

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ESPEN TECHNOLOGY, INC.,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 19-
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
YJB LED, INC.,	)	
	)	
Defendant.	)	

**COMPLAINT FOR DECLARATORY JUDGMENT**

Espen Technology, Inc. hereby files this Complaint for a declaratory judgment against Defendant YJB LED, Inc., and alleges as follows:

**PARTIES**

1. Espen Technology, Inc. (“Espen”) is a company organized under the laws of California with its principal place of business located at 12257 Florence Ave., Santa Fe Springs, CA 90670.

2. YJB LED, Inc. (“YJB”) is a corporation organized and existing under the laws of the State of Delaware with an address at P.O. Box 629, Crosslake, Minnesota 56442.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this action and the matters pleaded herein under 28 U.S.C. §§ 1331 and 1338(a) because the action arises under the patent laws of the United States, 35 U.S.C. § 101, *et seq.*

4. Espen seeks a declaratory judgment pursuant to 28 U.S.C. § 2201 *et seq.*

5. This Court has personal jurisdiction over YJB because, among other things, YJB is a corporation organized and existing under the laws of the State of Delaware.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and § 1400.

**GENERAL FACTUAL ALLEGATIONS**

7. Espen is the global leader in designing and manufacturing light emitting diode (“LED”) linear retrofit systems.

8. Among the products designed and made by Espen are LED tubes that are cylindrical tubes containing a linear array of LEDs permanently affixed on an elongated circuit board for retrofitting conventional fluorescent tube fixtures with LED produced light.

9. Espen sells products to LED Supply Co. LLC (“LED Supply”), a limited liability company organized and existing under the laws of the State of Colorado, with corporate headquarters located at 12340 W. Cedar Dr., Lakewood, CO 80228.

10. YJB purports to be the owner of all right, title, and interest in United States Patent No. 8,545,060 (“the ‘060 patent”) entitled “High Intensity Replaceable Light Emitting Diode Module and Array.” A copy of the ‘060 patent is attached hereto as Exhibit A.

**FACTUAL ALLEGATIONS REGARDING DECLARATORY JUDGMENT**

11. On December 11, 2018, YJB filed a complaint for patent infringement against LED Supply in the United States District Court for the Western District of Wisconsin, Civil Action No. 18-cv-1025 (“YJB’s Customer Action”).

12. YJB’s Customer Action alleges that LED Supply’s resale of Espen products infringes at least one claim of the ‘060 patent.

13. YJB’s Customer Action identifies specific Espen products as purportedly falling within the scope of the ‘060 patent including “Espen 10W RetroFlex,” “Espen 12W RetroFlex,” “Espen 14W RetroFlex,” and “Espen 15W RetroFlex” LED products (“Products-At-Issue”).

14. YJB's Customer Action includes multiple images of a purportedly infringing Espen product, each of which prominently displays "ESPEN" and the Espen company logo.

15. In spite of having knowledge that Espen was the source of the accused products that are the subject of YJB's Customer Action, YJB did not previously allege that Espen was infringing the '060 patent or otherwise inform Espen of YJB's belief that Espen's products infringe the '060 patent.

16. Espen denies that the products identified in YJB's Customer Action, or which otherwise are the subject of YJB infringement allegations, in fact infringe any claim of the '060 patent, and brings this action to lift the cloud created by YJB's Customer Action. Without declaratory relief, YJB's Customer Action has caused, and will continue to cause, injury to Espen as well as its subsidiaries, suppliers and customers who make, use, sell, offer for sale or import Espen's products, including the Products-At-Issue.

17. Based on the foregoing facts, an actual and justiciable controversy has arisen and exists between Espen and YJB concerning whether the accused Espen products infringe the '060 patent.

**DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '060 PATENT**

18. Espen incorporates by reference herein all the allegations set forth in paragraphs 1-17 of this Complaint.

19. An actual and substantial controversy has arisen and now exists between the parties concerning whether Espen's manufacture, use, sale, offer for sale, or importation of its products, including the Products-At-Issue, infringes the '060 Patent, either directly or indirectly, literally, under the doctrine of equivalents, or otherwise.

20. Espen does not infringe, has not infringed, does not and has not induced the infringement of, and does not and has not contributed to the infringement of, any claim of the '060 patent.

**DEMAND FOR JURY TRIAL**

Espen hereby makes a demand for a trial by jury as to all issues so triable.

**PRAYER FOR RELIEF**

**WHEREFORE**, Espen respectfully requests that the Court grant the following relief in conjunction with this Complaint for Declaratory Judgement:

A. Declare and enter judgment that Espen does not infringe, has not infringed, does not induce the infringement of, has not induced the infringement of, and does not contribute to the infringement of, and has not contributed to the infringement of any claim of the '060 patent;

B. Enter an Order enjoining YJB, its agents, servants, officers, directors, employees, attorneys, privies, representatives, successors, assigns, and parent and subsidiary entities, and any and all persons acting on their behalf or in concert or participation with any of them, from threatening to assert or asserting any claim of the '060 patent against Espen, its agents, employees, or customers.

C. Enter an Order declaring this case exceptional and awarding Espen its costs, expenses, and attorney fees in this action; and,

D. Enter an Order granting Espen such other and further relief as the Court deems just in the circumstances of this case.

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