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Attorney for Plaintiff,
SENSOR ELECTRONIC TECHNOLOGY, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SENSOR ELECTRONIC
TECHNOLOGY, INC., a New York
Corporation,;

Plaintiff,

v.

BOLB, INC., a Delaware Corporation;
QUANTUM EGG, INC., a Delaware
Corporation,

Defendants.

Case No. _____

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Sensor Electronic Technology, Inc. (“SETi” or “Plaintiff”) for its Complaint
2 against Defendants Bolb, Inc. (“Bolb”) and Quantum Egg, Inc. (“Quantum Egg”) (collectively
3 “Defendants”) alleges as follows:

4 **INTRODUCTION**

5 1. SETi brings this patent infringement action to protect its valuable patented
6 technology related to ultraviolet light-emitting diodes (UV LEDs). A UV LED is a
7 semiconductor device that converts electrical energy into ultraviolet light. Ultraviolet light has
8 many applications including optical sensors, disinfection, forensics, medical imaging, protein
9 analysis, and polymer curing. UV LEDs have many advantages over conventional UV lamps,
10 including lower energy consumption, longer lifetime, and smaller size.

11 2. SETi was founded in 1999 at the Rensselaer Polytechnic Institute in New York
12 State and relocated to Columbia, South Carolina in 2002. In 2004, SETi launched the world’s
13 first commercially available deep UV LED with emission wavelengths shorter than 365 nm.
14 Today, SETi is the world’s leading supplier of deep UV LEDs and has over 250 issued U.S.
15 patents and published patent applications related to this technology.

16 **THE PARTIES**

17 3. Plaintiff SETi is a company organized and existing under the laws of the State of
18 New York with its principal place of business at 1195 Atlas Rd., Columbia, South Carolina.

19 4. On information and belief, defendant Bolb is a company organized and existing
20 under the laws of the State of Delaware with its principal place of business at 52 Wright Brothers
21 Ave., Livermore, California.

22 5. On information and belief, defendant Quantum Egg is a company organized and
23 existing under the laws of the State of Delaware with its principal place of business at 52 Wright
24 Brothers Ave., Livermore, California.

25 6. On information and belief, Bolb and Quantum Egg are in the business of offering
26 for sale, selling, and distributing products that incorporate UV LEDs.

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1 7. On information and belief, Bolb and Quantum Egg market and sell the Quantum
2 Egg Contact Lens Disinfection Storage Case (“Q-Egg”). A true and correct copy of the Q-Egg
3 User Guide is attached as Exhibit 1. The Q-Egg is shown in the image below.



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JURISDICTION, VENUE, AND JOINDER

14
15 8. This is an action for patent infringement under the patent laws of the United States,
16 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and
17 1338(a).

18 9. This Court has personal jurisdiction over both Bolb and Quantum Egg because,
19 upon information and belief, they each maintain a principal place of business in California.

20 10. Venue is proper within this judicial district under 28 U.S.C. § 1400(b) because, on
21 information and belief, both Defendants reside in this district. Venue is also proper because, on
22 information and belief, both Defendants have committed acts of infringement and have a regular
23 and established place of business in this district.

24 11. Joinder of Bolb and Quantum Egg in this action is proper under Fed. R. Civ. P.
25 20(a)(2) and 35 U.S.C. § 299 because the counts asserted against both Defendants (1) arise from
26 the same transaction, occurrence, or series of transactions or occurrences relating to the making,
27 using, importing into the United States, offering for sale, or selling of the Q-Egg accused product;
28 and (2) relate to common questions of fact.

PATENTS-IN-SUIT

1
2 12. U.S. Patent No. 9,801,965 (“the ’965 patent”) was duly and legally issued on
3 October 31, 2017, by the United States Patent and Trademark Office to *Bettles* et al. The ’965
4 patent is titled “Ultraviolet Disinfection Case.” SETi owns the ’965 patent by assignment. A true
5 and correct copy of the ’965 patent is attached as Exhibit 2.

6 13. U.S. Patent No. 8,552,562 (“the ’562 patent”) was duly and legally issued on
7 October 8, 2013, by the United States Patent and Trademark Office to *Simin* et al. The ’562
8 patent is titled “Profiled Contact for Semiconductor Device.” SETi owns the ’562 patent by
9 assignment. A true and correct copy of the ’562 patent is attached as Exhibit 3.

10 14. U.S. Patent No. 9,966,496 (“the ’496 patent”) was duly and legally issued on May
11 8, 2018, by the United States Patent and Trademark Office to *Shatalov* et al. The ’496 patent is
12 titled “Light Emitting Heterostructure with Partially Relaxed Semiconductor Layer.” SETi owns
13 the ’496 patent by assignment. A true and correct copy of the ’496 patent is attached as Exhibit 4.

14 15. U.S. Patent No. 8,633,468 (“the ’468 patent”) was duly and legally issued on
15 January 21, 2014, by the United States Patent and Trademark Office to *Gaska* et al. The ’468
16 patent is titled “Light Emitting Device with Dislocation Bending Structure.” SETi owns the ’468
17 patent by assignment. A true and correct copy of the ’468 patent is attached as Exhibit 5.

18 16. U.S. Patent No. 9,660,133 (“the ’133 patent”) was duly and legally issued on May
19 23, 2017, by the United States Patent and Trademark Office to *Jain* et al. The ’133 patent is titled
20 “Group III Nitride Heterostructure for Optoelectronic Device.” SETi owns the ’133 patent by
21 assignment. A true and correct copy of the ’133 patent is attached as Exhibit 6.

22 17. U.S. Patent No. 9,042,420 (“the ’420 patent”) was duly and legally issued on May
23 26, 2015, by the United States Patent and Trademark Office to *Shur* et al. The ’420 patent is
24 titled “Device with Transparent and Higher Conductive Regions in Lateral Cross Section of
25 Semiconductor Layer.” SETi owns the ’420 patent by assignment. A true and correct copy of the
26 ’420 patent is attached as Exhibit 7.

COUNT 1

INFRINGEMENT OF THE '965 PATENT

EXAMPLE CLAIM 1

18. Defendants have infringed and continue to infringe one or more claims of the '965 patent pursuant to 35 U.S.C. § 271(a) by (1) offering to sell or selling the Q-Egg without authority within the United States or (2) importing the Q-Egg into the United States without authority.

19. The Q-Egg infringes each element of exemplary claim 1 of the '965 patent. The Q-Egg is an apparatus comprising a case, as shown in the image below.



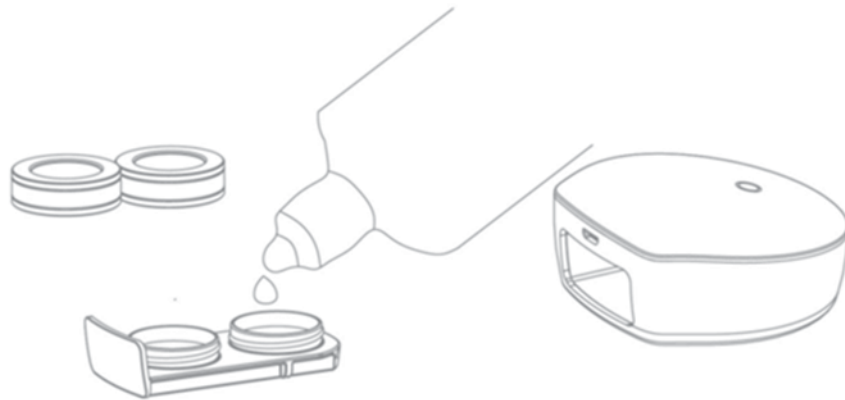
20. The Q-Egg case contains ultraviolet radiation generated by a UV LED, as stated in the Q-Egg User Guide.

Congratulations and thank you for purchasing Quantum Egg contact lens disinfection case. This storage case provides ultraviolet band-c disinfection and vibration agitation; two additional layers of protection that work with your favorite contact lens solution to keep your lenses brilliantly clean every day. Please carefully read these instructions before you operate Q Egg for the first time. It is also highly recommended that you check our YOUTUBE channel for video instructions.

- Almost all the world's pathogens replicate through DNA or RNA molecules. If this replication process is disrupted, then the pathogen is "inactivated" and loses its ability to multiply and harm your health. Ultraviolet C-band light-emitting diodes (LED) included in each Q Egg are at the forefront of a new generation of "physical kill" methods that disrupt this molecular process, without relying on toxic chemicals.

1 21. The Q-Egg case is configured to enclose a volume corresponding to a flowable
2 liquid product (i.e., the Q-Egg's cavity for placing contact lens solution), as shown in the Q-Egg
3 User Guide.

- For regular contact lenses (except Ortho-K lenses), unscrew the cap, and fill in the cavity with your favorite brand of contact lens solution

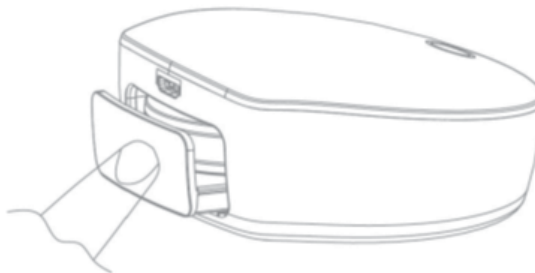


13
14 22. When the Q-Egg case is open, the contact lens solution (a “flowable liquid
15 product”) can be accessed, as shown in the images below.



1 23. The Q-Egg case has a cover configured to selectively close and open the case, as
2 shown in the diagram from the Q-Egg User Guide below.

- 3 • Push the drawer to open (it will spring out).



9
10 24. Two ultraviolet radiation sources are mounted on the Q-Egg case, as shown in the
11 image below.



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21 25. The ultraviolet radiation sources comprise UV LEDs configured to generate
22 ultraviolet radiation for disinfecting the volume corresponding to the contact lens solution, as
23 stated in the Q-Egg User Guide.

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- Almost all the world's pathogens replicate through DNA or RNA molecules. If this replication process is disrupted, then the pathogen is "inactivated" and loses its ability to multiply and harm your health. Ultraviolet C-band light-emitting diodes (LED) included in each Q Egg are at the forefront of a new generation of "physical kill" methods that disrupt this molecular process, without relying on toxic chemicals.
- Press and hold the circular ON/OFF indicator gently for 2 seconds, the disinfection case will turn ON and you can feel the vibration. Leave the case to disinfect your contact lens for 30 minutes. During the disinfection cycle, the ultraviolet C-band emitter will destroy 99.999% harmful bacteria or mold that may cause eye infection, such as S. aureus and F. solani. Every 5 minutes, the vibrational agitation will be turned on for 30 seconds, to help dislodge dust particles and protein residues from the lens, and also help circulate the contact lens solution. You may leave the lens in the case until you are ready to wear them again. Please follow all instructions for your favorite contact lens solutions.

26. Finally, as part of the Q-Egg's safety interlock feature, the Q-Egg's case has a sensor configured to cause the UV LEDs to turn off when the volume is not closed, as shown in the image below.



27. Defendants' infringement has caused and is continuing to cause damage and irreparable injury to SETi. SETi will continue to suffer damage and irreparable injury unless and until that infringement is enjoined by this Court, as a remedy at law alone would be inadequate.

28. SETi is entitled to injunctive relief and damages in accordance with 35 U.S.C. §§ 271, 281, 283, and 284.

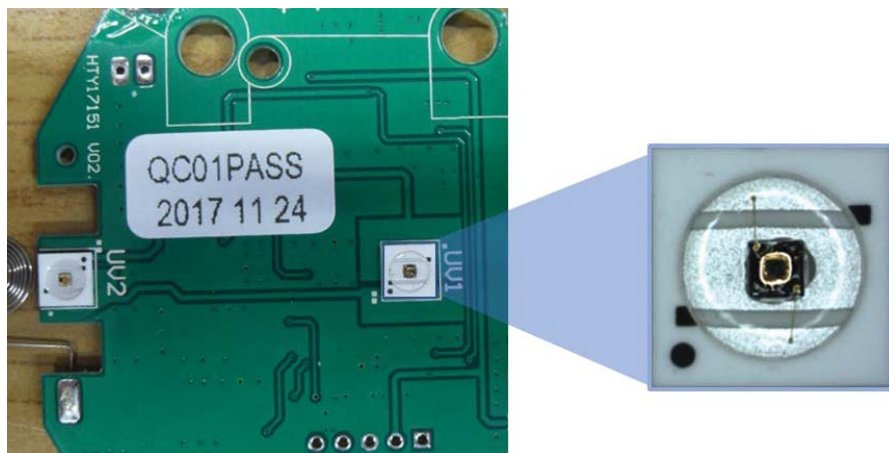
COUNT 2

INFRINGEMENT OF THE '562 PATENT

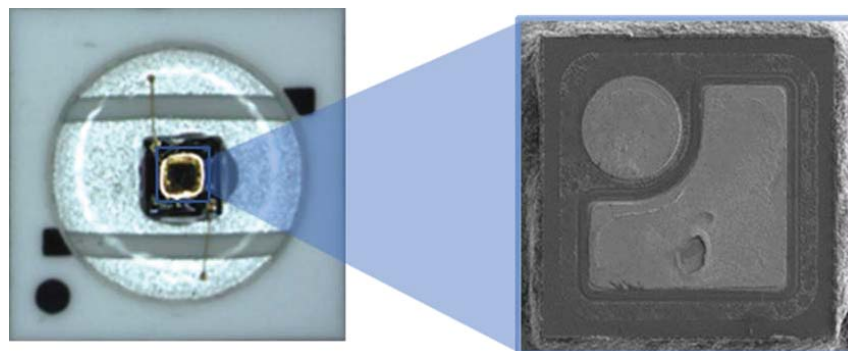
EXAMPLE CLAIM 1

29. Defendants have infringed and continue to infringe one or more claims of the '562 patent pursuant to 35 U.S.C. § 271(a) by (1) offering to sell or selling the Q-Egg without authority within the United States or (2) importing the Q-Egg into the United States without authority.

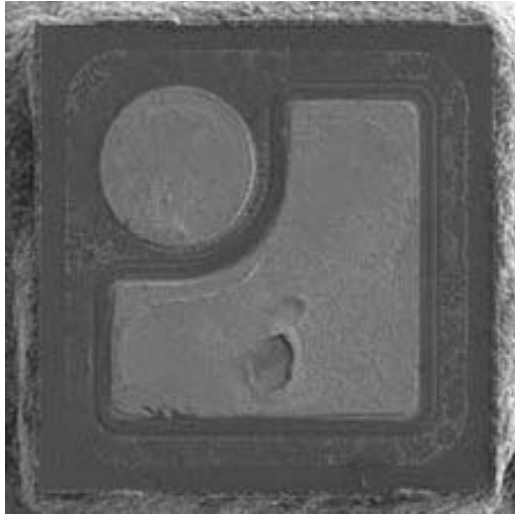
30. The Q-Egg infringes each element of exemplary claim 1 of the '562 patent. When disassembled, the Q-Egg includes two UV LEDs as shown in the image below.



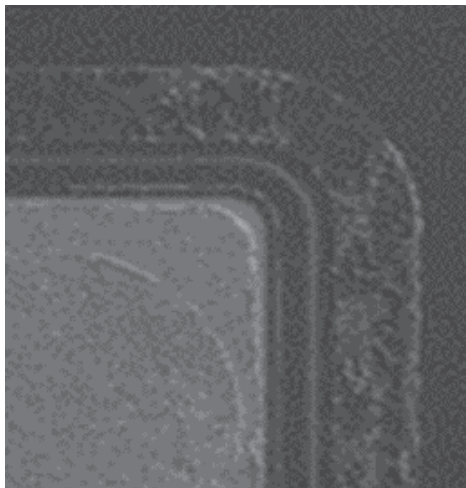
31. Each UV LED is a device comprising a packaged UV LED chip. The LED chip is a semiconductor structure, as shown in the top-down Scanning Electron Microscope ("SEM") image below right.



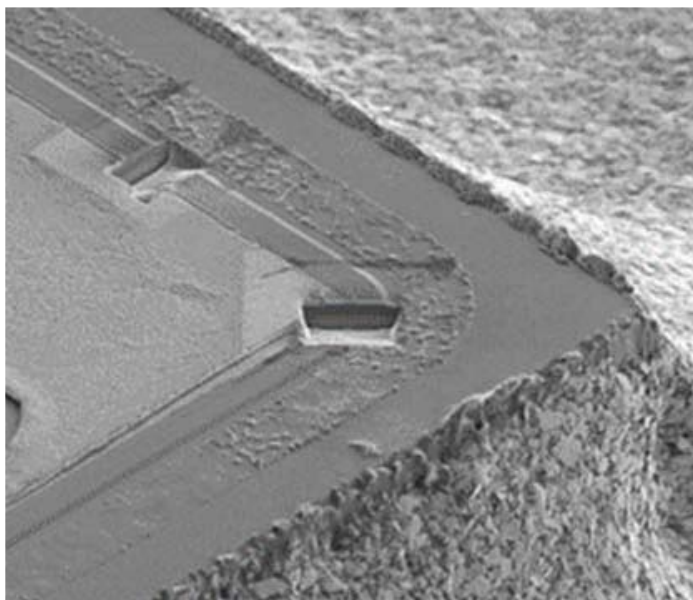
1 32. Two metallic contacts are deposited on the surface of the UV LED's
2 semiconductor structure, as shown in the SEM image below. One of these contacts in the Q-Egg
3 UV LED comprises at least two corners.



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14 33. With respect to the semiconductor structure surface, these two corners have a
15 substantially lateral direction along the surface of the semiconductor structure. Along this lateral
16 direction, the contact corners have a profiled shape. Specifically, instead of forming a sharp
17 corner where the edges of the contact meet, the corner has a rounded profiled shape that provides
18 a gradual transition between the two edges, as shown in the magnified SEM image of one of the
19 contact corners below.



1 34. The contact corners also have depth perpendicular to the semiconductor structure
2 surface. Along this perpendicular direction, the corners have an edge with a profiled shape
3 perpendicular to the semiconductor surface. The perpendicular profiled shape of the contact
4 corners provides a non-planar transition from the semiconductor structure surface to the top
5 surface of the contact, as shown in the Focused Ion Beam (“FIB”)-SEM image below.



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17 35. Defendants’ infringement has caused and is continuing to cause damage and
18 irreparable injury to SETi. SETi will continue to suffer damage and irreparable injury unless and
19 until that infringement is enjoined by this Court, as a remedy at law alone would be inadequate.

20 36. SETi is entitled to injunctive relief and damages in accordance with 35 U.S.C. §§
21 271, 281, 283, and 284.

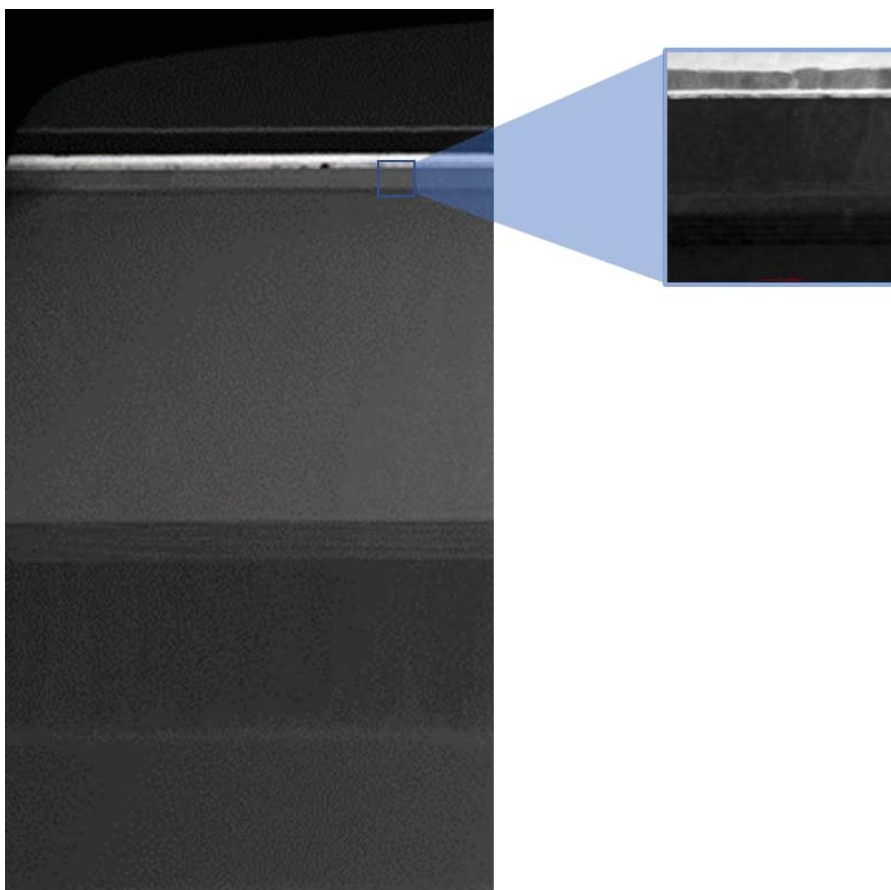
22 **COUNT 3**

23 **INFRINGEMENT OF THE ’496 PATENT**

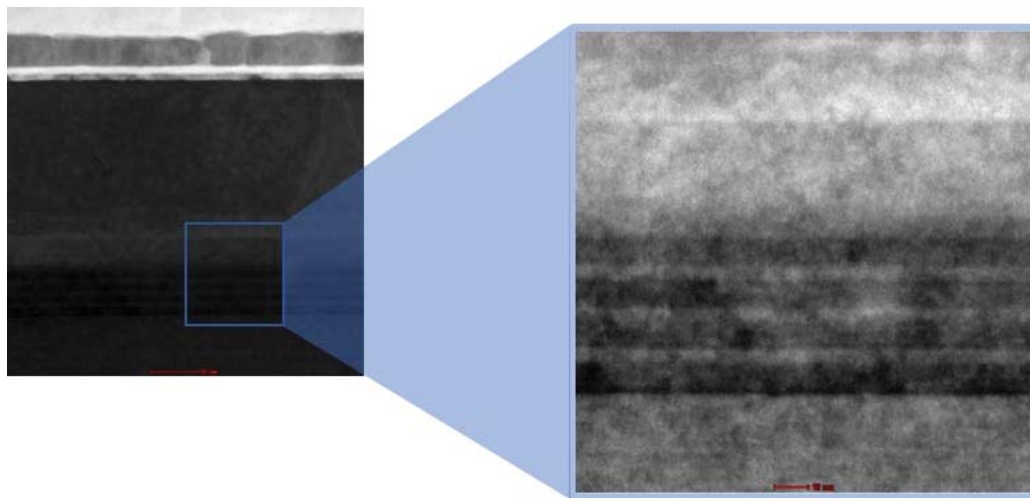
24 **EXAMPLE CLAIM 1**

25 37. Defendants have infringed and continue to infringe one or more claims of the ’496
26 patent pursuant to 35 U.S.C. § 271(a) by (1) offering to sell or selling the Q-Egg without
27 authority within the United States or (2) importing the Q-Egg into the United States without
28 authority.

1 38. The Q-Egg infringes each element of exemplary claim 1 of the '496 patent. The
2 Q-Egg includes at least two packaged UV LEDs. The LED chips in these UV LEDs contain a
3 semiconductor heterostructure comprised of different layers. The Transmission Electron
4 Microscope ("TEM") image below left shows a cross section of a UV LED chip from the Q-Egg.
5 The stacked layers of the semiconductor heterostructure have different shades in the TEM image
6 depending on their material composition. The heterostructure in the TEM image shows (1) a
7 UV-transparent sapphire substrate as the bottom, base layer, (2) a buffer layer adjacent to the
8 substrate, (3) a light generating structure (an active layer) near the top of the heterostructure
9 having top and bottom sides (in the magnified TEM image), (4) an n-type contact semiconductor
10 layer located on the bottom side of the active layer between the active layer and the buffer layer,
11 and (5) a p-type contact semiconductor layer located on the top side of the active layer (in the
12 magnified TEM image).



1 39. As shown in the magnified TEM images below, the p-type contact semiconductor
2 layer also includes an embedded partially relaxed sublayer, which is relatively darker because of
3 the increased aluminum content. Below that sublayer, the p-type contact semiconductor layer
4 includes a dislocation blocking structure above the active layer consisting of a lattice of
5 alternating sublayers. The magnified TEM image below right also shows that the dislocation
6 blocking structure includes a graded composition that changes from the relatively light top side of
7 the structure to the relatively dark bottom side.



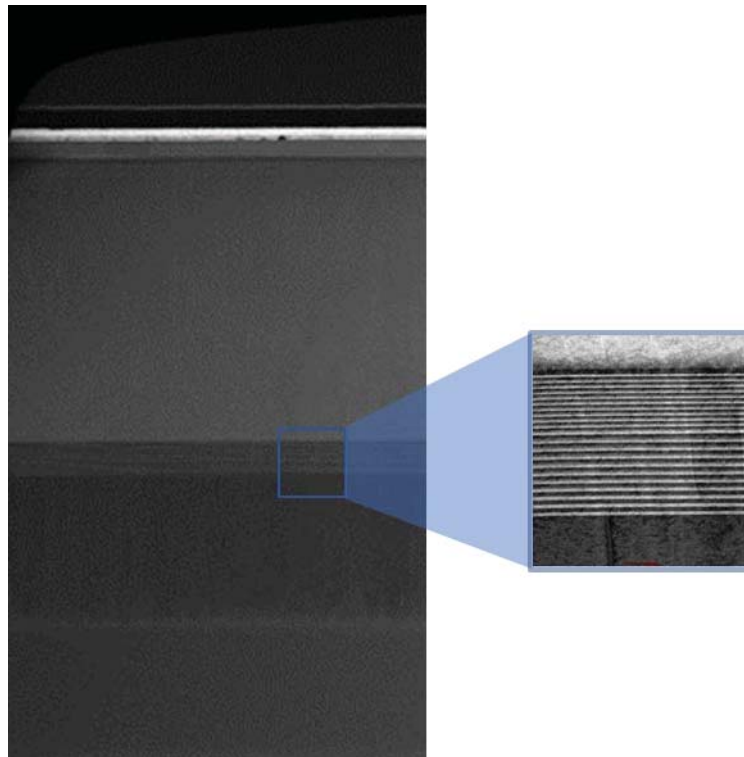
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16 40. Defendants' infringement has caused and is continuing to cause damage and
17 irreparable injury to SETi. SETi will continue to suffer damage and irreparable injury unless and
18 until that infringement is enjoined by this Court, as a remedy at law alone would be inadequate.

19 41. SETi is entitled to injunctive relief and damages in accordance with 35 U.S.C. §§
20 271, 281, 283, and 284.

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22 **COUNT 4**
23 **INFRINGEMENT OF THE '468 PATENT**
24 **EXAMPLE CLAIM 11**

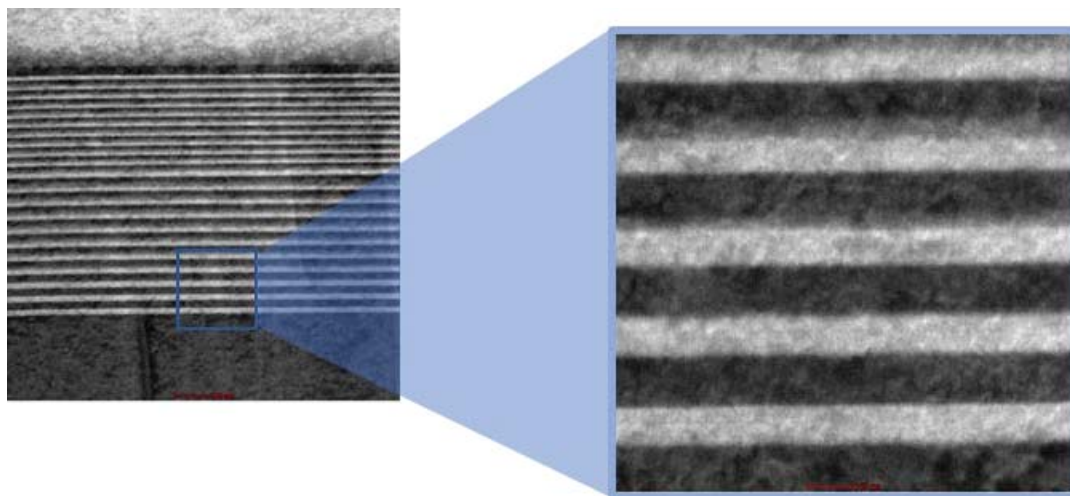
25 42. Defendants have infringed and continue to infringe one or more claims of the '468
26 patent pursuant to 35 U.S.C. § 271(a) by (1) offering to sell or selling the Q-Egg without
27 authority within the United States or (2) importing the Q-Egg into the United States without
28 authority.

1 43. The Q-Egg infringes each element of exemplary claim 11 of the '468 patent. The
2 Q-Egg includes at least two packaged UV LEDs. Each UV LED is an emitting device. The TEM
3 image below left shows a cross section of a UV LED chip of a Q-Egg UV LED. This image
4 shows a substrate (the bottom layer) and an active region located above the substrate's top side
5 (closer to the top of the cross section). The magnified TEM image below right also shows a
6 dislocation bending structure located between the substrate and the active region.



21 44. In TEM images of aluminum gallium nitride / aluminum nitride semiconductors,
22 such as those used for UV LEDs, layers with higher aluminum content are darker than layers with
23 lower aluminum content. As shown in the magnified TEM images below, the dislocation bending
24 structure consists of alternating layers of aluminum gallium nitride (lighter layers) and aluminum
25 nitride (darker layers). These layers are grouped into non-overlapping periods of (1) a first layer
26 of aluminum gallium nitride and (2) a second layer predominantly of aluminum nitride. The
27 multiple non-overlapping periods cause dislocations propagating from the substrate to bend or
28

1 annihilate before reaching the active region. Given the contrast between the layers in the TEM
 2 images, the molar fraction of aluminum in the lighter aluminum gallium nitride layers differs
 3 from the molar fraction of aluminum in the much darker aluminum nitride layers by at least five
 4 percent.



14 45. Defendants' infringement has caused and is continuing to cause damage and
 15 irreparable injury to SETi. SETi will continue to suffer damage and irreparable injury unless and
 16 until that infringement is enjoined by this Court, as a remedy at law alone would be inadequate.

17 46. SETi is entitled to injunctive relief and damages in accordance with 35 U.S.C. §§
 18 271, 281, 283, and 284.

19 **COUNT 5**

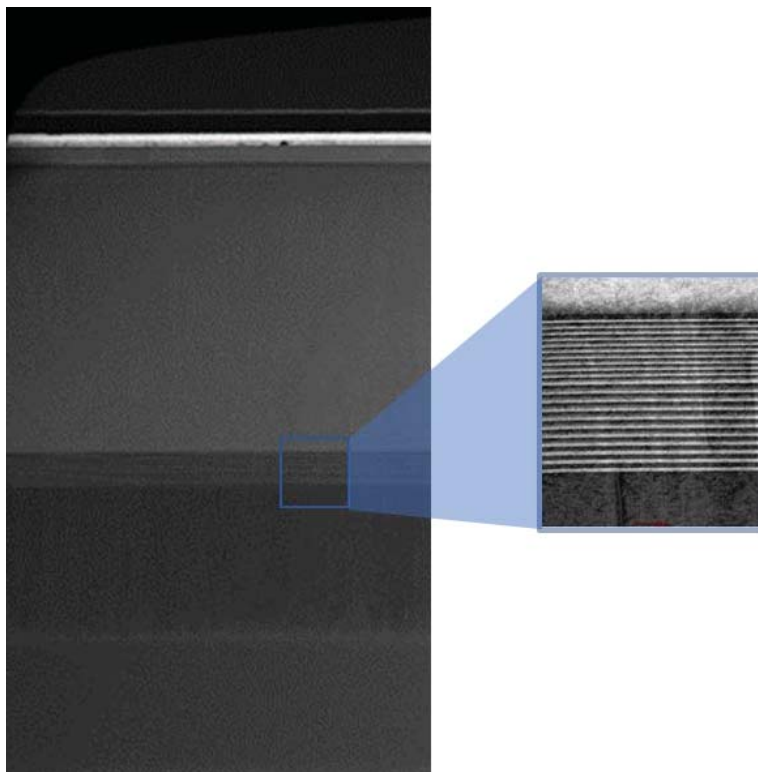
20 **INFRINGEMENT OF THE '133 PATENT**

21 **EXAMPLE CLAIM 19**

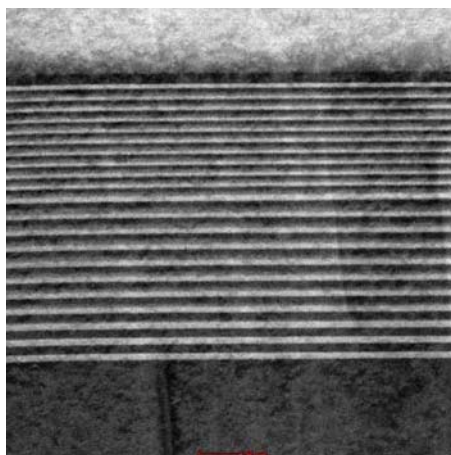
22 47. Defendants have infringed and continue to infringe one or more claims of the '133
 23 patent pursuant to 35 U.S.C. § 271(a) by (1) offering to sell or selling the Q-Egg without
 24 authority within the United States or (2) importing the Q-Egg into the United States without
 25 authority.

26 48. The Q-Egg infringes each element of exemplary claim 19 of the '133 patent. The
 27 Q-Egg includes two packaged UV LEDs. Each of these UV LEDs is an optoelectronic device.
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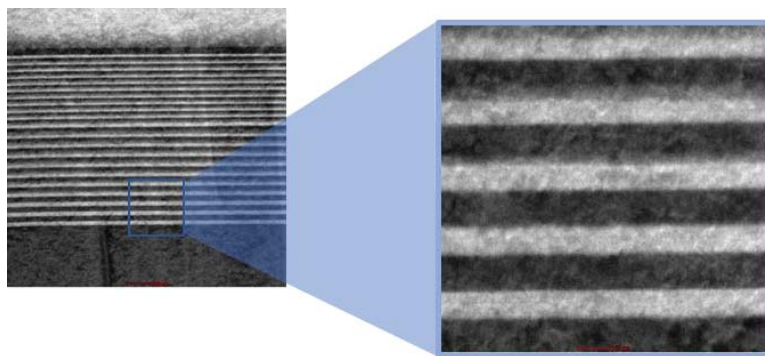
1 The TEM image below shows a cross-section of the semiconductor layers in a UV LED chip
2 from a Q-Egg UV LED. The image shows (1) a substrate layer, (2) an aluminum gallium nitride
3 buffer layer located on the substrate, and (3) two stacked superlattice structures located on the
4 buffer layer.



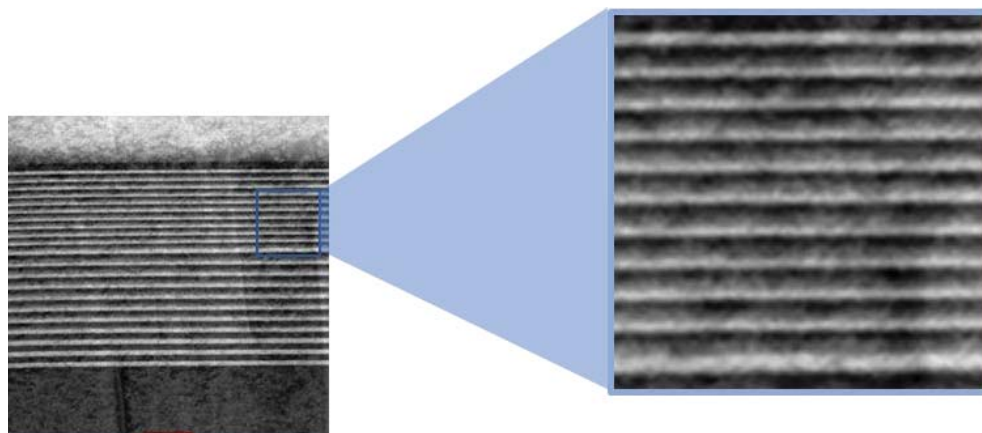
18 49. The stacked superlattice structures located on the buffer layer consist of a first
19 superlattice structure immediately on top of the buffer layer and a second superlattice structure on
20 top of the first superlattice structure, as shown in the magnified TEM image below.



1 50. A plurality of periods forms the first superlattice structure, as shown in the
2 magnified TEM images below. Each period includes two layers: a group III nitride layer with a
3 relatively high aluminum content (the darker layer) and a group III nitride layer with a relatively
4 low aluminum content (the lighter layer). Using the formulas $\text{Al}_x\text{Ga}_{1-x}\text{N}$ and $\text{Al}_{x'}\text{Ga}_{1-x'}\text{N}$ for the
5 composition of the layers, the molar fraction x of aluminum in the group III nitride layer with a
6 relatively high aluminum content is necessarily greater than the molar fraction x' of aluminum in
7 the group III nitride layer with a relatively low aluminum content.



14 51. A plurality of periods also forms the second superlattice structure in the Q-Egg UV
15 LED. As with the first superlattice, each period includes two layers: a group III nitride layer with
16 a relatively high aluminum content (the darker layer) and a group III nitride layer with a relatively
17 low aluminum content (the lighter layer). Using the formulas $\text{Al}_y\text{Ga}_{1-y}\text{N}$ and $\text{Al}_{y'}\text{Ga}_{1-y'}\text{N}$ for the
18 composition of the layers, the molar fraction y of aluminum in the group III nitride layer with a
19 relatively high aluminum content is necessarily greater than the molar fraction y' of aluminum in
20 the group III nitride layer with a relatively low aluminum content.



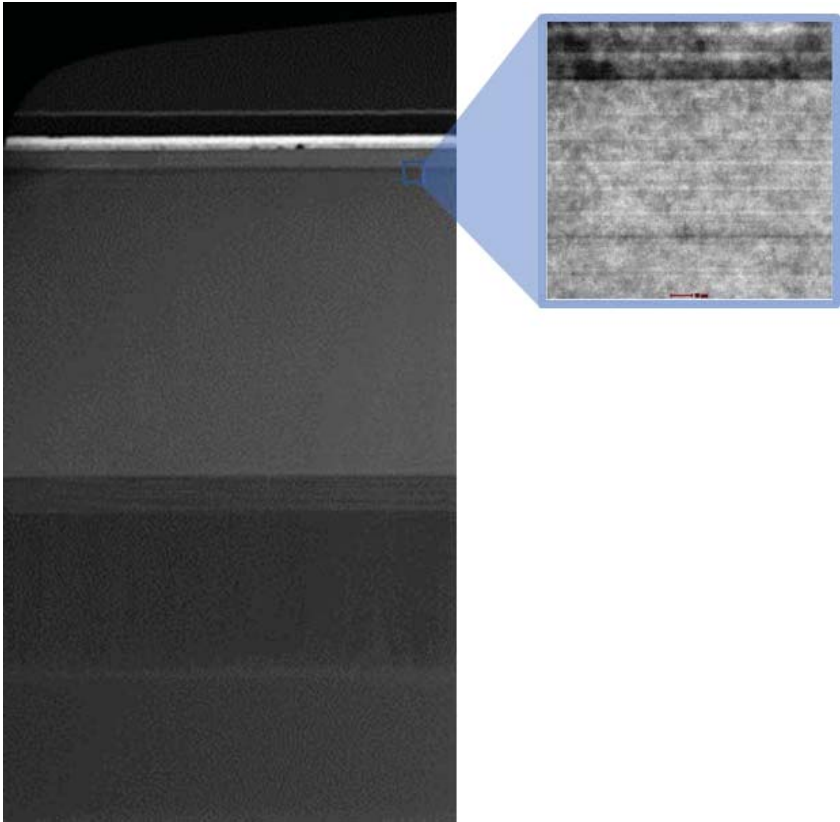
1 52. The Q-Egg UV LED chip has an n-type layer located on the second superlattice, as
2 shown in the TEM image below. This n-type layer is formed of a group III nitride material
3 including aluminum. Using the formula $Al_xGa_{1-x}N$, the molar fraction x of aluminum in the
4 n-type layer is between a range of 0.1 and 0.9 based on the image below.



18
19 53. The Q-Egg UV LED chip also includes an active structure (i.e., the light
20 generating layer or region) on the n-type layer, as shown in the TEM images below. The active
21 structure includes alternating quantum well and barrier layers, shown in the TEM image below
22 right. Both the quantum wells and the barriers are formed of a group III nitride material including
23 aluminum. Using the formula $Al_xGa_{1-x}N$, the difference between the molar fraction of aluminum
24 in the barrier layers and the molar fraction of aluminum in the quantum well layers will be greater
25 than 0.05.

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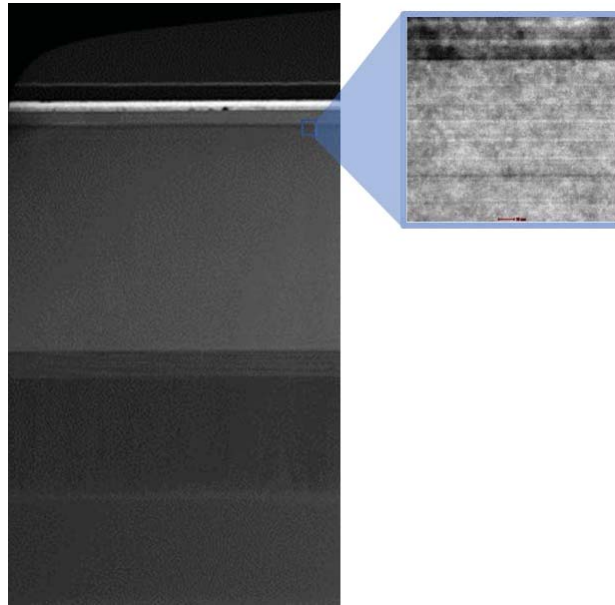
54. Defendants' infringement has caused and is continuing to cause damage and irreparable injury to SETi. SETi will continue to suffer damage and irreparable injury unless and until that infringement is enjoined by this Court, as a remedy at law alone would be inadequate.

55. SETi is entitled to injunctive relief and damages in accordance with 35 U.S.C. §§ 271, 281, 283, and 284.

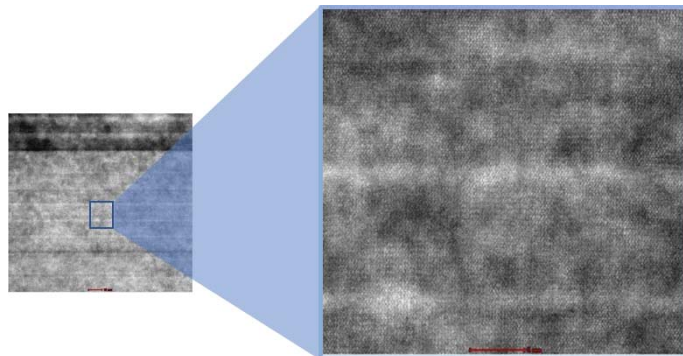
COUNT 6
INFRINGEMENT OF THE '420 PATENT
EXAMPLE CLAIM 1

56. Defendants have infringed and continue to infringe one or more claims of the '420 patent pursuant to 35 U.S.C. § 271(a) by (1) offering to sell or selling the Q-Egg without authority within the United States or (2) importing the Q-Egg into the United States without authority.

1 57. The Q-Egg infringes each element of exemplary claim 1 of the '420 patent. The
2 Q-Egg includes two packaged UV LEDs. Each packaged UV LED includes a UV LED chip that
3 acts as an optoelectronic device. The Q-Egg UV LED chip has an active layer which acts as a
4 short period superlattice (“SPSL”) semiconductor layer.



16 58. The SPSL comprises barriers that are predominantly aluminum gallium nitride.
17 The barriers’ material composition varies laterally across the plane of the barriers, as shown in the
18 TEM images below. The darker regions of the barriers represent a relatively high aluminum
19 concentration; the lighter regions, a relatively low aluminum concentration. Thus, lateral
20 inhomogeneities in the composition of the barriers form the barriers’ different regions.



1 59. The barriers’ darker, high-aluminum regions necessarily have a characteristic band
2 gap (i.e., a “first characteristic band gap”) that differs from the characteristic band gap of the
3 lighter, low-aluminum regions (i.e., a “second characteristic band gap”). The high-aluminum
4 regions are more transparent than the low-aluminum regions to the UV-C light generated by the
5 Q-Egg UV LED chip. Thus, the high-aluminum regions form a set of transparent regions in the
6 barriers. These transparent regions are at least ten percent of the area of the lateral cross section
7 of at least one of the SPSL barriers.

8 60. The barriers’ low-aluminum regions are more conductive to current flow than the
9 high-aluminum regions. Thus, the low-aluminum regions form a set of conductive regions in the
10 barriers. These conductive regions are at least two percent of the area of the lateral cross section
11 of at least one of the SPSL barriers.

12 61. Defendants’ infringement has caused and is continuing to cause damage and
13 irreparable injury to SETi. SETi will continue to suffer damage and irreparable injury unless and
14 until that infringement is enjoined by this Court, as a remedy at law alone would be inadequate.

15 62. SETi is entitled to injunctive relief and damages in accordance with 35 U.S.C. §§
16 271, 281, 283, and 284.

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PRAYER FOR RELIEF

WHEREFORE, SETi respectfully requests that this Court enter judgment in its favor and against Defendants as follows:

A. A declaration that Defendants have infringed the '965 patent, '562 patent, '496 patent, '468 patent, '133 patent, and '420 patent under 35 U.S.C. § 271, and final judgment incorporating the same;

B. A permanent injunction enjoining Defendants and its officers, agents, servants, employees, representatives, successors, assigns, and all others acting in concert or participation with them from continued infringement under 35 U.S.C. § 271 of the '965 patent, '562 patent, '496 patent, '468 patent, '133 patent, and '420 patent;

C. An award of damages adequate to compensate SETi for Defendants' infringement of the '965 patent, '562 patent, '496 patent, '468 patent, '133 patent, and '420 patent together with prejudgment and post-judgment interest and costs pursuant to 35 U.S.C. § 284;

D. An accounting of all infringing sales and other infringing acts by Defendants, and an order compelling an accounting for infringing acts not presented at trial and an award by the Court of additional damages for such acts; and

E. Any other relief to which SETi is entitled or that the Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, SETi hereby demands trial by jury for all issues so triable.

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DATED: August 24, 2018

Respectfully submitted,

OWENS LEGAL

By /S/ Ryan R. Owens

Ryan R. Owens

Attorney for SENSOR ELECTRONIC
TECHNOLOGY, INC.