for SKU# 349-1348), https://hw.menardc.com/main/items/media/AMERI147/Install_Instruct/IM_6inRound_LED-WaferLight_349-1353.pdf (for SKU# 349-1353), https://hw.menardc.com/main/items/media/GOODE001/Install_Instruct/IN_VA1126-NK3-24LFC-T.pdf (for SKU# 351-1510).

variably controlling the at least one parameter of the light based at least on the variable duty cycle of the power-related signal (*id.*), knowing the same to constitute infringement of the ’399 Patent. *See* ’399 Patent, Claim 34.

96. Upon information and belief, Menards has contributed to infringement of one or more claims of the ’399 Patent under 35 U.S.C. § 271(c), including at least Claim 34, by offering to sell, selling and/or importing into the United States, Menards Branded Products for use in practicing a claimed process of the ’399 Patent (including, without limitation, the process of Claim 34), constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of the ’399 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. *See, e.g.,* Paragraph 95, *supra*.

97. Defendant’s infringement has caused damage to Signify and Signify is entitled to recover damages in an amount subject to proof at trial pursuant to 35 U.S.C. § 284.

98. Upon information and belief, the foregoing infringement of the ’399 Patent has been willful, intentional and purposeful, in disregard of and indifferent to Signify’s rights.

SECOND CLAIM FOR RELIEF
INFRINGEMENT OF THE ’554 PATENT

99. Paragraphs 1 through 84 are incorporated by reference as if fully stated herein.

100. Upon information and belief, Menards has directly infringed and continues to directly infringe one or more claims of the ’554 Patent under 35 U.S.C. § 271(a), including at least Claim 1, literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States infringing Menards Branded Products (including, but not limited to, “Patriot Lighting®”, “MasterForce®”, and/or “Smart Electrician®” brands) (“the ’554 Patent Accused Products”).

101. For example, Exhibit 8 presents exemplary claim charts comparing Claim 1 of the ’554 Patent to exemplary accused products: the Patriot Lighting® 6-7/8" (6" internal diameter) round recessed downlight LED lighting product (SKU# 349-1353), the Patriot Lighting® 3-7/8" (3" internal diameter) gimbal recessed downlight LED lighting product (SKU# 349-1362), and the Patriot Lighting® Norm Black integrated LED pendant lighting product (SKU#351-8716) (collectively, the “Exemplary ’554 Patent Accused Products”).

102. Menards has sold, and continues to sell, the Exemplary ’554 Patent Accused Products in its physical locations and through its website. *See, e.g.*, Exhibits 20-21, 26-27, 29-30.

103. As set forth in Exhibit 8, the Exemplary ’554 Patent Accused Products practice and/or embody the technology claimed in the ’554 Patent. Accordingly, the Exemplary ’554 Patent Accused Products infringe at least Claim 1 of the ’554 Patent.

104. For clarity, the ’554 Patent Accused Products are not limited to the above referenced Exemplary ’554 Patent Accused Products, but rather include all Menards Branded Products which infringe one or more claims of the ’554 Patent. On information and belief, numerous other Menards Branded Products that infringe one or more claims of the ’554 Patent have been made, used, sold, offered for sale, and/or imported into the U.S. by Menards. In this regard, and as presently advised, at least the following Menards Branded Products (by SKU number) also appear to infringe the ’554 Patent: 349-1207, 349-1348, 349-1349, 349-1201, 349-1206, 349-1345, 349-1347, 349-1354, 349-1391, 349-1392, 349-1393, 349-1394, 349-2101, 349-2102, 349-2135, 349-1199, 349-2134, 351-8420, 351-8703, 351-8716, 351-8792. Signify makes this preliminary identification of infringing products and infringed claims without the benefit of discovery or claim construction in this action, and expressly reserves the right to

augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

105. Upon information and belief, in addition to making, importing and/or selling or offering for sale the ’554 Patent Accused Products in this District and elsewhere in the U.S., Menards also directly infringes the ’554 Patent under 35 U.S.C. § 271(a) at least because it has operated, and continues to operate, the ’554 Patent Accused Products in its physical retail stores (including, by way of example and not of limitation, operating such products within any “Expanded Lighting Showroom[s]” contained within such stores) within the United States, including within the State of Ohio and this District.

106. Upon information and belief, Menards also directly infringes the ’554 Patent under 35 U.S.C. § 271(a) at least because it takes part in testing and/or otherwise using ’554 Patent Accused Products within the United States.

107. Upon information and belief, Menards has induced and continues to induce infringement of the ’554 Patent under 35 U.S.C. § 271(b) at least by actively and knowingly aiding and abetting direct infringement by others, with specific intent to encourage infringement. Menards has had actual knowledge of the existence of the ’554 Patent and its infringement since at least August 13, 2021. Upon information and belief, Menards has actively induced infringement, and continues to actively induce infringement, by at least directing manufacturers to manufacture and/or import ’554 Patent Accused Products which infringe the ’554 Patent, knowing these products will be imported into, offered for sale, sold, and used within the United States, and with specific intent to encourage infringement. Menards also has actively induced infringement, and continues to actively induce infringement, by at least actively encouraging customers and other downstream users to purchase, install, and use ’554 Patent Accused

Products which infringe the ’554 Patent, and/or actively encouraging customers and other downstream users to use ’554 Patent Accused Products in a manner that constitutes infringement of the ’554 Patent. *See, e.g.*, Exhibits 22 (SKU# 349-1353 installation manual), 28 (SKU# 349-1362 installation manual), 31 (SKU# 351-8716 installation manual).[4]

108. For example, Menards provides instructions for installing and using Menards Branded Products (including without limitation the Exemplary ’554 Patent Accused Products) through its installation manuals, product specifications provided on its website, and, on information and belief, through other instructions provided to its customers and other downstream users.

109. Accordingly, Menards actively encourages and instructs its customers and other downstream users to purchase ’554 Patent Accused Products (including without limitation the Exemplary ’554 Patent Accused Products) and install such products in such a manner that, when used, the products perform the method of A) generating first radiation having a first spectrum from at least one first LED (*see* Exhibit 8 at 5); and B) controllably varying a first intensity of the first radiation without monitoring or regulating a first voltage or a first current provided to the at least one first LED and without optically monitoring the first radiation (*see id.* at 6-7), wherein the act B) comprises acts of: storing input energy derived from a power source to at least one energy transfer element (*see id.* at 8); providing output energy from the at least one energy transfer element to the at least one first LED (*see id.*); and controlling at least the input energy

[4] *Available at* https://hw.menardc.com/main/items/media/AMERI147/Install_Instruct/IM_6inRound_LED-WaferLight_349-1353.pdf (for SKU# 349-1353), https://hw.menardc.com/main/items/media/LUMIN005/Install_Instruct/349-1362_installationinstructions_update.pdf (for SKU# 349-1362), https://hw.menardc.com/main/items/media/AMERI015/Install_Instruct/351-8716_18NRMP24L30D1BK_PCMANUALFINALrev.pdf (for SKU# 351-8716).

stored to the at least one energy transfer element via at least one switch coupled to the at least one energy transfer element (*see id.* at 9), knowing the same to constitute infringement of the ’554 Patent. *See* ’554 Patent, Claim 46.

110. Upon information and belief, Menards has contributed to, and continues to contribute to, infringement of one or more claims of the ’554 Patent under 35 U.S.C. § 271(c), including at least Claim 46, by offering to sell, selling and/or importing into the United States, Menards Branded Products for use in practicing a claimed process of the ’554 Patent (including, without limitation, the process of Claim 46), constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of the ’554 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. *See, e.g.,* Paragraph 109, *supra*.

111. Defendant’s infringement of the ’554 Patent has caused and continues to cause damage to Signify and Signify is entitled to recover damages in an amount subject to proof at trial pursuant to 35 U.S.C. § 284.

112. Upon information and belief, the foregoing infringement of the ’554 Patent has been willful, intentional and purposeful, in disregard of and indifferent to Signify’s rights.

113. Defendant’s continuing infringement of the ’554 Patent irreparably harms Signify, and Signify will continue to suffer irreparable harm absent entry of a permanent injunction pursuant to 35 U.S.C. § 283 enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting with them, from infringing the ’554 Patent.

THIRD CLAIM FOR RELIEF
INFRINGEMENT OF THE ’643 PATENT

114. Paragraphs 1 through 84 are incorporated by reference as if fully stated herein.

115. Upon information and belief, Menards has directly infringed and continues to directly infringe the ’643 Patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States infringing Menards Branded Products (including, but not limited to, “Patriot Lighting®”, “MasterForce®”, and/or “Smart Electrician®” brands) (“the ’643 Patented Method Practicing Accused Products”) which, during normal operation, infringe one or more of Claims 25-37 of the ’643 Patent (including at least Claim 25).

116. For example, Exhibit 9 presents exemplary claim charts to illustrate practice of the method of Claim 25 of the ’643 Patent during operation of the Patriot Lighting® 6-7/8" (6" internal diameter) round recessed downlight LED lighting product (SKU# 349-1353), the Patriot Lighting® 3-7/8" (3" internal diameter) gimbal recessed downlight LED lighting product (SKU# 349-1362), and the Patriot Lighting® Norm Black integrated LED pendant lighting product (SKU# 351-8716) (collectively, the “Exemplary ’643 Patented Method Practicing Accused Products”).

117. Menards has sold, and continues to sell, the Exemplary ’643 Patented Method Practicing Accused Products in its physical locations and through its website. *See, e.g.*, Exhibits 20-21, 26-27, 29-30.

118. As set forth in Exhibit 9, the Exemplary ’643 Patented Method Practicing Accused Products during operation practice and/or embody the technology claimed in the ’643 Patent. Accordingly, the Exemplary ’643 Patented Method Practicing Accused Products infringe at least Claim 25 of the ’643 Patent.

119. For clarity, the ’643 Patented Method Practicing Accused Products are not limited to the above referenced Exemplary ’643 Patented Method Practicing Accused Products, but

rather include all Menards Branded Products which during operation infringe one or more of Claims 25-37 of the ’643 Patent. On information and belief, numerous other Menards Branded Products that during operation infringe one or more of Claims 25-37 of the ’643 Patent have been made, used, sold, offered for sale, and/or imported into the U.S. by Menards. In this regard, and as presently advised, at least the following Menards Branded Products (by SKU number) also appear during operation to infringe one or more of Claims 25-37 of the ’643 Patent: 349-1207, 349-1348, 349-1349, 349-1201, 349-1206, 349-1345, 349-1347, 349-1354, 349-1391, 349-1392, 349-1393, 349-1394, 349-2101, 349-2102, 349-2135, 349-1199, 349-2134, 351-8420, 351-8703, 351-8716, 351-8792. Signify makes this preliminary identification without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

120. Upon information and belief, in addition to making, importing and/or selling or offering for sale the ’643 Patented Method Practicing Accused Products in this District and elsewhere in the U.S., Menards also directly infringes the ’643 Patent under 35 U.S.C. § 271(a) at least because it has operated, and continues to operate, the ’643 Patented Method Practicing Accused Products in its physical retail stores (including, by way of example and not of limitation, operating such products within any “Expanded Lighting Showroom[s]” contained within such stores) within the United States, including within the State of Ohio and this District.

121. Upon information and belief, Menards also directly infringes the ’643 Patent under 35 U.S.C. § 271(a) at least because it takes part in testing and/or otherwise using ’643 Patented Method Practicing Accused Products within the United States.

122. Upon information and belief, Menards also directly infringes the ’643 Patent under 35 U.S.C. § 271(a) at least because customers and other downstream users of the ’643 Patented Method Practicing Accused Products perform the method of one or more of Claims 25-37 of the ’643 Patent, and such performance is legally attributable to Menards. Menards directs and/or controls such customers and other downstream users to operate the ’643 Patent Accused Products (including without limitation the Exemplary ’643 Patent Accused Products) in such a manner so as to perform the method of Claim 25 of the ’643 Patent. For instance, Menards conditions such customers and users’ receipt and enjoyment of the benefits of dimming functionality in the Menards ’643 Patent Method Practicing Products upon such customers and users installing and operating the Menards ’643 Patent Method Practicing Products in a manner that performs the method of Claim 25 of the ’643 Patent, and establishes the manner and/or timing of that performance. *See, e.g.*, Exhibit 22 (SKU# 349-1353 installation manual) (“This product is suitable for use in dimming circuits. For 10-100% light control, use with an LED-compatible dimmer (sold separately).”); Exhibit 28 (SKU# 349-1362 installation manual) (“This fixture is dimmable with a forward phase electronic dimmer. Dimmers tested to be compatible with this fixture are the Lutron: DVWCL-153PH, MACL-153MH, SCL-153P, TGCL-153PH.”); Exhibit 31 (SKU# 351-8716 installation manual) (“This fixture is designed for use in a 120VAC, 60Hz fused circuit and can be used in conjunction with most 2-wire, triac dimmers”).

123. Upon information and belief, Menards has induced and continues to induce infringement of the ’643 Patent under 35 U.S.C. § 271(b) at least by actively and knowingly aiding and abetting direct infringement by others, with specific intent to encourage infringement. Menards has had actual knowledge of the existence of the ’643 Patent and its infringement since

at least August 13, 2021. Upon information and belief, Menards has actively induced infringement, and continues to actively induce infringement, by at least actively encouraging customers and other downstream users to purchase, install, and use '643 Patented Method Practicing Accused Products which infringe the '643 Patent, and/or actively encouraging customers and other downstream users to use '643 Patented Method Practicing Accused Products in a manner that constitutes infringement of the '643 Patent. *See, e.g.*, Exhibits 22 (SKU# 349-1353 installation manual), 28 (SKU# 349-1362 installation manual), 31 (SKU# 351-8716 installation manual).[5]

124. For example, Menards provides instructions for installing and using Menards Branded Products (including without limitation the Exemplary '643 Patented Method Practicing Accused Products) through its installation manuals, product specifications provided on its website, and, on information and belief, through other instructions provided to its customers and other downstream users.

125. Accordingly, Menards actively encourages and instructs its customers and other downstream users to purchase '643 Patented Method Practicing Accused Products (including without limitation the Exemplary '643 Patented Method Practicing Accused Products) and install such products in such a manner that, when used, the products perform the method of Claim 25 of the '643 Patent, knowing the same to constitute infringement of the '643 Patent. *See* Exhibit 9.

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[5] *Available at* https://hw.menardc.com/main/items/media/AMERI147/Install_Instruct/IM_6inRound_LED-WaferLight_349-1353.pdf (for SKU# 349-1353), https://hw.menardc.com/main/items/media/LUMIN005/Install_Instruct/349-1362_installationinstructions_update.pdf (for SKU# 349-1362), https://hw.menardc.com/main/items/media/AMERI015/Install_Instruct/351-8716_18NRMP24L30D1BK_PCMANUALFINALrev.pdf (for SKU#351-8716).

126. Upon information and belief, Menards has contributed to, and continues to contribute to, infringement of one or more claims of the ’643 Patent under 35 U.S.C. § 271(c), including at least Claim 25, by offering to sell, selling and/or importing into the United States, Menards Branded Products for use in practicing a claimed process of the ’643 Patent (including, without limitation, the process of Claim 25), constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of the ’643 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. *See, e.g.,* Paragraph 125, *supra*.

127. Defendant’s infringement of the ’643 Patent has caused and continues to cause damage to Signify and Signify is entitled to recover damages in an amount subject to proof at trial pursuant to 35 U.S.C. § 284.

128. Upon information and belief, the foregoing infringement of the ’643 Patent has been willful, intentional and purposeful, in disregard of and indifferent to Signify’s rights.

129. Defendant’s continuing infringement of the ’643 Patent irreparably harms Signify, and Signify will continue to suffer irreparable harm absent entry of a permanent injunction pursuant to 35 U.S.C. § 283 enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting with them, from infringing the ’643 Patent.

FOURTH CLAIM FOR RELIEF
INFRINGEMENT OF THE ’604 PATENT

130. Paragraphs 1 through 84 are incorporated by reference as if fully stated herein.

131. Upon information and belief, Menards has directly infringed and continues to directly infringe one or more claims of the ’604 Patent under 35 U.S.C. § 271(a), including at least Claim 1, literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States infringing Menards Branded Products

(including, but not limited to, “Patriot Lighting®”, “MasterForce®”, and/or “Smart Electrician®” brands) (“the ’604 Patent Accused Products”).

132. For example, Exhibit 10 presents exemplary claim charts comparing Claim 1 of the ’604 Patent to exemplary accused products: the Masterforce® 10,000 lumen portable work light LED lighting product (SKU# 370-5380) and the Patriot Lighting® Seattle II Nickel integrated LED vanity lighting product (SKU# 351-1510) (collectively, the “Exemplary ’604 Patent Accused Products”).

133. Menards has sold, and continues to sell, the Exemplary ’604 Patent Accused Products in its physical locations and through its website. *See, e.g.*, Exhibits 23-24, 38-39.

134. As set forth in Exhibit 10, the Exemplary ’604 Patent Accused Products practice and/or embody the technology claimed in the ’604 Patent. Accordingly, the Exemplary ’604 Patent Accused Products infringe at least Claim 1 of the ’604 Patent.

135. For clarity, the ’604 Patent Accused Products are not limited to the above referenced Exemplary ’604 Patent Accused Products, but rather include all Menards Branded Products which infringe one or more claims of the ’604 Patent. On information and belief, numerous other Menards Branded Products that infringe one or more claims of the ’604 Patent have been made, used, sold, offered for sale, and/or imported into the U.S. by Menards. In this regard, and as presently advised, at least the following Menards Branded Products (by SKU number) also appear to infringe the ’604 Patent: 351-4739, 351-8792, 347-0090, 346-9030, 356-4264, 370-1972, 370-5497, 370-3689, 370-5537, 370-5450, 370-5536, 370-5392, 370-5395, 370-5391, 370-5390, 370-5396, 370-5493. Signify makes this preliminary identification of infringing products and infringed claims without the benefit of discovery or claim construction in

this action, and expressly reserves the right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

136. Upon information and belief, in addition to making, importing and/or selling or offering for sale the ’604 Patent Accused Products in this District and elsewhere in the U.S., Menards also directly infringes the ’604 Patent under 35 U.S.C. § 271(a) at least because it has operated, and continues to operate, the ’604 Patent Accused Products in its physical retail stores (including, by way of example and not of limitation, operating such products within any “Expanded Lighting Showroom[s]” contained within such stores) within the United States, including within the State of Ohio and this District.

137. Upon information and belief, Menards also directly infringes the ’604 Patent under 35 U.S.C. § 271(a) at least because it takes part in testing and/or otherwise using ’604 Patent Accused Products within the United States.

138. Upon information and belief, Menards has induced and continues to induce infringement of the ’604 Patent under 35 U.S.C. § 271(b) at least by actively and knowingly aiding and abetting direct infringement by others, with specific intent to encourage infringement. Menards has had actual knowledge of the existence of the ’604 Patent and its infringement since at least the filing of this Complaint. Upon information and belief, Menards has actively induced infringement, and continues to actively induce infringement, by at least directing manufacturers to manufacture and/or import ’604 Patent Accused Products which infringe the ’604 Patent, knowing these products will be imported into, offered for sale, sold, and used within the United States, and with specific intent to encourage infringement.

139. Defendant's infringement of the '604 Patent has caused and continues to cause damage to Signify and Signify is entitled to recover damages in an amount subject to proof at trial pursuant to 35 U.S.C. § 284.

140. Defendant's continuing infringement of the '604 Patent irreparably harms Signify, and Signify will continue to suffer irreparable harm absent entry of a permanent injunction pursuant to 35 U.S.C. § 283 enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting with them, from infringing the '604 Patent.

FIFTH CLAIM FOR RELIEF
INFRINGEMENT OF THE '506 PATENT

141. Paragraphs 1 through 84 are incorporated by reference as if fully stated herein.

142. Upon information and belief, Menards has directly infringed and continues to directly infringe one or more claims of the '506 Patent under 35 U.S.C. § 271(a), including at least Claim 1, literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States infringing Menards Branded Products (including, but not limited to, "Patriot Lighting®", "MasterForce®", and/or "Smart Electrician®" brands) ("the '506 Patent Accused Products").

143. For example, Exhibit 11 presents exemplary claim charts comparing Claim 1 of the '506 Patent to exemplary accused products: the Patriot Lighting® 6-7/8" (6" internal diameter) round recessed downlight LED lighting product (SKU# 349-1353), and the Patriot Lighting® 7" (6" internal diameter) LED ultra-thin downlight product (SKU# 349-1292) (collectively, the "Exemplary '506 Patent Accused Products").

144. Menards has sold, and continues to sell, the Exemplary '506 Patent Accused Products in its physical locations and through its website. *See, e.g.*, Exhibits 20-21, 32-33.

145. As set forth in Exhibit 11, the Exemplary ’506 Patent Accused Products practice and/or embody the technology claimed in the ’506 Patent. Accordingly, the Exemplary ’506 Patent Accused Products infringe at least Claim 1 of the ’506 Patent.

146. For clarity, the ’506 Patent Accused Products are not limited to the above referenced Exemplary ’506 Patent Accused Products, but rather include all Menards Branded Products which infringe one or more claims of the ’506 Patent. On information, and belief, numerous other Menards Branded Products that infringe one or more claims of the ’506 Patent have been made, used, sold, offered for sale, and/or imported into the U.S. by Menards. In this regard, and as presently advised, at least the following Menards Branded Products (by SKU number) also appear to infringe the ’506 Patent: 349-1207, 349-1347, 349-1201, 349-1202, 349-1204, 349-1206, 349-1293, 349-1294, 349-1345, 349-1346, 349-1347, 349-1354, 349-1391, 349-1392, 349-1393, 349-1394, 349-2101, 349-2102. Signify makes this preliminary identification of infringing products and infringed claims without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

147. Upon information and belief, in addition to making, importing and/or selling or offering for sale the ’506 Patent Accused Products in this District and elsewhere in the U.S., Menards also directly infringes the ’506 Patent under 35 U.S.C. § 271(a) at least because it has operated, and continues to operate, the ’506 Patent Accused Products in its physical retail stores (including, by way of example and not of limitation, operating such products within any “Expanded Lighting Showroom[s]” contained within such stores) within the United States, including within the State of Ohio and this District.

148. Upon information and belief, Menards also directly infringes the ’506 Patent under 35 U.S.C. § 271(a) at least because it takes part in testing and/or otherwise using ’506 Patent Accused Products within the United States.

149. Upon information and belief, Menards has induced and continues to induce infringement of the ’506 Patent under 35 U.S.C. § 271(b) at least by actively and knowingly aiding and abetting direct infringement by others, with specific intent to encourage infringement. Menards has had actual knowledge of the existence of the ’506 Patent and its infringement since at least the filing of this Complaint. Upon information and belief, Menards has actively induced infringement, and continues to actively induce infringement, by at least directing manufacturers to manufacture and/or import ’506 Patent Accused Products which infringe the ’506 Patent, knowing these products will be imported into, offered for sale, sold, and used within the United States, and with specific intent to encourage infringement. Menards also has actively induced infringement, and continues to actively induce infringement, by at least actively encouraging customers and other downstream users to purchase, install, and use ’506 Patent Accused Products which infringe the ’506 Patent, and/or actively encouraging customers and other downstream users to use ’506 Patent Accused Products in a manner that constitutes infringement of the ’506 Patent. *See, e.g.*, Exhibits 22 (SKU# 349-1353 installation manual), 34 (SKU# 349-1292 installation manual).[6]

150. For example, Menards provides instructions for installing and using Menards Branded Products (including without limitation the Exemplary ’506 Patent Accused Products)

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[6] *Available at* https://hw.menardc.com/main/items/media/AMERI147/Install_Instruct/IM_6inRound_LED-WaferLight_349-1353.pdf (SKU# 349-1353), https://hw.menardc.com/main/items/media/EASTW004/Assembly_Instructions/3491292_Instruction.pdf (SKU# 349-1292).

through its installation manuals, product specifications provided on its website, and, on information and belief, through other instructions provided to its customers and other downstream users.

151. Accordingly, Menards actively encourages and instructs its customers and other downstream users to purchase ’506 Patent Accused Products (including without limitation the Exemplary ’506 Patent Accused Products) and install such products in such a manner that, when used, the products performs the method of forming a gap in an architectural surface (*see* Exhibit 11 at 4-6); disposing a cove member in the gap defined by the architectural surface, the cove member comprising an interior surface that is recessed from the architectural surface (*see id.*); generating visible light by at least one light LED-based source (*see id.* at 7); and irradiating at least a portion of the interior surface with visible light such that the visible light is perceivable by a viewer via the gap as a light surface that is essentially flush with the architectural surface (*see id.* at 7-9), knowing the same to constitute infringement of the ’506 Patent. *See* ’506 Patent, Claim 15.

152. Upon information and belief, Menards has contributed to, and continues to contribute to, infringement of one or more claims of the ’506 Patent under 35 U.S.C. § 271(c), including at least Claim 15, by offering to sell, selling and/or importing into the United States, Menards Branded Products for use in practicing a claimed process of the ’506 Patent (including, without limitation, the process of Claim 15), constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of the ’506 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. *See, e.g.,* Paragraph 151, *supra*.

153. Defendant's infringement of the '506 Patent has caused and continues to cause damage to Signify and Signify is entitled to recover damages in an amount subject to proof at trial pursuant to 35 U.S.C. § 284.

154. Defendant's continuing infringement of the '506 Patent irreparably harms Signify, and Signify will continue to suffer irreparable harm absent entry of a permanent injunction pursuant to 35 U.S.C. § 283 enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting with them, from infringing the '506 Patent.

SIXTH CLAIM FOR RELIEF
INFRINGEMENT OF THE '336 PATENT

155. Paragraphs 1 through 84 are incorporated by reference as if fully stated herein.

156. Upon information and belief, Menards has directly infringed and continues to directly infringe one or more claims of the '336 Patent under 35 U.S.C. § 271(a), including at least Claims 1 and/or 13, literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States infringing Menards Branded Products (including, but not limited to, "Patriot Lighting®", "MasterForce®", and/or "Smart Electrician®" brands) ("the '336 Patent Accused Products").

157. For example, Exhibit 12 presents exemplary claim charts comparing Claims 1 and 13 of the '336 Patent to exemplary accused products: the Patriot Lighting® 5-1/2" (4" internal diameter) round recessed downlight LED lighting product (SKU# 349-1348) , the Patriot Lighting® 7" (6" internal diameter) LED ultra-thin downlight product(SKU# 349-1292), and the Patriot Lighting® 4-3/4" (4" internal) LED ultra-thin square recessed downlight product (SKU# 349-1391) (collectively, the "Exemplary '336 Patent Accused Products").

158. Menards has sold, and continues to sell, the Exemplary ’336 Patent Accused Products in its physical locations and through its website. *See, e.g.*, Exhibits 17-18, 32-33, 35-36.

159. As set forth in Exhibit 12, the Exemplary ’336 Patent Accused Products practice and/or embody the technology claimed in the ’336 Patent. Accordingly, the Exemplary ’336 Patent Accused Products infringe at least Claim 1 and/or Claim 13 of the ’336 Patent.

160. For clarity, the ’336 Patent Accused Products are not limited to the above referenced Exemplary ’336 Patent Accused Products, but rather include all Menards Branded Products which infringe one or more claims of the ’336 Patent. On information, and belief, numerous other Menards Branded Products that infringe one or more claims of the ’336 Patent have been made, used, sold, offered for sale, and/or imported into the U.S. by Menards. In this regard, and as presently advised, at least the following Menards Branded Products (by SKU number) also appear to infringe the ’336 Patent: 349-1274, 349-1349, 349-1352, 349-1385, 349-1386, 349-1202, 349-1279, 349-1293, 349-1294, 349-1392, 349-1393, 349-1394, 349-1395, 349-1343, 349-2101, 349-2102, 349-2134, 349-2135, 349-1342, 349-1387, 349-1388, 351-0008, 351-1510, 346-0639, 346-7258, 348-2107. Signify makes this preliminary identification of infringing products and infringed claims without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

161. Upon information and belief, in addition to making, importing and/or selling or offering for sale the ’336 Patent Accused Products in this District and elsewhere in the U.S., Menards also infringes the ’336 Patent under 35 U.S.C. § 271(a) at least because it has operated, and continues to operate, the ’336 Patent Accused Products in its physical retail stores

(including, by way of example and not of limitation, operating such products within any "Expanded Lighting Showroom[s]" contained within such stores) within the United States, including within the State of Ohio and this District.

162. Upon information and belief, Menards also directly infringes the '336 Patent under 35 U.S.C. § 271(a) at least because it takes part in testing and/or otherwise using '336 Patent Accused Products within the United States.

163. Upon information and belief, Menards has induced and continues to induce infringement of the '336 Patent under 35 U.S.C. § 271(b) at least by actively and knowingly aiding and abetting direct infringement by others, with specific intent to encourage infringement. Menards has had actual knowledge of the existence of the '336 Patent and its infringement since at least February 8, 2021. Upon information and belief, Menards has actively induced infringement, and continues to actively induce infringement, by at least directing manufacturers to manufacture and/or import '336 Patent Accused Products which infringe the '336 Patent, knowing these products will be imported into, offered for sale, sold, and used within the United States, and with specific intent to encourage infringement.

164. Defendant's infringement of the '336 Patent has caused and continues to cause damage to Signify and Signify is entitled to recover damages in an amount subject to proof at trial pursuant to 35 U.S.C. § 284.

165. Upon information and belief, the foregoing infringement of the '336 Patent has been willful, intentional and purposeful, in disregard of and indifferent to Signify's rights.

166. Defendant's continuing infringement of the '336 Patent irreparably harms Signify, and Signify will continue to suffer irreparable harm absent entry of a permanent injunction

pursuant to 35 U.S.C. § 283 enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting with them, from infringing the ’336 Patent.

PRAYER FOR RELIEF

WHEREFORE, Signify respectfully requests:

A. That a judgment be entered that Defendant has infringed at least one or more claims of the ’399 Patent, directly and/or indirectly, literally and/or under the doctrine of equivalents;

B. That a judgment be entered that Defendant has infringed and is infringing at least one or more claims of the ’554 Patent, directly and/or indirectly, literally and/or under the doctrine of equivalents;

C. That a judgment be entered that Defendant has infringed and is infringing at least one or more claims of the ’643 Patent, directly and/or indirectly, literally and/or under the doctrine of equivalents;

D. That a judgment be entered that Defendant has infringed and is infringing at least one or more claims of the ’604 Patent, directly and/or indirectly, literally and/or under the doctrine of equivalents;

E. That a judgment be entered that Defendant has infringed and is infringing at least one or more claims of the ’506 Patent, directly and/or indirectly, literally and/or under the doctrine of equivalents;

F. That a judgment be entered that Defendant has infringed and is infringing at least one or more claims of the ’336 Patent, directly and/or indirectly, literally and/or under the doctrine of equivalents;

G. An award of damages adequate to compensate Signify for Defendant's past and ongoing infringement under 35 U.S.C. § 284;

H. A determination that Defendant's conduct with respect to the '399 Patent, the '554 Patent, the '643 Patent, and the '336 Patent has been willful and deliberate, and a three-fold enhancement of any damages Defendant must pay to Signify on account of its infringement of the '399 Patent, the '554 Patent, the '643 Patent, and the '336 Patent;

I. A permanent injunction, issued under 35 U.S.C. § 283, restraining and enjoining Defendant and its respective officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with each or any of them, from directly and indirectly committing, aiding, encouraging, enabling, inducing, causing, materially contributing to, or otherwise facilitating the infringement of the '554 Patent, the '643 Patent, the '604 Patent, the '506 Patent, and the '336 Patent as described in this action;

J. That the case be found exceptional under 35 U.S.C. § 285 and that Signify be awarded its reasonable attorneys' fees;

K. Costs and expenses in this action;

L. An award of prejudgment and post-judgment interest; and

M. Such other and further relief as the Court may deem just and proper.

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Date: August 12, 2022

Respectfully submitted,

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Attorneys for Plaintiffs Signify North America Corporation and Signify Holding B.V.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Signify respectfully demands a trial by jury on all issues triable by jury.

Respectfully submitted,

By: */s/Brent S. Silverman*
Brent S. Silverman (0062859)