



**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Bluestone Innovations LLC (“Plaintiff”) makes the following allegations against OSRAM Sylvania Inc. (“Defendant”):

**PARTIES**

1. Plaintiff is a Virginia limited liability company, having a principal place of business of 1984 Isaac Newton Sq., Ste. 203, Reston, VA 20190.

2. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 200 Ballardvale St., Wilmington, MA 01887. Defendant may be served via its registered agent for service of process: Corporation Creations Network Inc., 3411 Silverside Rd., Tatnall Building, Ste. 104, Wilmington, DE 19810.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. § 1400(b). Defendant has committed acts of infringement in this Judicial District and has a regular place of business in Sunnyvale, CA.

5. On information and belief, Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the California Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in California and in this Judicial District.

**U.S. PATENT NO. 6,163,557**

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2 6. Plaintiff is the owner by assignment of United States Patent No. 6,163,557 (the “’557  
3 Patent”) entitled “Fabrication of Group III-V Nitrides on Mesas.” The ’557 Patent issued on  
4 December 19, 2000. A true and correct copy of the ’557 Patent is attached as Exhibit A.  
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6 7. Clarence J. Dunnrowicz, David P. Bour and Linda T. Romano are listed as the  
7 inventors on the ’557 Patent.

8 8. Upon information and belief, to the extent any marking was required by 35 U.S.C.  
9 § 287, predecessors in interest to the ’557 Patent complied with such requirements.  
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11 **COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 6,163,557**

12 9. Upon information and belief, Defendant has been and is now infringing at least claims  
13 1, 9, and 23 of the ’557 Patent in the State of California, in this Judicial District, and elsewhere in the  
14 United States, by, among other things, directly or through intermediaries, making, using, importing,  
15 providing, supplying, distributing, selling, and/or offering for sale LED Lightbulbs with epitaxial film  
16 (including, without limitation, at least the Sylvania 73015 A19 Soft White LED Light Bulb, OSRAM  
17 8.5W A19 Soft White Light Bulb, and Sylvania 78691 9W BR30 Lamp (the “Accused  
18 Instrumentalities”) covered by one or more claims of the ’557 Patent to the injury of Plaintiff.  
19 Defendant is directly infringing, literally infringing, and/or infringing the ’557 Patent under the  
20 doctrine of equivalents. Defendant is thus liable for infringement of the ’557 Patent pursuant to 35  
21 U.S.C. § 271(a).  
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24 10. The Accused Instrumentalities infringe claim 1 of the ’557 Patent. They include a  
25 structure comprising: a substrate including at least one upstanding, each mesa having a top surface  
26 mesa (*e.g.*, a GaN film with patterned electrodes with Mesas having a top surface on a sapphire  
27 substrate); and a group III-V nitride epitaxial film on the top surface of at least one mesa (*e.g.*, a GaN  
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1 film is on the top surface of the mesas); wherein the at least one mesa including surfaces oriented  
2 along crack planes of the epitaxial film (*e.g.*, the mesa side surfaces are oriented along the crack  
3 planes of the GaN film). *See* Exhibits A-1, A-2, and A-3.

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5 11. The Accused Instrumentalities infringe claim 9 of the '557 Patent. They include a  
6 plurality of mesas spaced from each other by a distance of less than about 50 microns (*e.g.*, the  
7 plurality of mesas are separated by a distance of less than 5 microns). *See* Exhibits A-1, A-2, and A-  
8 3, Fig. 7.

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10 12. Defendant infringed the method of claim 23 of the '557 Patent by manufacturing the  
11 Accused Instrumentalities. Defendant providing a substrate (*e.g.*, a sapphire substrate); and  
12 patterning the substrate to form at least one mesa, each mesa including a top surface (*e.g.*, the  
13 sapphire substrate is patterned to include multiple mesas with a top surface); epitaxially growing a  
14 group III-V nitride epitaxial film on the top surface of at least one mesa (*e.g.*, a GaN film is place  
15 over the top surfaces of the mesas) the at least one mesa including surfaces oriented along crack  
16 planes of the epitaxial film (*e.g.*, the mesa side surfaces are oriented along the crack planes of the  
17 GaN film). *See* Exhibits A-1, A-2, and A-3.

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19 13. As a result of Defendant's infringement of the '557 Patent, Plaintiff has suffered  
20 monetary damages and is entitled to a money judgment in an amount adequate to compensate for  
21 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the  
22 invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will  
23 continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this  
24 Court.  
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1 14. Unless a permanent injunction is issued enjoining Defendant and its agents, servants,  
2 employees, representatives, affiliates, and all others acting on in active concert therewith from  
3 infringing the '557 Patent, Plaintiff will be greatly and irreparably harmed.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff respectfully requests that this Court enter:  
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7 1. A judgment in favor of Plaintiff that Defendant has infringed the '557 Patent;

8 2. A permanent injunction enjoining Defendant and its officers, directors, agents  
9 servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in  
10 active concert therewith from infringement of the '557 Patent, or such other equitable relief the Court  
11 determines is warranted;

12 3. A judgment and order requiring Defendant pay to Plaintiff its damages, costs,  
13 expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '557  
14 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement;  
15 and  
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17 4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be  
18 entitled.  
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20 **DEMAND FOR JURY TRIAL**

21 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any  
22 issues so triable by right.  
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1 Dated: October 17, 2017

Respectfully Submitted,  
**JAIN LAW OFFICES, P.C.**

*/s/ Kunal Jain*

By: \_\_\_\_\_  
KUNAL JAIN,  
Attorney for Plaintiff  
BLUESTONE INNOVATIONS LLC

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