

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

CREELED, INC.,

Plaintiff,

v.

STAR HEADLIGHT & LANTERN CO., INC.,

Defendant.

Civil Action No.: 6:22-cv-6197

COMPLAINT

Plaintiff CreeLED, Inc. (“Cree LED” or “Plaintiff”) files this Complaint for patent infringement against Defendant Star Headlight & Lantern Co., Inc. (“Star” or “Defendant”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for infringement of United States Patent Nos. 9,048,396 (“the ’396 Patent”), 8,884,510 (“the ’510 Patent”), 9,865,780 (“the ’780 Patent”), and D718,258 (“the ’258 Patent”) (collectively, the “Asserted Patents”). Specifically, Cree LED brings this action because Star willfully infringes the Asserted Patents by sourcing infringing knock-off light-emitting diode (“LED”) components for use in Star’s finished products.

2. Cree LED, together with its predecessor, Cree, Inc., has a thirty-year track record of innovations and industry firsts driven by its investment in and focus on R&D. Cree LED’s rich history of innovation has distinguished it as one of the LED industry’s strongest brands. Today, Cree LED specializes in delivering a broad portfolio of high-performance LED chips and components. Cree LED’s contributions to LED development and design serve as the basis for Cree LED’s expansive portfolio of U.S. and worldwide patents, covering an array of innovative

technologies.

3. Cree LED is committed to protecting and enforcing its valuable intellectual property.

4. Furthermore, as an industry leader, it is incumbent upon Cree LED to be a guardian of product quality in the LED industry by ensuring that its innovations are legitimately practiced with consistent high quality, especially given the integral role of LED technology in everyday life.

5. Cree LED is a member of the SMART Global Holdings, Inc. (“SGH”) family of companies, and Cree LED and SGH will together continue to place an emphasis on protecting and enforcing Cree LED’s valuable intellectual property.

PARTIES

6. Cree LED is a corporation formed under the laws of the state of Delaware, with a principal place of business at 4400 Silicon Drive, Durham, North Carolina.

7. Upon information and belief, Star is a corporation formed under the laws of the state of New York, with a principal place of business at 455 Rochester Street, Avon, New York.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction over this action pursuant to at least 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has personal jurisdiction over Star because, upon information and belief, Star is a corporation formed under the laws of the state of New York and maintains its principal place of business in New York, through which, upon further information and belief, it markets and sells or has marketed and sold the infringing products described herein.

10. Venue is proper in this District under 28 U.S.C. § 1400(b) because (i) Star resides

in this District for venue purposes, and (ii) upon information and belief, Star has committed acts of infringement and has a regular and established place of business in this District at 455 Rochester Street, Avon, New York.

FACTS
The Asserted Patents

11. The '396 Patent is titled "LED package with encapsulant having planar surfaces." The U.S. Patent and Trademark Office ("PTO") issued the '396 Patent on June 2, 2015. Cree LED is the owner by assignment of all rights, title, and interests in and to the '396 Patent, including all rights to bring actions and recover damages for past and future infringement thereof. A true and correct copy of the '396 Patent is attached as **Exhibit A**.

12. The '510 Patent is titled "Semiconductor light emitting devices with densely packed phosphor layer at light emitting surface." The PTO issued the '510 Patent on November 11, 2014. Cree LED is the owner by assignment of all rights, title, and interests in and to the '510 Patent, including all rights to bring actions and recover damages for past and future infringement thereof. A true and correct copy of the '510 Patent is attached as **Exhibit B**.

13. The '780 Patent is titled "LED package with encapsulant having planar surfaces." The PTO issued the '780 Patent on January 9, 2018. Cree LED is the owner by assignment of all rights, title, and interests in and to the '780 Patent, including all rights to bring actions and recover damages for past and future infringement thereof. A true and correct copy of the '780 Patent is attached as **Exhibit C**.

14. The '258 Patent is titled "LED package." The PTO issued the '258 Patent on November 25, 2014. Cree LED is the owner by assignment of all rights, title, and interests in and to the '258 Patent, including all rights to bring actions and recover damages for past and future infringement thereof. A true and correct copy of the '258 Patent is attached as **Exhibit D**.

Star’s Infringing Conduct

15. Star makes, uses, offers to sell, and/or sells LED warning lights, strobe warning lights, lightbars, lanterns, switch controllers, sirens, mounting brackets, and other light source products. One such product is Star’s “Star Six LED Microstar, Wide Spread, Black Die Cast Base, Flush Mount, 10-30V DLITE” (the “Infringing DLITE Product”), which is shown below:



Figure 1. Infringing DLITE Product with Infringing LED Emitter Package

16. According to Star’s website, the Infringing DLITE Product contains “[s]ix super bright Star Generation V LEDs.” (See <https://www.star1889.com/dlite-dlit3-dlits-micro-star-led-lights>).

17. Upon information and belief, the six LEDs that are contained in the Infringing DLITE Product meet each element of at least the following claims: Claim 1 of the ’396 Patent, Claim 17 of the ’510 Patent, Claim 14 of the ’780 Patent, and the designs claimed in the ’258 Patent (the six LED’s together, the “Infringing LEDs”).

18. Star has had notice of Cree LED’s ’396 Patent and more generally of Cree LED’s broad LED patent portfolio since at least September 11, 2020, by virtue of a letter Cree LED sent

to Star notifying Star of Cree LED's patents and Cree LED's belief that Star was purchasing knock-off LED components that infringe one or more of the patents. Moreover, CreeLED provides public notice of its LED component patents at [Patents \(cree-led.com\)](http://Patents(cree-led.com)). Upon information and belief, Star's infringement has thus been willful.

19. Star's infringement is causing irreparable harm and monetary damages to Cree LED, entitling Cree LED to both monetary damages and injunctive relief.

COUNT I: INFRINGEMENT OF THE '396 PATENT
UNDER 35 U.S.C. § 271

20. Cree LED incorporates by reference the allegations contained in the foregoing paragraphs as though fully stated herein.

21. As detailed in the Claim Chart attached hereto as **Exhibit E**, Star directly infringes one or more claims of the '396 Patent under 35 U.S.C. § 271(a), including at least Claim 1, either literally or under the doctrine of equivalents, by making, using, offering to sell, or selling in the United States the Infringing DLITE Product which contains the Infringing LEDs without permission or license from Cree LED.

22. As detailed in **Exhibit E**, the Infringing LEDs are comprised of a lighting package that includes a solid state light source on a submount.

23. As detailed in **Exhibit E**, the Lighting Package includes a wavelength conversion material layer covering the solid state light source and the top surface of the submount.

24. As detailed in **Exhibit E**, the Lighting Package includes an encapsulant over the conversion material layer which has one or more planar surfaces which cause total internal reflection of at least some light from the light source.

25. Upon information and belief, Star has made and is continuing to make unlawful gains and profits from its infringement of the '396 Patent.

26. Upon information and belief, Star has continued its infringement despite having knowledge of the '396 Patent since at least as early as September 11, 2020. Specifically, on that day, Cree LED sent Star a letter notifying Star of the '396 Patent and more generally of Cree LED's broad LED patent portfolio, and conveying Cree LED's belief that Star was purchasing knock-off LED components that infringe one or more of Cree LED's patents. Moreover, CreeLED provides public notice of its LED component patents at [Patents \(cree-led.com\)](https://www.cree-led.com). Upon information and belief, Star's infringement has thus been willful.

27. Star's infringement has caused and will continue to cause irreparable harm to Cree LED unless Star's infringing activities are permanently enjoined by this Court.

28. Star's infringement has also caused monetary damages to Cree LED in an amount to be determined at trial.

COUNT II: INFRINGEMENT OF THE '510 PATENT
UNDER 35 U.S.C. § 271

29. Cree LED incorporates by reference the allegations contained in the foregoing paragraphs as though fully stated herein.

30. As detailed in the Claim Chart attached hereto as **Exhibit F**, Star directly infringes one or more claims of the '510 Patent under 35 U.S.C. § 271(a), including at least Claim 17, either literally or under the doctrine of equivalents, by making, using, offering to sell, or selling in the United States the Infringing DLITE Product which contains the Infringing LEDs without permission or license from Cree LED.

31. As detailed in **Exhibit F**, the Infringing LEDs are comprised of a semiconductor light emitting device which includes a semiconductor light emitting element having a light emitting surface.

32. As detailed in **Exhibit F**, the Semiconductor Light Emitting Device includes an element in adjacent, space-apart relationship with the light emitting surface.

33. As detailed in **Exhibit F**, the Semiconductor Light Emitting Device includes a coating of phosphor-containing material on the element wherein the phosphor-containing material comprises at least two quantities of different phosphor particles, and wherein the phosphor particles are arranged in a densely packed layer within the coating.

34. Upon information and belief, Star has made and is continuing to make unlawful gains and profits from its infringement of the '510 Patent.

35. Upon information and belief, Star has continued its infringement despite having knowledge of the '510 Patent since at least as early as September 11, 2020. Specifically, on that day, Cree LED sent Star a letter notifying Star of Cree LED's broad LED patent portfolio, and conveying Cree LED's belief that Star was purchasing knock-off LED components that infringe one or more of Cree LED's patents. Moreover, CreeLED provides public notice of its LED component patents at [Patents \(cree-led.com\)](https://www.cree-led.com/patents). Upon information and belief, Star's infringement has thus been willful.

36. Star's infringement has caused and will continue to cause irreparable harm to Cree LED unless Star's infringing activities are permanently enjoined by this Court.

37. Star's infringement has also caused monetary damages to Cree LED in an amount to be determined at trial.

COUNT III: INFRINGEMENT OF THE '780 PATENT
UNDER 35 U.S.C. § 271

38. Cree LED incorporates by reference the allegations contained in the foregoing paragraphs as though fully stated herein.

39. As detailed in the Claim Chart attached hereto as **Exhibit G**, Star directly infringes one or more claims of the '780 Patent under 35 U.S.C. § 271(a), including at least Claim 14, either literally or under the doctrine of equivalents, by making, using, offering to sell, or selling in the United States the Infringing DLITE Product which contains the Infringing LEDs without permission or license from Cree LED.

40. As detailed in **Exhibit G**, the Infringing LEDs are comprised of a lighting package that includes a solid state light source on a submount.

41. As detailed in **Exhibit G**, the Lighting Package includes a wavelength conversion material layer covering at least a portion of the solid state light source and/or at least a portion of the top surface of the submount.

42. As detailed in **Exhibit G**, the Lighting Package includes an encapsulant over the submount which has a flat top reflecting at least some light from the light source.

43. Upon information and belief, Star has made and is continuing to make unlawful gains and profits from its infringement of the '780 Patent.

44. Upon information and belief, Star has continued its infringement despite having knowledge of the '780 Patent since at least as early as September 11, 2020. Specifically, on that day, Cree LED sent Star a letter notifying Star of Cree LED's broad LED patent portfolio, and conveying Cree LED's belief that Star was purchasing knock-off LED components that infringe one or more of Cree LED's patents. Moreover, CreeLED provides public notice of its LED component patents at [Patents \(cree-led.com\)](https://www.cree-led.com/patents). Upon information and belief, Star's infringement has thus been willful.

45. Star's infringement has caused and will continue to cause irreparable harm to Cree LED unless Star's infringing activities are permanently enjoined by this Court.

46. Star's infringement has also caused monetary damages to Cree LED in an amount to be determined at trial.

COUNT IV: INFRINGEMENT OF THE '258 PATENT
UNDER 35 U.S.C. § 271

47. Cree LED incorporates by reference the allegations contained in the foregoing paragraphs as though fully stated herein.

48. Star directly infringes the designs of the '258 Patent under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, by making, using, offering to sell, or selling in the United States the Infringing DLITE Product which contains the Infringing LEDs without permission or license from Cree LED.

49. Upon information and belief, in the eye of an ordinary observer, giving such attention as a purchaser usually gives, the designs of the Infringing LED's are substantially the same as the designs claimed in the '258 Patent. For example:

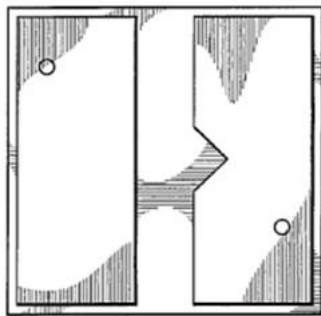
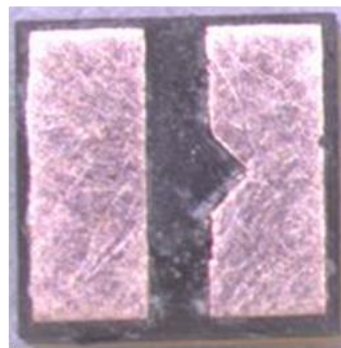


FIG. 12

FIG. 12 is a bottom plan view of the LED package



bottom plan view of LED package from DLITE product

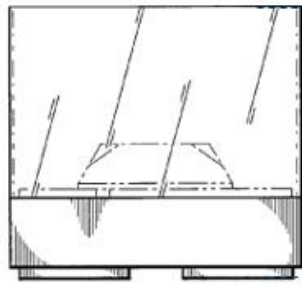
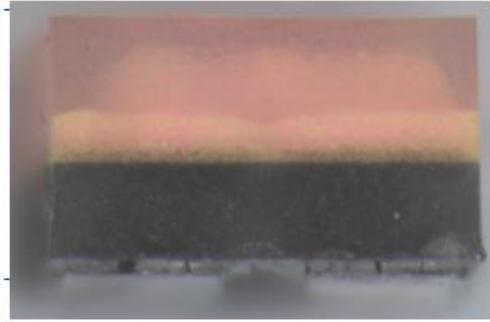


FIG. 9

FIG. 9 is a front elevation view of the LED package



front elevation view of one side of LED package from DLITE product

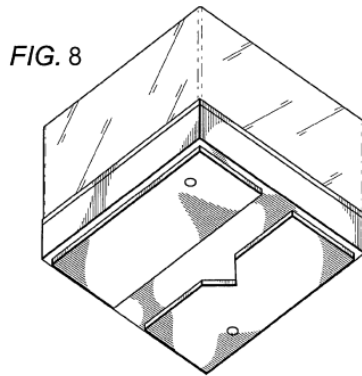
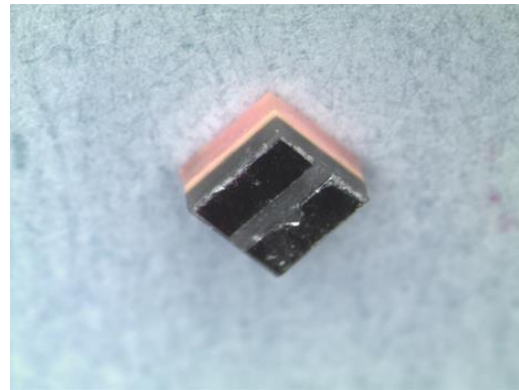


FIG. 8

FIG.8 is a bottom perspective view



bottom perspective view of LED package from DLITE product

50. Upon information and belief, Star has made and is continuing to make unlawful gains and profits from its infringement of the '258 Patent.

51. Upon information and belief, Star has continued its infringement despite having knowledge of the '258 Patent since at least as early as September 11, 2020. Specifically, on that day, Cree LED sent Star a letter notifying Star of Cree LED's broad LED patent portfolio, and conveying Cree LED's belief that Star was purchasing knock-off LED components that infringe one or more of Cree LED's patents. Moreover, CreeLED provides public notice of its LED

component patents at [Patents \(cree-led.com\)](https://www.cree-led.com). Upon information and belief, Star's infringement has thus been willful.

52. Star's infringement has caused and will continue to cause irreparable harm to Cree LED unless Star's infringing activities are permanently enjoined by this Court.

53. Star's infringement has also caused monetary damages to Cree LED in an amount to be determined at trial.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Cree LED respectfully requests a trial by jury of any issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Cree LED respectfully requests that:

- A. Star be adjudged by this Court to have directly infringed one or more claims of each of the Asserted Patents under 35 U.S.C. § 271;
- B. Star be adjudged by this Court to have willfully infringed one or more claims of each of the Asserted Patents, and that Cree LED be awarded treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- C. The Court find the Asserted Patents valid and enforceable;
- D. Star be ordered by this Court to account for and pay Cree LED damages adequate to compensate Cree LED for the infringement of one or more claims of the Asserted Patents, pursuant to 35 U.S.C. § 284;
- E. This Court enter a permanent injunction pursuant to 35 U.S.C. § 283 preventing continuing infringement of one or more claims of each of the

Asserted Patents, and enjoining importation, sales and distribution of the Infringing DLITE Product and Infringing LEDs;

- F. This case be deemed exceptional and Cree LED be awarded interests, costs, expenses, and reasonable attorneys' fees for this suit as provided by 35 U.S.C. § 285; and
- G. Cree LED be awarded such other and further relief as this Court may deem just and proper.

Date: May 2, 2022

Respectfully submitted,

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