

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LEAD CREATION INC.,
Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A",
Defendants.

Case No.: 1:22-cv-10377

VERIFIED COMPLAINT

PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT

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Attorneys for Plaintiff

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lead Creations Inc., by and through undersigned counsel, brings this Complaint for Patent infringement against the Partnerships and Unincorporated Associations identified on **Schedule-A** attached hereto (collectively, “Defendants”) and alleges as follows:

NATURE OF THE ACTION

1. This is an action for infringement of United States Patent No. 7530706 (the patent-in-suit) arising under the patent laws of the United States, Title 35, United States Code, Sections 100 et seq. This action relates to an invention whereby when distance between the LED and the convex lens is changed, beam angle is concurrently changed so that the brightness for long distance is increased and illumination scope for short distance is increased without using a reflective cone. This is achieved by using a collar coaxially coupled to the main body; a convex lens coupled to the collar and optically coupled to the light-emitting diode in coaxially displaceable manner relative thereto, the convex lens defining a predetermined focal length, said convex lens being selectively displaceable between various ranges.

PARTIES

2. Plaintiff Lead Creation Inc. is a corporation duly organised and existing under the laws of the State of Delaware. Plaintiff's principal place of business is located in New York.
3. Defendants are individuals and business entities of unknown makeup who own and/or operate one or more of the e-commerce stores under at least the Seller Aliases identified on Schedule A and/or other seller aliases not yet known to Plaintiff. On information and belief, Defendants reside and/or operate in the People’s Republic of China or other foreign jurisdictions with lax intellectual property enforcement systems or redistribute products

from the same or similar sources in those locations. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).

4. On information and belief, Defendants either individually or jointly, operate one or more e-commerce stores under the Seller Aliases listed in **Schedule-A** attached hereto. Tactics used by Defendants to conceal their identities and the full scope of their operation make it virtually impossible for Plaintiff to discover Defendants' true identities and the exact interworking of their network. If Defendants provide additional credible information regarding their identities, Plaintiff will take appropriate steps to amend the Complaint.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 (federal question) and 1338(a) (patent infringement).
6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 and § 1400(b) and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendants directly target business activities toward consumers in the United States, including New York, through at least the fully interactive, e-commerce stores¹ operating under the seller aliases identified in **Schedule-A** attached hereto (the "Seller Aliases"). Specifically, Defendants have targeted sales to New York residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including New York, accept payment in U.S. dollars and, on information and belief, have sold products featuring Plaintiff's invention to residents of New York. Each of the Defendants is committing tortious acts in New York, is engaging in interstate commerce, and have wrongfully caused Plaintiff substantial injury in the State of New York. Upon information and belief, Defendants are subject to the personal

¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

jurisdiction of this Court because, among other things, Defendant have purposefully availed themselves of the benefits of doing business in this District by providing services to the residents of this District and by selling products and services to businesses and individuals located in this District.

PATENT INFRINGEMENT

7. Plaintiff repeats and incorporates by reference the allegations of paragraphs 1.-6. above.
8. On May 12, 2009, the U.S. Patent and Trademark Office duly and legally issued the patent-in-suit, entitled LED Lighting Apparatus With Fast Changing Focus. A true and correct copy of the patent-in-suit is attached as **Exhibit-1**. The claims of the patent-in-suit cover invention whereby when distance between the LED and the convex lens is changed, beam angle is concurrently changed so that the brightness for long distance is increased and illumination scope for short distance is increased without using a reflective cone. This is achieved by using a collar coaxially coupled to the main body; a convex lens coupled to the collar and optically coupled to the light-emitting diode in coaxially displaceable manner relative thereto, the convex lens defining a predetermined focal length, said convex lens being selectively displaceable between various ranges. The claims of the patent-in-suit carry a presumption of validity under 35 U.S.C. § 282(a) and are enforceable.
9. Plaintiff is the owner of the entire right, title and interest in the patent-in-suit by assignment, and possesses the right to sue for and obtain equitable relief and damages for infringement of the patent-in-suit.
10. Defendants have directly infringed and continue to directly infringe the patent-in-suit by making, using, selling, and offering for sale in the United States, and/or importing into the United States lighting apparatus namely flashlights the convex lens which when changed, the beam angle is concurrently changed so that the brightness for long distance is increased

and illumination scope for short distance is increased without using a reflective cone, identified by the designations as shown in **Exhibit-2**. (hereinafter “Accused Products”). These Accused Products embody the invention defined by one or claims of the patent-in-suit, without authority or license from Plaintiff. More particularly, upon information and belief, Defendants have infringed and continue to infringe at least Claim 1 of the patent-in-suit because the Accused Products include every limitation of Claim 1.

11. Third party service providers like those used by Defendants do not adequately subject new sellers to verification and confirmation of their identities, allowing infringers to “routinely use false or inaccurate names and addresses when registering with these e-commerce platforms.” **Exhibit-3**, Daniel C.K. Chow, *Alibaba, Amazon, and Counterfeiting in the Age of the Internet*, 40 NW. J. INT’L L. & BUS. 157, 186 (2020); see also, report on “Combating Trafficking in Counterfeit and Pirated Goods” prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans (Jan. 24, 2020), attached as **Exhibit-4** and finding that on “at least some e-commerce platforms, little identifying information is necessary or [an infringer] to begin selling” and recommending that “[s]ignificantly enhanced vetting of third-party sellers” is necessary. Infringers hedge against the risk of being caught and having their websites taken down from an e-commerce platform by preemptively establishing multiple virtual store-fronts. **Exhibit-4** at p. 22. Since platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, infringers can have many different profiles that can appear unrelated even though they are commonly owned and operated. **Exhibit-4** at p. 39. Further, “E-commerce platforms create bureaucratic or technical hurdles in helping brand owners to locate or identify sources of [infringement].” **Exhibit-3** at 186-187.

12. Claim 1 of the patent-in-suit is asserted as below:

a) A light-emitting diode (LED) lighting apparatus, comprising:

- b) a main body having a power source;
- c) a light-emitting diode electrically connected with the power source and positioned at a front end of the main body, the light-emitting diode emitting light beams;
- d) a collar coaxially coupled to the main body;
- e) a convex lens coupled to the collar and optically coupled to the light-emitting diode in coaxially displaceable manner relative thereto, the convex lens defining a predetermined focal length, said convex lens being selectively displaced between a first range and a second range, said first range being from the light-emitting diode to a first position offset from the light-emitting diode by the predetermined focal length, said second range being from the first position to a second position offset from the light emitting diode by twice the predetermined focal length; and
- f) at least one of said main body and collar having a pair of annular engagement portions axially offset from the other for releasably locking said collar to the main body to locate the convex lens respectively in said first range and second range;
- g) whereby a brightness of the light is optimally maintained for a greater range of illumination when the convex lens is in said second range than in said first range.

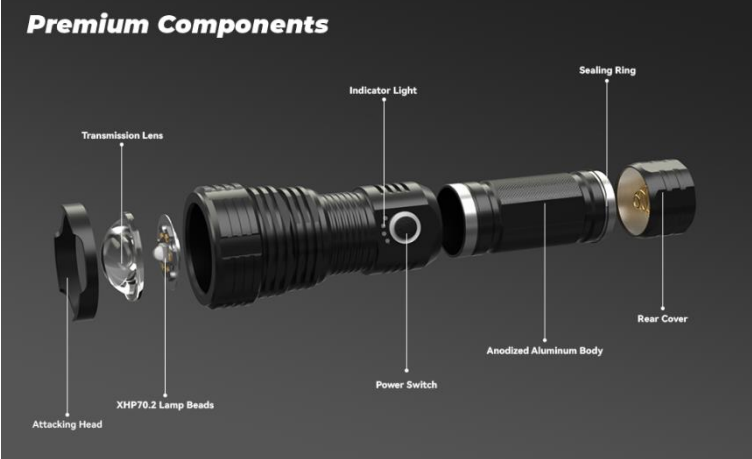
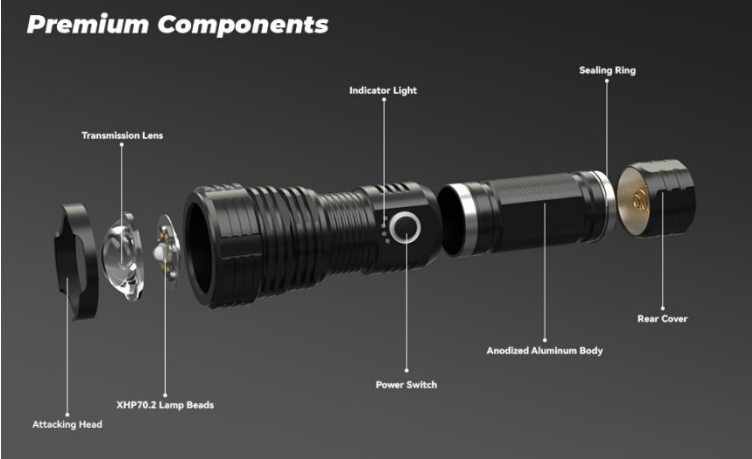
13. The Accused Products include a light-emitting diode (LED) lighting apparatus, a collar coaxially coupled to the main body; a convex lens coupled to the collar and optically coupled to the light-emitting diode in coaxially displaceable manner relative thereto and convex lens being selectively displaceable between a first range and a second range which corresponds to the collar, convex lens placement and displacement mechanism as recited in Claim 1.

14. Claim 2 of the patent-in-suit recites: “The light-emitting diode (LED) lighting apparatus as claimed in claim 2, wherein the convex lens is configured to converge light beams from the LED.”

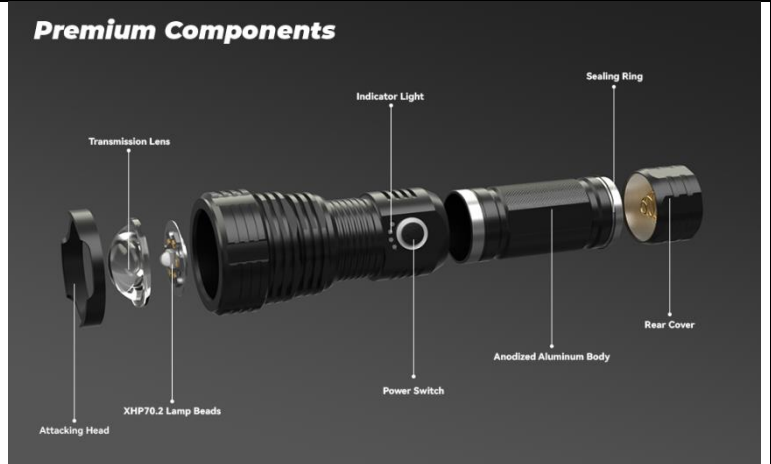
15. The Accused Products include convex lens configured to converge light beams, which corresponds to convex lens configured to converge light beams from the LED as recited in claim 2.
16. Claim 4 of the patent-in-suit recites: “The light-emitting diode (LED) lighting apparatus as claimed in claim 1, wherein the main body has a fast thread formed thereon for retentive engagement by a housing displaceably coupled to the main body, the housing having the convex lens coupled thereto.”
17. The Accused Products include retentive engaging by a housing coupled with a convex lens, which corresponds to claims as recited in claim 4.
18. Claim 5 of the patent-in-suit recites: The light-emitting diode (LED) lighting apparatus as claimed in claim 1, wherein the distance between the LED and the convex lens is adjustable with an approximate range of 0 mm to 32 mm.
19. The Accused Products include “zoom” function adjustable housing, which corresponds to the distance between the LED and the convex lens is adjustable with an approximate range of 0mm to 32mm as recited in claim 5.
20. Claim 8 of the patent-in-suit recites: “The light-emitting diode (LED) lighting apparatus as claimed in claim 1, wherein said collar and main body are coupled to be linearly displaceable one relative to the other without rotation between said engagement portions.”
21. The Accused Products include a collar and main body that are linearly displaceable without rotation, which corresponds to claims recited in claim 8.
22. Images taken from SKNSL Amazon market page² shows the flashlight directly infringing on Patent-in-suit. The following claim charts will show the details of limitation matching to show infringement. Expert Opinion of Ms. Brenitra Mosley, MBA., senior consulting engineer, registered patent practitioner, electrical engineer and cybersecurity engineer is

² <https://www.amazon.com/dp/B0B5N82BF6>

attached hereto as **Exhibit-5**. A table comparing Plaintiff’s claims in Patent-in-suit with sn
 Accused Product is produced below:

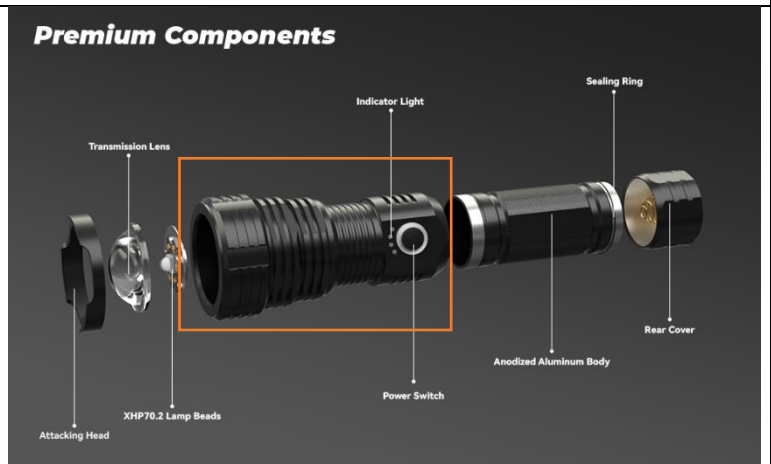
‘706 Patent Claim 1	SKNSL Infringing Product
<p>1(a) A light-emitting diode (LED) lighting apparatus, comprising</p>	 <p>Premium Components</p> <p>The flashlight (light apparatus) has a light-emitting diode as its primary light source.</p>
<p>1(b) a main body having a power source</p>	 <p>Premium Components</p> <p>The rear cover, as shown, encloses the battery section for the source of the flashlight’s power. As indicated on the seller’s Amazon page, the specifications of the power source (battery cell composition) is NiCAD.</p>

1(c) a light-emitting diode electrically connected with the power source and positioned at a front end of the main body, the light-emitting diode emitting light beams



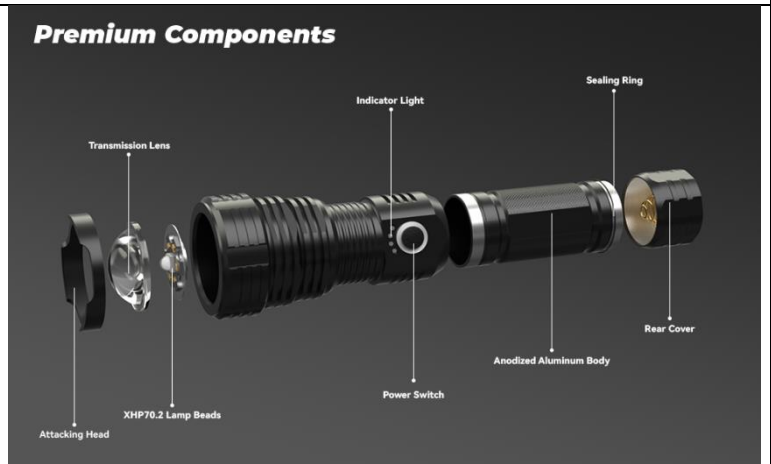
The light-emitting diode (XHP70.2 Lamp Beads) are positioned on the front end of the flashlight and electrically coupled to the rear cover housing the battery source. It is noted that the additional components that electrically couple the light-emitting diode to the power source are within the cover of the flashlight, not shown.

1(d) a collar coaxially coupled to the main body





The collar (outlined in the orange box) is coaxially coupled to main body (Anodized Aluminum Body)

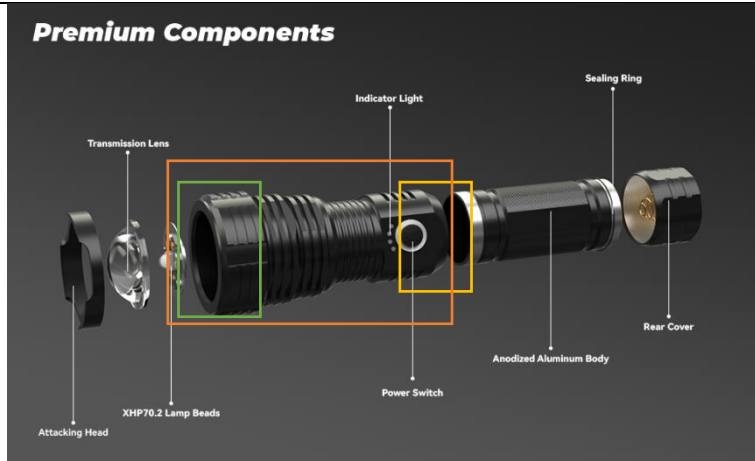
1(e) a convex lens coupled to the collar and optically coupled to the light-emitting diode in coaxially displaceable manner relative thereto



The transmission lens is a convex lens, as indicated in the picture. Additionally, on the seller's Amazon page, the

	<p>light emitted from the flashlight can be either a floodlight or a flashlight. This is achieved by changing the focal point of the lens</p> 
<p>1(f) the convex lens defining a predetermined focal length</p>	<p>The seller’s Amazon page states, “This brightest flashlight has a zoomable function, you can change the range and focal length of the flashlight by pushing and pulling the head of the flashlight according to your needs.” Upon first use of the flashlight, the convex lens (transmission lens) is at a predetermined (set) focal length before the user adjusts the focal length.</p>
<p>1(g) said convex lens being selectively displaced between a first range and a second range, said first range being from the light-emitting diode to a first position offset from the light-emitting diode by the predetermined focal length, said second range being from the first position to a second position offset from the light emitting diode by twice the predetermined focal length</p>	 <p>The seller’s Amazon page states, “This brightest flashlight has a zoomable function, you can change the range and focal length of the flashlight by pushing and pulling the head of the flashlight according to your needs.” Upon first use of the flashlight, the convex lens (transmission lens) is at a predetermined (set) focal length before the user adjusts the focal length. The zoom-out and zoom-in features move the lens’s focal length by physically displacing the convex lens to different positions (different ranges).</p>

1(h) at least one of said main body and collar having a pair of annular engagement portions axially offset from the other for reasonably locking said collar to the main body to locate the convex lens respectively in said first range and second range.



The main body (outlined in the orange box) has annular engagement portions (green box and yellow box) that locks the collar (Attacking Head) to the main body. The convex lens (transmission lens) is within the main body.

The first and second range is achieved by the zoom out and zoom in feature of moving the convex lens.

1(i) whereby a brightness of the light is optimally maintained for a greater range of illumination when the convex lens in said second range than in said first range.

The flashlight is a floodlight (zoom out) or spotlight (zoom in). The illumination is spread across a wider area when the convex lens is in the floodlight position. When the convex lens is in the zoom-in position, the light is brighter, and the range of illumination is greater (longer

	distance). The zoom-in position is the second range of the convex lens from the LED.
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23. Plaintiff has suffered injury, including irreparable injury, as a result of Defendants' infringement. Plaintiff is therefore entitled to preliminary and permanent injunctive relief restraining and enjoining Defendant from infringing the patent-in-suit.
24. Defendants have infringed Plaintiff's Patent through the aforesaid acts and will continue to do so unless enjoined by this Court. Defendants' wrongful conduct has caused Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering for sale, and importing the patented invention. Plaintiff is entitled to injunctive relief pursuant to 35 U.S.C. § 283.
25. Plaintiff is entitled to recover damages adequate to compensate for the infringement, including Defendants' profits pursuant to 35 U.S.C. § 289. Plaintiff is entitled to recover any other damages as appropriate pursuant to 35 U.S.C. § 284.
26. By reason of Defendants' infringement, Plaintiff is suffering and will continue to suffer substantial damages in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court grant the following relief:

- A. A judgment that Defendants have infringed one or more claims of the patent-in-suit;
- B. That Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily, preliminarily, and permanently enjoined and restrained from:

- i. making, using, offering for sale, selling, and/or importing into the United States for subsequent sale or use any products not authorized by Plaintiff and that include any reproduction, copy or imitation of the invention claimed in the Patent-in-suit;
 - ii. aiding, abetting, contributing to, or otherwise assisting anyone in infringing upon the Plaintiff's Patent; and
 - iii. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in Subparagraphs (i) and (ii)
- C. Entry of an Order that, upon Plaintiff's request, those with notice of the injunction, including, without limitation, any online marketplace platforms such as eBay, AliExpress, Alibaba and Amazon, (collectively, the "Third Party Providers") shall disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of goods that infringe the claims claimed in the Patent-in-suit;
- D. That Plaintiff be awarded such damages as it shall prove at trial against Defendants that are adequate to compensate Plaintiff for Defendants' infringement of the Patent-in-suit, but in no event less than a reasonable royalty for the use made of the invention by the Defendants, together with interest and costs, pursuant to 35 U.S.C. § 284;
- E. That the amount of damages awarded to Plaintiff to compensate Plaintiff for infringement of the Plaintiff's Patent be increased by three times the amount thereof, as provided by 35 U.S.C. § 284;
- F. In the alternative, that Plaintiff be awarded all profits realized by Defendants from Defendants' infringement of the Patent-in-suit, pursuant to 35 U.S.C. § 289;
- G. Costs and reasonable attorneys' fees relating to this action pursuant to 35 U.S.C. § 285; and
- H. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff respectfully demands trial by jury on all claims so triable.

Dated: December 8th, 2022

New York, New York

Respectfully submitted,

Michael Hurckes

Michael A. Hurckes, Esq.

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Attorneys for Plaintiff

VERIFICATION

Michael A. Hurckes, being duly sworn, deposes and says:

I am the Director of Lead Creation Inc. in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same are true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters, I believe them to be true.

Michael Hurckes

MICHAEL A. HURCKES
Director, Lead Creation Inc.

8th day of December, 2022