

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

LED Tech Development, LLC,

Plaintiff

v.

Apple, Inc.,

Defendant.

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff LED Tech Development, LLC (“LED Tech”) alleges as follows:

PARTIES

1. LED Tech is a Delaware limited liability company with a principal place of business located at 719 West Front St., Suite 242, Tyler, Texas 75702.

2. Defendant Apple Inc. (“Apple”) is a California corporation with a principal place of business at 1 Infinite Loop, Cupertino, California, 95014. Apple has appointed CT Corporation System, 818 West Seventh Street, Los Angeles, California 90017, as its agent for service of process.

JURISDICTION AND VENUE

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

4. This Court has personal jurisdiction over Apple because Apple has established minimum contacts with the forum state of Delaware. Defendants, directly

and/or through third-party manufacturers, manufacture or assemble products that are and have been offered for sale, sold, purchased, and used within the state of Delaware. In addition, Defendants, directly and/or through their distribution networks, regularly place their products within the stream of commerce, with the knowledge and/or understanding that such products will be sold in Delaware. Thus, Defendants have purposefully availed themselves of the benefits of the state of Delaware and the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

5. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(d) and 1400(b) because Apple is subject to personal jurisdiction in this District and has committed acts of patent infringement in this District.

FACTUAL BACKGROUND

6. LED Tech is the owner by assignment of U.S. Patent No. 6,095,661 (the “’661 patent”). The ’661 patent is entitled “Method and Apparatus for an L.E.D. Flashlight.” The ’661 patent issued on August 1, 2000. A true and correct copy of the ’661 patent is attached hereto as Exhibit A.

7. LED Tech is the owner by assignment of U.S. Patent No. 7,393,119 (the “’119 patent”). The ’119 patent is entitled “Method and Apparatus for Constant Light Output Pulsed L.E.D. Illumination.” The ’119 patent issued on July 1, 2008. A true and correct copy of the ’119 patent is attached hereto as Exhibit B.

8. LED Tech is the owner by assignment of U.S. Patent No. 6,808,287 (the “’287 patent”). The ’287 patent is entitled “Method and Apparatus for a Pulsed L.E.D. Illumination Source.” The ’287 patent issued on October 26, 2004. A true and correct copy of the ’287 patent is attached hereto as Exhibit C.

9. LED Tech is the owner by assignment of U.S. Patent No. 6,488,390 (the “’390 patent”). The ’390 patent is entitled “Color-Adjusted Camera Light and Method.” The ’390 patent issued on December 3, 2002. A true and correct copy of the ’390 patent is attached hereto as Exhibit D.

COUNT I
(Infringement of U.S. Patent No. 6,095,661)

10. Apple has been and still is infringing at least claims 21 and 22 of the ’661 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing, without license or authority, products utilizing pulse-width modulation signals to drive light-emitting diodes, including, but not limited to, its iPad 3 tablet device and Macbook Pro personal computer.

11. To the extent that facts learned in discovery show that Apple’s infringement of the ’661 patent is or has been willful, LED Tech reserves the right to request such a finding at the time of trial.

12. To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the ’661 patent.

13. As a result of Apple’s infringement of the ’661 patent, LED Tech has suffered monetary damages in an amount adequate to compensate for Apple’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Apple, together with interest and costs as fixed by the Court, and LED Tech will continue to suffer damages in the future unless Apple’s infringing activities are enjoined by this Court.

14. Unless a permanent injunction is issued enjoining Apple and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert

therewith from infringing the '661 patent, LED Tech will be greatly and irreparably harmed.

COUNT II
(Infringement of U.S. Patent No. 7,393,119)

15. Apple has been and still is infringing at least claims 1 and 11 of the '119 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing, without license or authority, products utilizing pulse-width modulation signals to drive light-emitting diodes, including, but not limited to, its iPad 3 tablet device and Macbook Pro personal computer.

16. To the extent that facts learned in discovery show that Apple's infringement of the '119 patent is or has been willful, LED Tech reserves the right to request such a finding at the time of trial.

17. To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the '119 patent.

18. As a result of Apple's infringement of the '119 patent, LED Tech has suffered monetary damages in an amount adequate to compensate for Apple's infringement, but in no event less than a reasonable royalty for the use made of the invention by Apple, together with interest and costs as fixed by the Court, and LED Tech will continue to suffer damages in the future unless Apple's infringing activities are enjoined by this Court.

19. Unless a permanent injunction is issued enjoining Apple and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '119 patent, LED Tech will be greatly and irreparably harmed.

COUNT III
(Infringement of U.S. Patent No. 6,808,287)

20. Apple has been and still is infringing at least claim 1 of the '287 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing, without license or authority, products utilizing pulse-width modulation signals to drive light-emitting diodes, including, but not limited to, its iPad 3 tablet device and Macbook Pro personal computer.

21. To the extent that facts learned in discovery show that Apple's infringement of the '287 patent is or has been willful, LED Tech reserves the right to request such a finding at the time of trial.

22. To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the '287 patent.

23. As a result of Apple's infringement of the '287 patent, LED Tech has suffered monetary damages in an amount adequate to compensate for Apple's infringement, but in no event less than a reasonable royalty for the use made of the invention by Apple, together with interest and costs as fixed by the Court, and LED Tech will continue to suffer damages in the future unless Apple's infringing activities are enjoined by this Court.

24. Unless a permanent injunction is issued enjoining Apple and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '287 patent, LED Tech will be greatly and irreparably harmed.

COUNT IV
(Infringement of U.S. Patent No. 6,488,390)

25. Apple has been and still is infringing at least claims 1, 2, 29, and 30 of the '390 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing, without license or authority, products utilizing pulse-width modulation signals to drive light-emitting diodes, including, but not limited to, its iPad 3 tablet device and Macbook Pro personal computer.

26. To the extent that facts learned in discovery show that Apple's infringement of the '390 patent is or has been willful, LED Tech reserves the right to request such a finding at the time of trial.

27. To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the '390 patent.

28. As a result of Apple's infringement of the '390 patent, LED Tech has suffered monetary damages in an amount adequate to compensate for Apple's infringement, but in no event less than a reasonable royalty for the use made of the invention by Apple, together with interest and costs as fixed by the Court, and LED Tech will continue to suffer damages in the future unless Apple's infringing activities are enjoined by this Court.

29. Unless a permanent injunction is issued enjoining Apple and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '390 patent, LED Tech will be greatly and irreparably harmed.

PRAYER FOR RELIEF

LED Tech prays for the following relief:

1. A judgment that Apple has infringed one or more claims of the '661, '119, '287, and '390 patents;
2. A permanent injunction enjoining Apple and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with it, from infringing either of the '661, '119, '287, and '390 patents;
3. An award of damages resulting from Apple's acts of infringement in accordance with 35 U.S.C. § 284;
4. A judgment and order requiring Apple to provide an accounting and to pay supplemental damages to LED Tech, including, without limitation, prejudgment and post-judgment interest; and
5. Any and all other relief to which LED Tech may show itself to be entitled.

JURY TRIAL DEMANDED

LED Tech hereby demands a trial by jury of all issues so triable.

October 11, 2012

BAYARD, P.A.

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