UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

HERITAGE IP LLC, Plaintiff, v. LEVITON MANUFACTURING COMPANY, Defendant.	Case No. 22-cv-05869 **COMPLAINT FOR PATENT INFRINGEMENT** **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Heritage IP LLC ("Heritage" or "Plaintiff") hereby asserts the following claims for patent infringement against Defendant Leviton Manufacturing Company ("Defendant"), and alleges as follows:

SUMMARY

1. Heritage owns United States Patent No. 7,221,200 ("Asserted Patent").

2. Defendant infringes the Asserted Patent by implementing, without authorization, Heritage's proprietary technologies in at least its Leviton's DDE06-BLZ ("Accused Products").

3. By this action, Heritage seeks to obtain compensation for the harm it has suffered as a result of Defendant's infringement of the Asserted Patent.

NATURE OF THE ACTION

4. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq*.

5. Defendant has infringed and continue to infringe, and at least as early as the filing and/or service of this Complaint, has induced and continues to induce infringement of, and has

contributed to and continues to contribute to infringement of, at least one or more claims of Heritage's Asserted Patent at least by making, using, selling, and/or offering to sell its products and services in the United States, including in this District.

6. Heritage is the legal owner by assignment of the Asserted Patent, which were duly and legally issued by the United States Patent and Trademark Office ("USPTO"). Heritage seeks monetary damages for Defendant's infringement of the Asserted Patent.

THE PARTIES

7. Plaintiff Heritage IP LLC is a Texas limited liability company with its principal place of business at 10900 Research Blvd, Ste 160C PMB 1042, Austin, TX 78759. Heritage is the owner of intellectual property rights at issue in this action.

8. On information and belief, Defendant Leviton Manufacturing is a Delaware corporation with an established place of business at 201 N Service Road, Melville, NY 11747. Defendant may be served through its registered agent, The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

9. On information and belief, Defendants directly and/or indirectly develops, designs, manufactures, distributes, markets, offers to sell and/or sells infringing products and services in the United States, including in the state of New York, and otherwise directs infringing activities to this District in connection with its products and services.

JURISDICTION AND VENUE

10. As this is a civil 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 the matters asserted herein under 28 U.S.C. §§ 1331 and 1338(a).

11. This Court has personal jurisdiction over Defendant, in part because Defendant

does continuous and systematic business in this District, including by providing infringing products and services to the residents of New York that Defendant knew would be used within this District, and by soliciting business from the residents of this District. For example, Defendant is subject to personal jurisdiction in this Court because, *inter alia*, and on information and belief, Defendant directly and through agents regularly does, solicits, and transacts business in this District and maintains an established place of business in this District.

12. In particular, Defendant has committed and continues to commit acts of infringement in violation of 35 U.S.C. § 271, and has made, used, marketed, distributed, offered for sale, sold, and/or imported infringing products in the State of New York, including in this District, and engaged in infringing conduct within and directed at or from this District. For example, Defendant has purposefully and voluntarily placed the Accused Products into the stream of commerce with the expectation that the Accused Products will be used in this District. On information and belief, the Accused Products have been and continue to be distributed to and used in this District. Defendant's acts cause and have caused injury to Heritage, including within this District.

13. Venue is proper in this District under the provisions of 28 U.S.C. § 1400(b) at least because Defendant has committed acts of infringement in this District and has a place of business in this District.

THE '200 PATENT

14. U.S. Patent No. 7,221,1200 ("the '200 Patent") is entitled "Programmable Low Voltage Reset Apparatus for Multi-VDD Chips," and was issued on May 22, 2007. A true and correct copy of the '200 Patent is attached as Exhibit A.

15. The '200 Patent was filed on March 8, 2005 as U.S. Patent Application No. 60/556,179.

16. Heritage is the owner of all rights, title, and interest in and to the '200 Patent, with the full and exclusive right to bring suit to enforce the '200 Patent, including the right to recover for past infringement.

17. The '200 Patent is valid and enforceable under United States Patent Laws.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,221,200

18. Heritage incorporates by reference and re-alleges paragraphs 1-17 of this Complaint as if fully set forth herein.

19. Defendant has infringed and is infringing, either literally or under the doctrine of equivalents, the '200 Patent in violation of 35 U.S.C. § 271 *et seq.*, directly and/or indirectly, by making, using, offering for sale, or selling in the United States, and/or importing into the United States without authority or license, the Accused Products (including Leviton's DDE06-BLZ product) as set forth in Exhibit B.

20. At least as early as of the date of the filing of the Complaint, Defendants have had actual knowledge of the '200 Patent.

21. Defendants have provided the Accused Products to its customers and, on information and belief, instructions to use the Accused Products in an infringing manner while being on notice of (or willfully blind to) the '200 Patent and Defendants' infringement. Therefore, on information and belief, Defendants knew or should have known of the '200 Patent and of its own infringing acts, or deliberately took steps to avoid learning of those facts.

22. Defendant knowingly and intentionally encourages and aids at least its end-user customers to directly infringe the '200 Patent.

23. Defendant's end-user customers directly infringe at least one or more claims of the '200 Patent by using the Accused Products in their intended manner to infringe. Defendant induces such infringement by providing the Accused Products and instructions to enable and facilitate

infringement, knowing of, or being willfully blind to the existence of, the '200 Patent. On information and belief, Defendant specifically intends that its actions will result in infringement of one or more claims of the '200 Patent, or subjectively believe that their actions will result in infringement of the '200 Patent, but took deliberate actions to avoid learning of those facts, as set forth above.

24. Additionally, Defendant contributorily infringes at least one or more claims of the '200 Patent by providing the Accused Products and/or software components thereof, that embody a material part of the claimed inventions of the '200 Patent, that are known by Defendant to be specially made or adapted for use in an infringing manner, and are not staple articles with substantial non-infringing uses. The Accused Products are specially designed to infringe at least one or more claims of the '200 Patent, and their accused components have no substantial non-infringing uses. In particular, on information and belief, the software modules and code that implement and perform the infringing functionalities identified above are specially made and adapted to carry out said functionality and do not have any substantial non-infringing uses.

25. At least as early as the filing and/or service of this Complaint, Defendant's infringement of the '200 Patent was and continues to be willful and deliberate, entitling Heritage to enhanced damages.

26. Additional allegations regarding Defendant's knowledge of the '200 Patent and willful infringement will likely have evidentiary support after a reasonable opportunity for discovery.

27. Defendant's infringement of the '200 Patent is exceptional and entitles Heritage to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

28. Heritage is in compliance with any applicable marking and/or notice provisions of

35 U.S.C. § 287 with respect to the '200 Patent.

29. Heritage is entitled to recover from Defendant all damages that Heritage has sustained as a result of Defendant's infringement of the '200 Patent, including, without limitation, a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Heritage respectfully requests:

A. That Judgment be entered that Defendant has infringed at least one or more claims of the '200 Patent, directly and/or indirectly, literally and/or under the doctrine of equivalents;

B. An award of damages sufficient to compensate Heritage for Defendant's infringement under 35 U.S.C. § 284, including an enhancement of damages on account of Defendant's willful infringement;

C. That the case be found exceptional under 35 U.S.C. § 285 and that Heritage be awarded its reasonable attorneys' fees;

D. Costs and expenses in this action;

E. An award of prejudgment and post-judgment interest; and

F. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Heritage respectfully demands a trial by jury on all issues triable by jury.

Respectfully submitted,

Dated: September 30, 2022

LOAKNAUTH LAW, P.C.

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