

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

JLC-TECH LLC,
370 Corporate Park
Pembroke, Massachusetts, 02359

Plaintiff,

vs.

NORTH AMERICA LIGHTING, LLC,
604 N. Hammonds Ferry Road
Linthicum, Maryland, 21090
Anne Arundel County

Defendant.

Civil Action No. _____

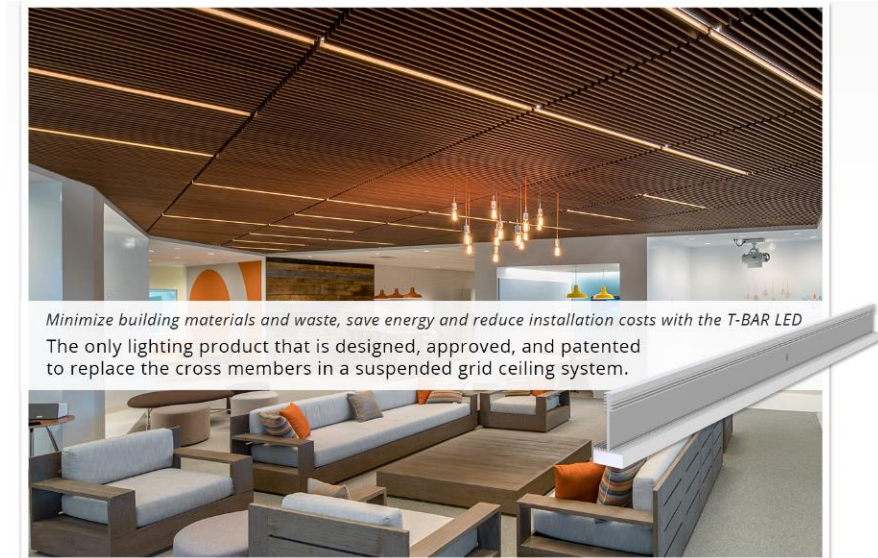
JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT

Plaintiff JLC-Tech LLC states as follows for their Complaint against North America Lighting, LLC ("NAL" or "Defendant"):

1. This is an action for patent infringement, related to NAL's importation, use, sale, and offer for sale of lighting products that infringe JLC's patented LED technology, as claimed in U.S. Patent No. 10,508,805 ("the '805 Patent").

2. In one exemplar, JLC's patented LED technology replaces the "t-bar" in suspended grid ceilings with a LED light and, as installed, appears as follows:



Parties

3. JLC-Tech LLC is a Massachusetts limited liability company, with its principal place of business located at 370 Corporate Park, Pembroke, Massachusetts, 02359.

4. For ease of use, JLC-Tech LLC will be referred to as “JLC”.

5. Silvio Porciatti and Mia Antonia Santoscoy-Dougherty are the managing members of JLC, and they are both residents of the Commonwealth of Massachusetts.

6. Upon information and belief, NAL is a Maryland limited liability company with a principal office located at 604 N. Hammonds Ferry Road, Linthicum, MD 21090.

7. Upon information and belief, NAL operates a regular and established place of business at 8509 Phoenix Drive, Manassas, VA 20110.

Jurisdiction and Venue

8. Subject matter jurisdiction exists pursuant to 28 U.S.C. § 1331 (federal question), and § 1338 (patents). JLC’s claims arise under the patent laws of the United States, including 35 U.S.C. §§ 101 *et seq.* (the Patent Act).

9. The Court has personal jurisdiction over Defendant because it is incorporated in this judicial district. Upon information and belief, Defendant has also imported, used, sold, or offered for sale its infringing products in Maryland and this judicial district.

10. Upon information and belief, Defendant has committed the tortious acts described in this Complaint in Maryland, and in this judicial district, or otherwise established contacts with this judicial district sufficient to make the exercise of personal jurisdiction proper.

11. Venue is proper in the judicial district pursuant to 28 U.S.C. § 1400(b) because Defendant is a Maryland corporation and thus resides in this judicial district, and because Defendant committed acts of infringement in this judicial district.

Jury Demand

12. Pursuant to Fed. R. Civ. P. 38, JLC hereby demands a jury on all triable issues.

JLC's Development of the T-BAR LED™

13. JLC was founded in 2010 with the goal of creating useful and unique LED lighting fixtures that fully integrate into suspended ceiling systems and doubles as a light and building element.

14. JLC's founders have 40 years of combined experience in the international lighting industry and business management.

15. To meet its goals, JLC has invested substantial time, money, and effort developing revolutionary LED lighting fixtures.

16. JLC's flagship product is the T-BAR LED™.

17. An exemplar of the T-BAR LED™ product appears below:



18. The T-BAR LED™ replaces the cross members in a grid ceiling system, allowing the usual florescent light fixtures to be removed in favor of energy saving LED lights.

19. The T-BAR LED™ reduces job site waste, installation labor and materials, and the amount of building materials needed while increasing acoustics and lighting quality in commercial interior spaces.

20. For example, JLC's T-Bar LED™, as installed at the George Bush Intercontinental Airport in Houston, Texas, is depicted below:



JLC's Intellectual Property

A. *The Patent-in-Suit.*

21. On December 17, 2019, the United States Patent & Trademark Office (“USPTO”) issued the '805 Patent, entitled “T-Bar for Suspended Ceiling with Heat Dissipation System for LED Lighting”.

22. A true and accurate copy of the '805 Patent is attached to this Complaint as Exhibit 1.

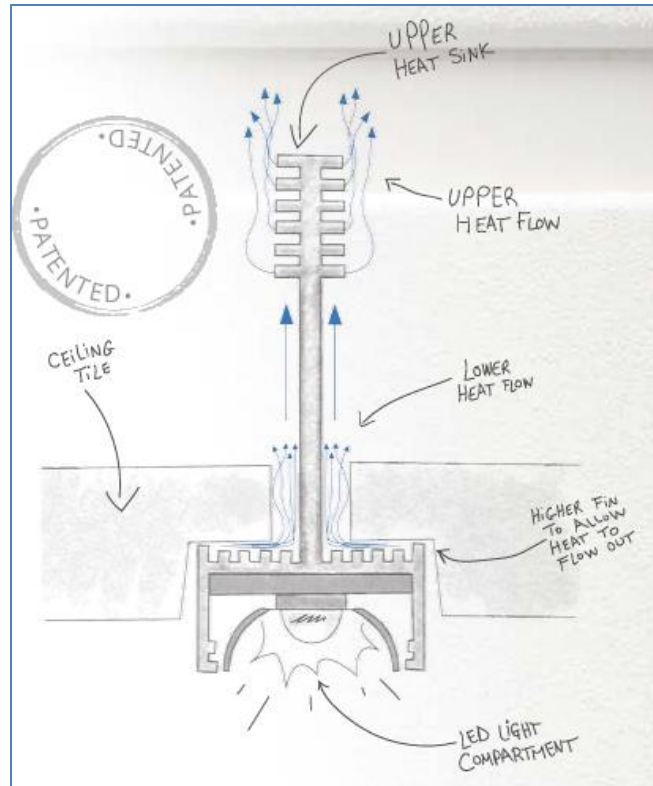
23. The '805 Patent is valid and its claims enforceable.

24. JLC is the owner of the right, title, and interest in the '805 Patent.

B. *Background of the Invention Claimed in the '805 Patent.*

25. In use, LED lights produce heat, which must be dissipated, among other things, to extend the life of the light and decrease energy usage.

26. One of the keys to JLC's flagship T-BAR LED™ is its heat dissipation system, as generally shown in the exemplar diagram below:



27. A heat dissipation system is disclosed and claimed in the '805 Patent.

28. The '805 Patent also discloses and claims the innovative form, functionality, and placement of JLC's T-BAR LED™ product within a ceiling grid to create a suspended ceiling structure without use of additional lighting features.

29. There are numerous advantages of JLC's T-BAR LED™ product, including that the T-BAR LED™ is easy to install, a "green" product that contains no mercury, can save up to 50% on energy costs with little to no additional maintenance, and presents a clean, modern look for consumers.

Defendant's Infringing Conduct

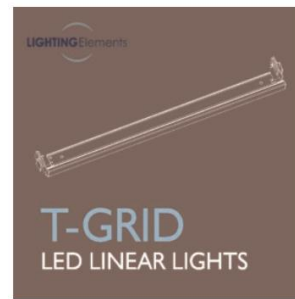
30. Upon information and belief, Defendant has and continues to use, offer for sale, sell, and/or import its “Mister T T-Grid LED Linear Light” and “T-Grid LED Linear Light” (the “Mister T” or “T-Grid”) product into the United States.

31. Exemplars of the Mister T and T-Grid product are shown on NAL’s website, as shown below:



NAL

t-grid-brochure(print2)



PRODUCT DESCRIPTION

Lighting Elements' Mister T LED linear light has an added unique combination of LED module and T-Grid bracket. Featuring new generation green lighting solutions, the



32. True and accurate copies of Defendant’s website are attached as Exhibits 2 and 3.

33. True and accurate copies of Defendant’s advertisement brochure and installation guide for its Mister T product are attached as Exhibits 4 and 5.

34. A true and accurate copy of Defendant's advertisement brochure for its T-Grid product is attached as Exhibit 6.

35. On its website, NAL offers its Mister T and T-Grid products for sale.

36. Defendant's website posting is an offer for sale within the meaning of the patent statutes, including 35 U.S.C. § 271.

37. Upon information and belief, Defendant imports the Mister T product and T-Grid product into the United States.

38. Upon information and belief, the Mister T product and T-Grid product is manufactured in China by Shenzhen OKT Lighting Co., Ltd.

39. Upon information and belief, Exhibit 6 identifies the T-Grid product labeled with model nos. TB2-DM-XXX and TB4-DM-XXX.

40. Upon information and belief, Shenzhen OKT Lighting Co., Ltd. maintains Underwriters Laboratories certification no. IFAO.E360437 identifying TB2-DM-XXX and TB4-DM-XXX as light-emitting-diode type IC recessed luminaries.

41. In this Complaint, Defendant's Mister T product and T-Grid product, and all other similar products, will be referred to as the "Accused Products."

42. Upon information and belief, NAL has also offered for sale and/or sold the Accused Products for uses and/or installations in the United States, including to Eastlake Studio,

as shown below.

Lighting – REFER TO RCP PLAN

'A-1' linear LED direct/indirect pendant mounted @ 9'-0" AFF in large conference

product : Rich Brilliant Willing – Queue Direct Pendant – Black – 3500K – 0-10V

locations : refer to RCP plan

contact : Lori Lynch [llynch@ksalighting.com]

<https://richbrilliantwilling.com/collections/queue/products/queue-direct?variant=29441718419479>

'A-1' – ALT: linear LED direct/indirect pendant mounted @ 9'-0" AFF

product : Seem 1 – Suspended Linear

locations : refer to RCP plan

contact : Chris Collins [chris.collins@pg-enlighten.com]

<https://www.focalpointlights.com/node/4616>

'A-2' T-Grid LED Linear Light

product : Lighting Elements

locations : refer to RCP plan

<https://www.lighting-elements.com/fixtures/mister-t/>

'A-2' – ALT: T-BAR LED Linear Light

product : JLC TECH

locations : refer to RCP plan

contact : Lori Lynch [llynch@ksalighting.com]

<https://www.tbarledsmartlight.com/products.php>

'A-3' – NOT USED



43. For the reasons set forth herein, upon information and belief, Defendant's Accused Products infringe one or more claims of the '805 Patent.

44. NAL's conduct caused and will continue to cause JLC irreparable harm, for which it has no adequate remedy at law.

45. JLC brings this action to recover for the injury and damages NAL has caused it, and to stop NAL from infringing its intellectual property in the future.

COUNT I– PATENT INFRINGEMENT

Direct and Indirect Infringement of the '805 Patent under 35 U.S.C. § 271

46. JLC incorporates by reference, as if fully set forth herein, Paragraphs 1-45 of this Complaint.

47. Upon information and belief, Defendant uses, offers for sale, sells, and/or imports the Accused Products into the United States.

48. Claim 1 of the '805 Patent is set forth as follows:

A T-bar for a suspended ceiling, the T-bar comprising:

an elongated rigid spine extending from a first terminal end to a second terminal end;

a fixed anchor attached to the elongated rigid spine on at least one of the first or second terminal ends;

a lower portion of the elongated rigid spine including a first rest shelf portion and a second rest shelf portion, the first rest shelf portion extending from the elongated rigid spine in a first lateral direction, the second rest shelf portion extending from the elongated rigid spine in a second lateral direction, the second lateral direction being opposite the first lateral direction, the first and second rest shelf portions and elongated rigid spine forming a cross-sectional form of the T-bar from the first terminal end to the second terminal end, the cross-sectional form of the T-bar configured for placement of the suspended ceiling above the lower portion of the elongated rigid spine;

at least one light source adjacent a bottom side of each the first and second rest shelf portion and attached to the first or second rest shelf portion;

a light source covering adapted and configured to cover the at least one light source and to be located below the first and second rest shelf portions, the light source covering configured to allow passage of light illuminating from the light source through the light source covering; and

a first side wall extending downward from a bottom side of the first rest shelf portion and extending from a first terminal end of the first rest shelf portion to a second terminal end of the first rest shelf portion, and a second side wall extending downward from a bottom side of the second rest shelf portion and extending from a first terminal end of the second rest shelf portion to a second terminal end of the second rest shelf portion, the first and second side walls and the bottom sides of the first and second rest shelf portions forming a light housing to contain the at least one light source of the T-bar.

49. NAL directly and/or indirectly infringes claims of the '805 Patent, including, but not limited to, claim 1, as shown in the attached claim chart, which is incorporated herein by reference. *See Exhibit 7.*

50. The Accused Products are T-bars for a suspended ceiling (*see Exhibit 7, pages 1-2*).

51. The Accused Products include an elongated rigid spine extending from a first terminal end to a second terminal end (*see Exhibit 7, page 3*).

52. The Accused Products include a fixed anchor attached to the elongated rigid spine on at least one of the first or second terminal ends (*see Exhibit 7, page 4*).

53. The Accused Products include a lower portion of the elongated rigid spine with a first rest shelf portion and a second rest shelf portion, the first rest shelf portion extending from

the elongated rigid spine in a first lateral direction, the second rest shelf portion extending from the elongated rigid spine in a second lateral direction, the second lateral direction being opposite the first lateral direction, the first and second rest shelf portions and elongated rigid spine forming a cross-sectional form of the T-bar from the first terminal end to the second terminal end, the cross-sectional form of the T-bar configured for placement of the suspended ceiling above the lower portion of the elongated rigid spine (*see* Exhibit 7, pages 5-8).

54. The Accused Products include at least one light source adjacent a bottom side of each the first and second rest shelf portion and attached to the first or second rest shelf portion (*see* Exhibit 7, pages 9-10).

55. The Accused Products include a light source covering adapted and configured to cover the at least one light source and to be located below the first and second rest shelf portions, the light source covering configured to allow passage of light illuminating from the light source through the light source covering (*see* Exhibit 7, page 11).

56. The Accused Products include a first side wall extending downward from a bottom side of the first rest shelf portion and extending from a first terminal end of the first rest shelf portion to a second terminal end of the first rest shelf portion, and a second side wall extending downward from a bottom side of the second rest shelf portion and extending from a first terminal end of the second rest shelf portion to a second terminal end of the second rest shelf portion, the first and second side walls and the bottom sides of the first and second rest shelf portions forming a light housing to contain the at least one light source of the T-bar (*see* Exhibit 7, pages 12-16).

57. Thus, under one or more subsections of 35 U.S.C. § 271, Defendant has directly infringed and continues to directly infringe the '805 Patent by using, offering to sell, selling, and/or importing the Accused Products into the United States.

58. Upon information and belief, Defendant also indirectly infringes the '805 Patent by contributory infringement in selling and/or offering to sell the Accused Products to its customers because the Accused Products are material to practicing the invention, they have no substantial non-infringing uses, and Defendant knows, or should reasonably know, that the Accused Products are especially made or adapted for use in an infringement of the '805 Patent.

59. Upon information and belief, Defendant also indirectly infringes the '805 Patent by inducing infringement in aiding, instructing, or otherwise acting with the intent to cause acts by its customers that would constitute direct infringement of the '805 Patent, Defendant knew of the '805 Patent, or was willfully blind to its existence, Defendant knew or was willfully blind in consciously ignoring the possibility that its actions would infringe at least one claim of the '805 Patent, and Defendant's customers directly infringe at least one claim of the '805 Patent.

NAL's Infringement is Wilful

60. JLC's website discloses the patents that cover the commercial embodiments of its inventions.

61. JLC marks its products, including the T-BAR LED™ within the meaning of the patent marking statute, including 35 U.S.C. § 287.

62. JLC's website (<https://www.jlc-tech.com/patents.html>) informs website visitors and/or users that its T-BAR LED™ product is covered by, among others, U.S. Patent No. 10,508,805, the Patent-in-Suit:

T-BAR LED™

Diffusing lens
Cut-Off Reflector
Multi-Reflector
Asymmetric*
Block Clear Diffusing Lens
Block Frosted Diffusing Lens
Directional Signage

Is protected under the following patents:

8,177,385 (US)
9,879,850 (US)
10,508,805 (US)
D834,238 (US)*
178048 (CA)*
004481000-0001 (EP)*
D834,239 (US)
178047 (CA)
004481000-0002 (EP)
F2017/01757 (ZA)*

Additional patents are pending.

63. Because JLC's website discloses the '805 Patent, and Defendant has viewed portions of the website, upon information and belief, Defendant is aware, or should be aware, of the '805 Patent.

64. Because the T-BAR LED™ is marked in compliance with the patent marking statute, Defendant is aware, or should be aware, of the '805 Patent.

65. Defendant's infringement is further willful because, upon information and belief, Defendant substantially copied JLC's T-BAR LED™.

66. Thus, Defendant's infringement of the '805 Patent is willful.

67. Defendant's conduct has injured and damaged JLC, and will continue to injure and damage JLC.

Request for Permanent Injunctive Relief

68. JLC has no adequate remedy at law available to stop NAL's continuing unlawful conduct. Unless restrained, Defendant will continue to violate JLC's rights, abuse and dissipate JLC's goodwill, and unlawfully use, possess, and exploit JLC's intellectual property.

69. Likewise, the balance of the harm favors JLC and an injunction would be in the public's interest. NAL has willfully engaged in, and upon information and belief, continues to

willfully engage in, the acts complained of with oppression, fraud, malice, and in conscious disregard of JLC's rights.

PRAYER FOR RELIEF

WHEREFORE, JLC prays for judgment against Defendant as follows:

- A. Permanently enjoin Defendant and any person acting in concert with it from:
 - a. further infringement of U.S. Patent No. 10,508,805, pursuant to 35 U.S.C. § 283;
 - b. assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraph (a) above or taking any action that contributes to any of the activities referred to in subparagraph (a) above;
- B. Issue an Order prohibiting Defendant from:
 - a. making, using, selling, offer for sale, and/or importing into the United States the Accused Products; and,
 - b. making, using, selling, offering for sale, importing into the United States or displaying any product that infringes the '805 Patent.
- C. Require Defendant to forfeit all products that infringe JLC's intellectual property rights to JLC;
- D. Requiring Defendant to remove the Accused Products from its website;
- E. Declare that at least claim 1 of U.S. Patent No. 10,508,805 is valid, enforceable, and infringed by Defendant;
- F. Award JLC actual damages pursuant to 35 U.S.C. § 284 in the amount adequate to compensate for Defendant's infringement of U.S. Patent No. 10,508,805; said amount, upon

information and belief, is not less than \$100,000. In the alternative, award JLC a reasonable royalty for the use Defendant has made of JLC's invention;

G. Order Defendant, at its own expense, recall any and all products that bear any simulation, reproduction, copy, colorable imitation, or confusingly similar variation of the T-BAR LED™ from any distributors, retailers, vendors, or others to whom Defendant has distributed or sold such products, and that such recall notices and other actions be taken within five (5) days after service of judgment with notice of entry thereof;

H. Order Defendant to deliver up all Accused Products for destruction;

I. Order the impounding and destruction of all of Defendant's products that infringe U.S. Patent No. 10,508,805;

J. Award JLC treble damages pursuant to 35 U.S.C. § 284;

K. Find the case to be exceptional pursuant to 28 U.S.C. § 285 and award appropriate relief thereunder;

L. Award JLC its reasonable attorney's fees;

M. Award JLC its costs and interest;

N. Order Defendant to report their compliance with the foregoing to the Court within thirty (30) days of judgment; and,

O. For such other and further relief that the Court deems just and proper under the circumstances.

Date: May 12, 2020

Thompson Coburn LLP

By: /s/ Jan Paul Miller

Jan Paul Miller – Maryland USDC Bar No. 05257;

Maryland Bar. No. 8812160111

jmiller@thompsoncoburn.com

David B. Jinkins – *pro hac vice* to be filed

djinkins@thompsoncoburn.com

Matthew A. Braunel – *pro hac vice* to be filed

mbraunel@thompsoncoburn.com

Michael L. Nepple – *pro hac vice* to be filed

mnepple@thompsoncoburn.com

THOMPSON COBURN LLP

One US Bank Plaza

St. Louis, MO 63101

(314) 552-6000

Attorneys for Plaintiff