

HOWARD & HOWARD ATTORNEYS PLLC

1 W. WEST ALLEN
Nevada Bar. No. 5566
2 wwa@h2law.com
JONATHAN FOUNTAIN
3 Nevada Bar No. 10531
jwf@h2law.com
4 HOWARD & HOWARD ATTORNEYS PLLC
3800 Howard Hughes Parkway, Suite 1000
5 Las Vegas, Nevada 89169
Telephone: 702.257.1483
6 Facsimile: 702.567.1568

7 Louis M. Heidelberger (*will comply with LR IA 11-2 within 45 days*)
1229 Laurel Oak Lane
8 York, PA 17403
louis.heidelberger@gmail.com
9 Telephone: 215.284.8910

10 *Attorneys for Plaintiff,*
Technical LED Intellectual Property, LLC

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 TECHNICAL LED INTELLECTUAL
PROPERTY, LLC, a Delaware limited
15 liability company,

16 Plaintiff,

17 v.

18 HOME EVER, INC., a Nevada Corporation,

19 Defendant.

Case No.:

**COMPLAINT FOR PATENT
INFRINGEMENT (U.S. PATENT No.
RE41,685)**

DEMAND FOR JURY TRIAL

21 This is an action for patent infringement in which Technical LED Intellectual Property, LLC
22 (“Technical LED” or “Plaintiff”) makes the following allegations against Home Ever, Inc. (“Home
23 Ever” or “Defendant”):

24 **PARTIES**

25 1. Plaintiff Technical LED is a Delaware limited liability company, with its principal
26 place of business located at 251 Little Falls Dr., Wilmington, DE 19808.

27 ///

HOWARD & HOWARD ATTORNEYS PLLC

1 2. On information and belief, Defendant, Home Ever has a principal place of business in
2 Las Vegas, Nevada at 1810 East Sahara Avenue, Suite 704.

3 **JURISDICTION AND VENUE**

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

6 4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On
7 information and belief, Defendant is located in this judicial district, has transacted business in this
8 judicial district, and has committed and/or induced acts of patent infringement in this judicial district.

9 5. On information and belief, Defendant is subject to this Court’s specific and general
10 personal jurisdiction pursuant to due process and/or Nevada’s Long Arm Statue, due at least to its
11 substantial business in this forum, including: (i) at least a portion of the infringements alleged herein;
12 (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or
13 deriving substantial revenue from goods and services provided to individuals in Nevada and in this
14 judicial district; and having a regular and established place of business in this judicial district.

15 **COUNT I**

16 **Infringement of U.S. Patent No. RE41,685**

17 6. Plaintiff is the owner by assignment of United States Patent No. RE41,685 (“the ‘685
18 Patent”) titled “Light Source with Non-White and Phosphor-Based White LED Devices and LCD
19 Assembly.” The ‘685 Patent reissued on September 14, 2010. A true and correct copy of the ‘685
20 Patent is attached as **Exhibit A**.

21 7. Upon information and belief, Defendant directly or through intermediaries has been
22 and is now infringing the ‘685 Patent in the State of Nevada, in this judicial district, and elsewhere in
23 the United States, by, making, using, providing, supplying, distributing, selling, and/or offering for
24 sale products (including at least its website at www.lightingever.com) further including Lighting Ever
25 light bulbs, ceiling lights and other products incorporating smart LED lights and similar type
26 assemblies, comprising a light source that infringes one or more claims of the ‘685 Patent and
27 particularly, e.g., claims 10 through 14 of the ‘685 Patent. The ‘685 Patent reads on Lighting Ever,
28 ceiling fan as set forth in the exemplary claims chart attached as **Exhibit B**.

HOWARD & HOWARD ATTORNEYS PLLC

1 8. Upon information and belief and in view of the foregoing, Defendant has been and is
2 continuing to directly infringe, literally infringe, and/or infringe the '685 Patent under the doctrine of
3 equivalents. Defendant is thus liable for infringement of the '685 Patent pursuant to 735 U.S.C. §
4 271.

5 9. As a result of Defendant infringement of the '685 Patent, Plaintiff has suffered
6 monetary damages and is entitled to a money judgment in an amount adequate to compensate for
7 Defendant infringement, but in no event less than a reasonable royalty for the use made of the
8 invention by Defendant, together with interest and costs as fixed by the Court, and Plaintiff will
9 continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this
10 Court. Unless a permanent injunction is issued enjoining Defendant and its agents, servants,
11 employees, representatives, affiliates, and all others acting on in active concert therewith from
12 infringing the '685 Patent, Plaintiff will be greatly and irreparably harmed.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff respectfully requests that this Court enter:

15 1. A judgment in favor of Plaintiff that Defendant have infringed the '685 Patent;

16 2. A permanent injunction enjoining Defendant and its officers, directors, agents,
17 servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in
18 active concert therewith from infringement, inducing the infringement of, or contributing to the
19 infringement of '685 Patent, or such other equitable relief the Court determines is just and proper;

20 3. A judgment and order requiring Defendant pay to Plaintiff its damages, costs,
21 expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '685
22 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement;
23 and

24 4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be
25 entitled.

26 ///

27 ///

28 ///

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury for all issues so triable.

Dated this 7th day of June, 2018.

HOWARD & HOWARD ATTORNEYS PLLC

By: /s/ W. West Allen

W. WEST ALLEN

Nevada Bar. No. 5566

wwa@h2law.com

JONATHAN FOUNTAIN

Nevada Bar No. 10531

jwf@h2law.com

HOWARD & HOWARD ATTORNEYS PLLC

3800 Howard Hughes Parkway, Suite 1000

Las Vegas, Nevada 89169

Telephone: 702.257.1483

Facsimile: 702.567.1568

Louis M. Heidelberg

(will comply with LR IA 11-2 within 45 days)

1229 Laurel Oak Lane

York, PA 17403

louis.heidelberg@gmail.com

Telephone: 215.284.8910

Attorneys for Plaintiff,

Technical LED Intellectual Property, LLC

HOWARD & HOWARD ATTORNEYS PLLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28