

Opto seeks a recovery of monetary damages resulting from Defendants' infringement of the Patents-in-Suit.

2. This action for patent infringement involves Defendants' manufacture, use, sale, or offers to sell within the United States and/or importation into the United States of infringing products related to light fixtures, including without limitation the Utilitech 2x2 LED Panel Light Model Number SL4K22 (Item/Article #0728003) ("the Accused Products"). This reflects publicly available information and Unity Opto's investigation to-date, but additional products that are substantially the same also infringe for the same reasons.

PARTIES

3. Plaintiff Unity Opto is a corporation organized and existing under the laws of Taiwan and maintains its principal place of business in 10 Fl., No. 88-8, Sec.1, Guangfu Road, Sanchong District, New Taipei City 241, Taiwan (R.O.C.). Unity Opto is a global leader in the LED and lighting industry and principally engages in the research, development and manufacture of optoelectronic components. For more than two decades, innovation and development of cutting edge LED technology has differentiated Unity Opto and its products in the LED market, and it still does today. In recent years, Unity Opto has focused much of its research and development resources toward developing environmentally friendly, energy efficient LED lighting products and services, including LED Packages, LED Back Light and Automotive LED products, discrete LED components and sub-assembly manufacturing, as well as OEM/ODM LED lighting solutions. Unity Opto's commitment to world-class customer service, teamwork, and ethics are the foundation of the company. Combined with its dedication to energy efficiency, product development, and cost saving, these qualities drive the company's success.

4. Defendant Lowe's Home Centers, LLC is a corporation organized and existing under the laws of the State of North Carolina with its principal place of business

at 1605 Curtis Bridge Rd., Wilkesboro, NC 28697. Lowe's Home Centers, LLC has a retail store located at 230 Crossroads Dr., Plover, WI 54467 and may be served with process by serving its registered agent, Corporation Service Company, at 8040 Excelsior Dr., Ste 400, Madison, WI 53717.

5. Defendant L G Sourcing, Inc. is a corporation organized and existing under the laws of the State of North Carolina with its principal place of business at 1605 Curtis Bridge Rd., Wilkesboro, NC 28697. Upon information and belief, L G Sourcing, Inc. is a wholly owned subsidiary of Lowe's Companies, Inc., and may be served with process by serving its registered agent, Corporation Service Company, at 2626 Glenwood Avenue, Suite 550, Raleigh, NC 27608.

6. Upon information and belief, Lowe's Home Centers, LLC sources and acquires the products that it sells, including through its retail store located at 230 Crossroads Dr., Plover, WI 54467, from L G Sourcing, Inc.

JURISDICTION AND VENUE

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

8. Defendants are subject to personal jurisdiction in this District because Defendants regularly transact business in this District by, among other things, making, using, selling, or offering to sell its products to customers located in this District. Defendants have committed acts of infringement of one or more claims of the Patents-in-Suit in this District. Defendants are also subject to personal jurisdiction in this District because Defendants have a regular and established place of business in this District.

9. Venue in this District is proper under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b). Venue is appropriate under 28 U.S.C. § 1400(b) at least because Defendants (1) have committed infringing acts in this judicial district by, at a minimum, using, offering for sale, and/or selling products that infringe the Patents-in-Suit and (2)

maintain a regular and established place of business in this District. Defendants' acts of infringement in this District include but are not limited to sales of the Accused Products through Defendants' retail store located at 230 Crossroads Dr., Plover, WI 54467.

THE PATENTS-IN-SUIT

10. U.S. Patent No. 9,423,113, entitled, "[f]lat panel lighting device and driving circuitry," was duly and legally issued by the U.S. Patent and Trademark Office on August 23, 2016. A true and correct copy of the '113 Patent is attached hereto as Exhibit A. The '113 Patent is a continuation of Application No. 13/473,929, filed on May 17, 2012, which claims priority from Provisional Application No. 61/579,472, filed on December 22, 2011.

11. The '113 Patent lists J. Richard Myers and John Araki as inventors.

12. Unity Opto is the owner of the '113 Patent by valid assignment and owns all rights, title, and interest in the '113 Patent, including the full and exclusive right to bring actions and recover all past, present, and future damages for infringement of the '113 Patent. The '113 Patent is valid and enforceable.

13. The '113 Patent relates generally to flat panel light emitting diode lighting assembly and associated driving circuitry. The Abstract of the '113 Patent provides as follows:

The light fixture includes a frame configured to define a first channel, and a substantially flat light emitting diode (LED) panel disposed within the frame. Power circuitry is disposed within the first channel, the power circuitry being configured to electrically couple the substantially flat LED panel to an external AC power supply. The power circuitry is sized to be positioned within the first channel and has a length and a width, the length-to-width ratio being at least 5 to 1, and optionally at least 10 to 1. The power circuitry is configured to convert an AC input into a DC output suitable for powering the substantially flat light emitting diode (LED) panel. The substantially flat light emitting diode (LED) panel includes an optically transmissive panel, and an array of LEDs disposed adjacent to an edge of the optically transmissive panel and disposed adjacent at least one edge of the frame.

14. U.S. Patent No. 9,335,036, entitled, "[f]lat panel lighting device and driving circuitry," was duly and legally issued by the U.S. Patent and Trademark Office

on May 10, 2016. A true and correct copy of the '036 Patent is attached hereto as Exhibit B. The '036 Patent is a continuation of the '113 Patent.

15. The '036 Patent lists J. Richard Myers and John Araki as inventors.

16. Unity Opto is the owner of the '036 Patent by valid assignment and owns all rights, title, and interest in the '036 Patent, including the full and exclusive right to bring actions and recover all past, present, and future damages for infringement of the '036 Patent. The '036 Patent is valid and enforceable.

17. The '036 Patent relates generally to flat panel light emitting diode lighting assembly and associated driving circuitry. The Abstract of the '036 Patent provides as follows:

The light fixture includes a frame configured to define a first channel, and a substantially flat light emitting diode (LED) panel disposed within the frame. Power circuitry is disposed within the first channel, the power circuitry being configured to electrically couple the substantially flat LED panel to an external AC power supply. The power circuitry is sized to be positioned within the first channel and has a length and a width, the length-to-width ratio being at least 5 to 1, and optionally at least 10 to 1. The power circuitry is configured to convert an AC input into a DC output suitable for powering the substantially flat light emitting diode (LED) panel. The substantially flat light emitting diode (LED) panel includes an optically transmissive panel, and an array of LEDs disposed adjacent to an edge of the optically transmissive panel and disposed adjacent at least one edge of the frame.

18. U.S. Patent No. 9,523,487, entitled, “[f]lat panel lighting device and driving circuitry,” was duly and legally issued by the U.S. Patent and Trademark Office on December 20, 2016. A true and correct copy of the '487 Patent is attached hereto as Exhibit C. The '487 Patent is a continuation of the '113 Patent.

19. The '487 Patent lists J. Richard Myers and John Araki as inventors.

20. Unity Opto is the owner of the '487 Patent by valid assignment and owns all rights, title, and interest in the '487 Patent, including the full and exclusive right to bring actions and recover all past, present, and future damages for infringement of the '487 Patent. The '487 Patent is valid and enforceable.

21. The '487 Patent relates generally to flat panel light emitting diode lighting

assembly and associated driving circuitry. The Abstract of the '487 Patent provides as follows:

The light fixture includes a frame configured to define a channel, and a substantially flat light emitting diode (LED) panel disposed within the frame. Power circuitry is disposed within the first channel, the power circuitry being configured to electrically couple the substantially flat LED panel to an external AC power supply. The power circuitry is sized to be positioned within the first channel and has a length and a width, the length-to-width ratio being at least 5 to 1, and optionally at least 10 to 1. The power circuitry is configured to convert an AC input into a DC output suitable for powering the substantially flat light emitting diode (LED) panel. The substantially flat light emitting diode (LED) panel includes an optically transmissive panel, and an array of LEDs disposed adjacent to an edge of the optically transmissive panel and disposed adjacent at least one edge of the frame.

22. U.S. Patent No. 9,447,954, entitled, “[I]ight fixture having a central wire-way,” was duly and legally issued by the U.S. Patent and Trademark Office on September 20, 2016. A true and correct copy of the '954 Patent is attached hereto as Exhibit D. The '954 Patent is a continuation of Application No. 13/473,918, filed on May 17, 2012, now U.S. Patent No. 8,915,636, which claims priority from Provisional Application No. 61/579,472, filed on December 22, 2011.

23. The '954 Patent lists J. Richard Myers and John Araki as inventors.

24. Unity Opto is the owner of the '954 Patent by valid assignment and owns all rights, title, and interest in the '954 Patent, including the full and exclusive right to bring actions and recover all past, present, and future damages for infringement of the '954 Patent. The '954 Patent is valid and enforceable.

25. The '954 Patent relates generally to lights assemblies, and more particularly to a versatile, substantially flat panel LED lighting assembly and retrofit lighting kit. The Abstract of the '954 Patent provides as follows:

The light fixture includes a frame, a substantially flat light emitting diode (LED) panel disposed within the frame, power circuitry disposed within at least one of a number of channels within the frame, and a central wire-way. The frame includes a bottom assembly and a top assembly coupled to the bottom assembly. The bottom assembly and the top assembly cooperate to form the channels within the frame. The bottom assembly has a back surface. The power circuitry is configured to electrically couple the substantially flat LED panel to an external AC power

supply. The central wire-way is disposed adjacent the back surface of the bottom assembly and configured to route wiring to or from the power circuitry disposed within at least one of the channels within the frame.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 9,423,113

26. Unity Opto repeats and re-alleges the allegations of paragraphs 1 through 25 above as if fully set forth herein.

27. In violation of 35 U.S.C. § 271, Defendants have made, used, sold, offered for sale, and/or imported, and continue to make, use, sell, offer for sale, and/or import into the United States light fixtures that practice the '113 Patent, including but not limited to the Accused Products.

28. Defendants directly infringed and continue to directly infringe one or more claims of the '113 Patent, in this judicial district and elsewhere in the United States by, among other things, making, using, selling and/or offering for sale in the United States, and/or importing into the United States light fixtures including the Accused Products.

29. For purposes of example only and without limitation, the Accused Products include every limitation of claim 1 of the '113 Patent. The Accused Products contain a frame configured to define a first channel, a substantially flat light emitting diode (LED) panel disposed within the frame and drivers disposed within the first channel. Each driver is configured to electrically couple the substantially flat LED panel to an external AC power supply wherein the drivers are sized to be positioned entirely within the first channel and have length-to-width ratio of at least 5 to 1. Thus, the Accused Products infringe claim 1 of the '113 Patent.

30. The Accused Products infringe at least claims 1-11, 13-20, 22-24 and 26-27 of the '113 Patent.

31. Defendants have had actual knowledge of the '113 Patent since as early as October 25, 2017. On that date, Defendants were notified that their products, including the Utilitech 2x2 LED Panel Light Model Number SL4K22 (Item/Article #0728003), infringe at least one claim of the '113 Patent. Thus, Defendants were on notice that their

manufacture, sale and/or offer to sell light fixtures infringed or would infringe the '113 Patent. At no time have Defendants provided any reasonable explanation – legal or otherwise – as to how any of the Accused Products do not infringe the '113 Patent.

32. Consequently, Defendants' infringement of the '113 Patent has been and continues to be willful, entitling Unity Opto to enhanced damages in accordance with 35 U.S.C. § 284.

33. Unity Opto has been damaged by Defendants' infringement of the '113 Patent, and Unity Opto is entitled to recover from Defendants the amount of damages sustained as a result. Unity Opto is suffering and will continue to suffer damages and irreparable harm unless the Court enjoins Defendants from its infringing activities.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 9,335,036

34. Unity Opto repeats and re-alleges the allegations of paragraphs 1 through 33 above as if fully set forth herein.

35. In violation of 35 U.S.C. § 271, Defendants have made, used, sold, offered for sale, and/or imported, and continue to make, use, sell, offer for sale, and/or import into the United States light fixtures that practice the '036 Patent, including but not limited to the Accused Products.

36. Defendants directly infringed and continue to directly infringe one or more claims of the '036 Patent, in this judicial district and elsewhere in the United States by, among other things, making, using, selling and/or offering for sale in the United States, and/or importing into the United States light fixtures, including the Accused Products.

37. For purposes of example only and without limitation, the Accused Products include every limitation of claim 9 of the '036 Patent. The Accused Products contain a frame configured to define a first channel and a second channel on opposite first and second sides of the frame. The Accused Products contain a substantially flat light emitting diode (LED) panel disposed within the frame and the substantially flat LED panel includes a first array of LEDs disposed adjacent the first side of the frame and

a second array of LEDs disposed adjacent the second side of the frame. The Accused Products contain a driver housed within the frame at a third side of the frame, wherein the driver includes a first LED driver operatively coupled to the first array of LEDs and a second LED driver operatively coupled to the second array of LEDs. The first and second drivers are configured to electrically couple respective first and second arrays of LEDs to an external power supply. The power circuitry in the Accused Products have a length-to-width ratio of at least 5 to 1 and each driver is configured to convert an AC input into a DC output for powering respective first and second arrays of LEDs. Thus, the Accused Products infringe claim 9 of the '036 Patent.

38. The Accused Products infringe at least claims 9-13 and 15-20 of the '036 Patent.

39. Upon information and belief, Defendants have had actual knowledge of the '036 Patent since as early as October 25, 2017. Consequently, Defendants' infringement of the '036 Patent has been and continues to be willful, entitling Unity Opto to enhanced damages in accordance with 35 U.S.C. § 284.

40. Unity Opto has been damaged by Defendants' infringement of the '036 Patent, and Unity Opto is entitled to recover from Defendants the amount of damages sustained as a result. Unity Opto is suffering and will continue to suffer damages and irreparable harm unless the Court enjoins Defendants from its infringing activities.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 9,523,487

41. Unity Opto repeats and re-alleges the allegations of paragraphs 1 through 40 above as if fully set forth herein.

42. In violation of 35 U.S.C. § 271, Defendants have made, used, sold, offered for sale, and/or imported, and continue to make, use, sell, offer for sale, and/or import into the United States light fixtures that practice the '487 Patent, including but not limited to the Accused Products.

43. Defendants directly infringed and continue to directly infringe one or more

claims of the '487 Patent, in this judicial district and elsewhere in the United States by, among other things, making, using, selling and/or offering for sale in the United States, and/or importing into the United States light fixtures including the Accused Products.

44. For purposes of example only and without limitation, the Accused Products include every limitation of claim 1 of the '113 Patent. The Accused Products contain a frame having a thickness of no more than about 1.0 inches and include a first portion of the frame and a second portion of the frame, wherein the first portion of the frame defines a first channel between a first edge of an optically transmissive panel and a first outer edge of the frame. The Accused Products contain a substantially flat light emitting diode (LED) panel disposed within the frame, wherein the substantially flat LED panel includes an LED strip and the optically transmissive panel, and the optically transmissive panel is configured to distribute light received at a light-input edge of the optically transmissive panel from the LED strip. The LED strip of the Accused Products have a plurality of LEDs mounted to the second portion of the frame adjacent the light-input edge of the optically transmissive panel. The first LED driver is supported by the first portion of the frame and housed entirely within the first channel adjacent the first outer edge of the frame, wherein the first LED driver is configured to receive an AC input from an external AC power supply and to provide a DC output to the LED strip. Thus, the Accused Products infringe claim 1 of the '487 Patent.

45. The Accused Products infringe at least claims 1-6, 10-17, 19-20 of the '487 Patent.

46. Upon information and belief, Defendants have had actual knowledge of the '487 Patent since as early as October 25, 2017. Consequently, Defendants' infringement of the '487 Patent has been and continues to be willful, entitling Unity Opto to enhanced damages in accordance with 35 U.S.C. § 284.

47. Unity Opto has been damaged by Defendants' infringement of the '487 Patent, and Unity Opto is entitled to recover from Defendants the amount of damages

sustained as a result. Unity Opto is suffering and will continue to suffer damages and irreparable harm unless the Court enjoins Defendants from its infringing activities.

COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 9,447,954

48. Unity Opto repeats and re-alleges the allegations of paragraphs 1 through 47 above as if fully set forth herein.

49. In violation of 35 U.S.C. § 271, Defendants have made, used, sold, offered for sale, and/or imported, and continue to make, use, sell, offer for sale, and/or import into the United States light fixtures that practice the '954 Patent, including but not limited to the Accused Products.

50. Defendants directly infringed and continue to directly infringe one or more claims of the '954 Patent, in this judicial district and elsewhere in the United States by, among other things, making, using, selling and/or offering for sale in the United States, and/or importing into the United States light fixtures, including the Accused Products.

51. For purposes of example only and without limitation, the Accused Products include every limitation of claim 18 of the '954 Patent. The Accused Products contain a frame having a thickness of less than about 1.0 inches, the frame having a back surface, and channels in opposite edges of the frame. The Accused Products contain a substantially flat light emitting diode (LED) panel disposed within the frame. The Accused Products contain a power circuitry disposed within at least one of the channels in the opposite edges of the frame, the power circuitry being configured to electrically couple the substantially flat LED panel to an external AC power supply. The Accused Products contain a central wire-way disposed adjacent the back surface of the frame at a central region of the light fixture and is configured to route wiring to or from the power circuitry disposed within the at least one of the channels in the opposite edges of the frame. The central wire-way is configured to route 18 gauge wiring according to the AWG (American Wire Gauge) system electrically coupling the external AC power supply to the power circuitry disposed within the at least one of the channels in the

opposite edges of the frame. Thus, the Accused Products infringe claim 18 of the '954 Patent.

52. The Accused Products infringe at least claim 18 of the '954 Patent.

53. Upon information and belief, Defendants have had actual knowledge of the '954 Patent since as early as October 25, 2017. Consequently, Defendants' infringement of the '954 Patent has been and continues to be willful, entitling Unity Opto to enhanced damages in accordance with 35 U.S.C. § 284.

54. Unity Opto has been damaged by Defendants' infringement of the '954 Patent, and Unity Opto is entitled to recover from Defendants the amount of damages sustained as a result. Unity Opto is suffering and will continue to suffer damages and irreparable harm unless the Court enjoins Defendants from its infringing activities.

PRAYER FOR RELIEF

WHEREFORE, Unity Opto prays for relief and judgment against Defendants as follows:

A. That Defendants have infringed one or more claims of the Patents-in-Suit under 35 U.S.C. § 271(a);

B. An injunction against Defendants and their officers, directors, employees, agents, consultants, contractors, suppliers, distributors, all parent and subsidiary entities, all assignees and successors in interest, and all others acting in concert or privity with Defendants from further infringement of the Patents-in-Suit;

C. An award to Unity Opto of damages under 35 U.S.C. § 284 for the infringement of the Patents-in-Suit by Defendants, together with pre-judgment and post-judgment interest and costs;

D. An award of treble damages to Unity Opto as a result of Defendants' willful infringement;

E. An order for Defendants to account to Unity Opto for, and disgorge to Unity Opto, all profits it has derived as a result of the unlawful acts complained of above;

- F. A finding that, with respect to Defendants, this case is exceptional and awarding to Unity Opto its reasonable costs and attorney fees under 35 U.S.C. § 285;
- G. Judgment against Defendants on all counts of this Complaint; and
- H. Such other relief for Unity Opto that the Court sees as just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Unity Opto demands trial by jury in this action of all issues so triable.

Respectfully submitted this 12th day of January, 2018.

Dated: January 12, 2018

Respectfully submitted,

By: /s/ Yitai Hu

Yitai Hu
(CA Bar No. 248085)
yitai.hu@alston.com
Xavier M. Brandwajn
(*pro hac vice* forthcoming)
(CA Bar No. 246218)
xavier.brandwajn@alston.com
Lenny Huang (*pro hac vice* forthcoming)
(CA Bar No. 264386)
lenny.huang@alstion.com
ALSTON & BIRD LLP
1950 University Ave, 5th Floor
East Palo Alto, CA 94303
Phone: (650) 838-2000
Fax: (650) 838-2001

Jennifer (Celine) Liu
(*pro hac vice* forthcoming)
(DC Bar No. 1020092)
celine.liu@alston.com
ALSTON & BIRD LLP
The Atlantic Building
950 F Street, NW
Washington, DC 20004-1404
Phone: (202) 239-3300
Fax: (202) 239-3333

Attorneys for Plaintiff
Unity Opto Technology Co., Ltd.