

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

ILUMI SOLUTIONS, INC. d/b/a  
MESHTEK LABS, INC.,

Plaintiff,

v.

GEMSTONE LIGHTS CANADA LTD.

Defendant.

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CIVIL ACTION NO. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**PLAINTIFF’S ORIGINAL COMPLAINT**

Plaintiff ILUMI SOLUTIONS, INC. d/b/a MESHTEK LABS, INC. files this Original Complaint against Defendant GEMSTONE LIGHTS CANADA LTD. alleging as follows:

**I. THE PARTIES**

1. ILUMI SOLUTIONS, INC. d/b/a MESHTEK LABS, INC. (“Plaintiff” or “iLumi”) is a Delaware C-Corp with a principal place of business at 17330 Preston Road, Suite 120A, Dallas, Texas 75272.

2. Defendant GEMSTONE LIGHTS CANADA LTD. (“Defendant”) is a company organized and existing under the laws of Canada. It has a principal place of business located at 170 - 11080 50 St SE, Calgary, AB T2C 5T4. Defendant engages in business in the State of Texas. Pursuant to § 17.044 of the Texas Civil Practice & Remedies Code, Defendant has designated the Secretary of State as its agent for service of process and may be served with process through the Secretary of State. The Secretary of State may forward service to Defendant at its home office address located at 170 - 11080 50 St SE, Calgary, AB T2C 5T4.

## **II. JURISDICTION AND VENUE**

3. This is an action for infringement of United States patents. Federal question jurisdiction is conferred to this Court over such action under 28 U.S.C. §§ 1331 and 1338(a).

4. Defendant is subject to this Court's specific personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, by virtue of at least their substantial business conducted in this forum, directly and/or through intermediaries, including (i) having solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement causes of action set forth herein; (ii) having placed its products and services into the stream of commerce throughout the United States and having been actively engaged in transacting business in Texas and in this District; and (iii) either alone or in conjunction with others, having committed acts of infringement within Texas and in this District.

5. Defendant has sufficient minimum contacts with the Eastern District of Texas such that this venue is fair and reasonable. Defendant has committed such purposeful acts and/or transactions in this District that it reasonably should know and expect that it could be hailed into this Court as a consequence of such activity. Defendant has transacted and, at the time of the filing of this Complaint, continues to transact business within the Eastern District of Texas.

6. On information and belief, Defendant directly and/or through intermediaries, has advertised (including through websites), offered to sell, sold and/or distributed products made by patented processes, in this District. Further, Defendant directly and/or through intermediaries has purposefully and voluntarily placed such products in the stream of commerce knowing and expecting them to be purchased and used by consumers in Texas and in this District. By way of

example, Defendant offers an online website for its products.<sup>1</sup> Defendant's online website includes a page listing "dealers" of its products, including dealers found throughout Texas and in locales such as Frisco, Allen, and Plano, Texas.<sup>2</sup>

7. For the reasons set forth herein, personal jurisdiction exists and venue is proper against Defendant in this District pursuant to 28 U.S.C. § 1391(c)(3) and/or 28 U.S.C. § 1400(b). Defendant is not a resident of the United States and may be sued in any district, including this District.

### **III. BACKGROUND FACTS AND THE ASSERTED PATENTS**

8. Plaintiff is the owner of United States Patent Nos. 8,890,435 ("the '435 Patent"), 8,922,126 ("the '126 Patent"), 9,295,144 ("the '144 Patent"), 8,742,694 ("the '694 Patent"), 8,896,218 ("the '218 Patent"), and 8,896,232 ("the '232 Patent") (collectively, "the Asserted Patents" or "the Patents-in-Suit"). By way of assignment, Plaintiff is the owner of all right, title and interest in and to the Patents-in-Suit, with all rights to enforce the patents against infringers and to collect damages for all relevant times, including the right to prosecute this action.

9. Plaintiff is a U.S.-based company which develops, makes and sells intelligent lighting solution products. Swapnil Bora and Corey Egan, the named inventors of the Asserted Patents, took their vision to make lighting better to the annual Business Idea Competition at the University of Texas at Dallas in 2010. Their idea for an application-controlled LED light won first place in the competition, and carried a cash prize which started what would ultimately become iLumi Solutions, Inc. From there, the company continued to grow and garner market attention.<sup>3</sup>

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<sup>1</sup> As of the filing of this Complaint, Defendant's website can be found at: <https://www.gemstonelights.com/>

<sup>2</sup> See, e.g., [Gemstone Dealers in Canada & the USA | Gemstone Lights](https://www.gemstonelights.com/find-our-dealers?search=76102) at <https://www.gemstonelights.com/find-our-dealers?search=76102>

<sup>3</sup> A listing of various third -party awards may be found at <https://ilumi.co/pages/awards>

10. In 2013, Mr. Bora and Mr. Egan received financial support from over 1,500 individuals across the world. Then, in order to take iLumi to the next level, the inventors took their Smartbulbs to ABC's Shark Tank program.<sup>4</sup> Showcasing the iLumi bulbs on Shark Tank resulted in interest from "Shark" Mark Cuban.

11. Today, Plaintiff is continuing its vision to offer advanced wireless lighting technologies. Plaintiff's website may be accessed at <https://ilumi.co>. Plaintiff's product offerings include the iLumi Smartbulb, a color-tunable LED light bulb you can control and program wirelessly through a mobile device using Bluetooth Low-Energy. With the iLumi app installed on a user's smartphone, the user can adjust the color and brightness of his or her lighting device or explore robust built-in programs to experience lighting like never before. Other lighting products offer by Plaintiff include the all-new iLumi Smartstrip.<sup>5</sup>

12. On March 11, 2011, Provisional Patent Application No. 61/464,917 was filed with the Patent Office, and ultimately a series of patent applications would be filed resulting in the issuance of the Asserted Patents. The Asserted Patents are entitled to an effective filing date and priority at least as early as the earliest effective filing date and priority date indicated on the face of each patent, which is presumed valid. Plaintiff's patents disclose and claim various types of intelligent variable lighting systems and devices, as well as methods of using the same. As set forth in the Background of the Invention, the Asserted Patents relate generally to the field of lighting and, more particularly, to a specialty lighting device and control process for individual or simultaneous adjustment, automation, and programming of an individual or network of such lighting devices through a wireless interface. '435 Patent, 1:14-18.

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<sup>4</sup> Access to the full Shark Tank episode may be found here: <https://ilumi.co/pages/story>

<sup>5</sup> See, e.g., <https://ilumi.co/pages/press>

13. According to the Asserted Patents, the technologies arose as new lighting technologies, such as light emitting diodes (LEDs) or compact fluorescent lamps (CFLs) were entering the market at a rapid pace. While there was rapid growth in this area, lighting systems at the time suffered notable drawbacks that made them unattractive to some users. For example, CFLs had dimming limitations, and problems with their color output, and LEDs were very expensive. In addition, lighting control and automation solutions at the time were limited in their use and were also high price, requiring installations and expertise in set-up which caused problems with potential consumers. As mobile computing systems continued to evolve, there was a need seen by the inventors for using a mobile device platform to control and execute multiple other tasks. '435 Patent, 1:20-47.

14. Through the patented technologies, a multitude of types of light types and luminaires were created. The inventions provide an easily installed and transferable lighting and home automation solution because special or customized installation is not required. In addition, novel concepts for the particular design and operation of the patented technologies overcame many of the drawbacks discussed above. For example, using on/off signals having specified cycle times to produce a blended light reduced the current requirements of the lights.

15. Certain preferred embodiments are disclosed in the specification of the Asserted Patents. By way of example, a lighting device is described as including a power converter, a controller/processor electrically connected to the power converter, an LED current control circuit communicably coupled to the controller/processor and electrically connected to the power converter, and two or more LEDs comprising at least a first color LED and a second color LED electrically connected to the LED current control circuit. The LED current control circuit provides an on/off signal having a cycle time to each LED in response to one or more control

signals received from the controller/processor such that the two or more LEDs produce a blended light having a specified color based on how long each LED is turned on and/or off during the cycle time. The on/off signals may be on and off at a frequency with a time offset. In addition, the LEDs are capable of not being on at the same time. '435 Patent, 1:51-3:26; 10:61-67. Embodiments also include a real time clock (RTC) circuit, and hard reset circuitry. '435 Patent, 9:1-12. In addition, various wireless protocols may be utilized, including Bluetooth and WiFi protocols. '435 Patent, 9:51-67. In some embodiments, a flexible Smartstrip is disclosed. '435 Patent, 21:62-22:13. In others, LED grouping is shown. '435 Patent, 22:46-62.

16. Figure 1 provides one exemplar embodiment of the lighting device:

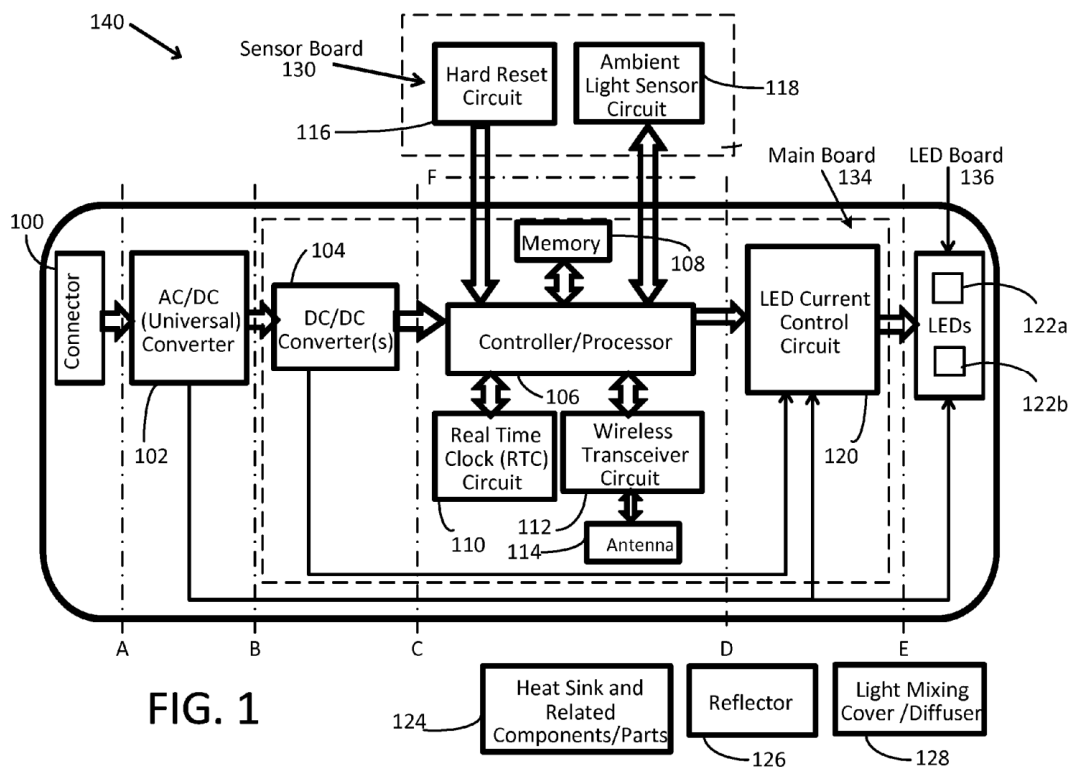
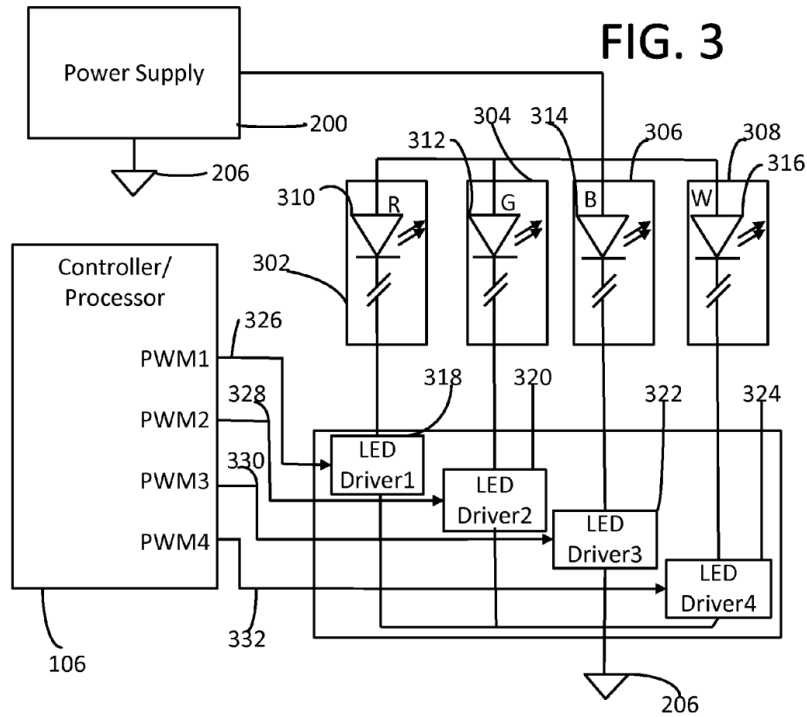
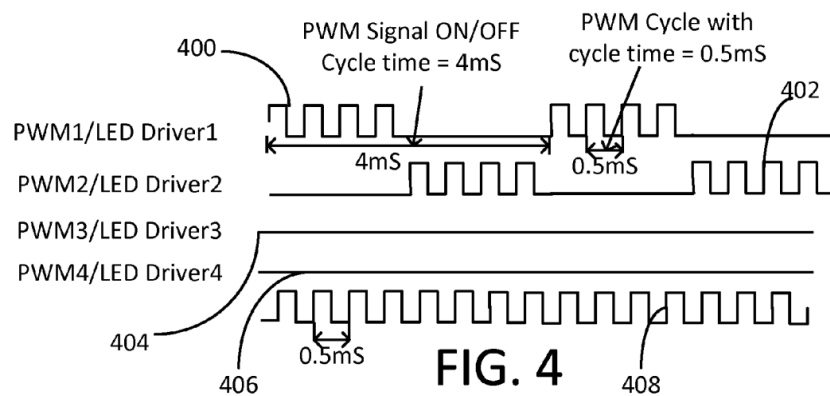


FIG. 1

17. Figure 3 provides a circuit diagram of a LED Drivers scheme in accordance with one embodiment of the invention:



18. Figures 4 (reproduced below) shows a timing diagram for the LED driver scheme of Figure 3. Similarly, Figure 5 is a circuit diagram of switches and LED driver schemes in accordance with one embodiment of the invention and Figure 6 provides a timing diagram for the Figure 5 embodiment.



19. The Asserted Claims are directed towards patent eligible concepts and are not directed towards an abstract idea. The Asserted Claims originate from a technical field (e.g., specialty lighting and control processes) and focus on problems specifically arising in such fields

as described in the Background of the Invention and discussed above. The Asserted Claims focus on improvements to computer functionality in a specific, concrete way, and those specific improvements (as supported by the intrinsic record by at least the citations listed above) are found directly in the Asserted Claims. The Asserted Claims of the Asserted Patents capture concepts not well-understood, routine, or conventional in the art. The non-conventional and non-generic use and arrangement of components disclosed by the patents achieves a technological solution to a technological problem specific to specialty lighting devices and control processes, and results in a new and novel way for individual or simultaneous adjustment, automation, and programming of an individual or network of such lighting devices through a wireless interface.

20. Plaintiff makes and sells products that utilize the patented technologies. Plaintiff marks its products in compliance with 35 U.S.C. 287, including instances of virtual marking and/or physical marking.

#### **IV. THE ACCUSED PRODUCTS**

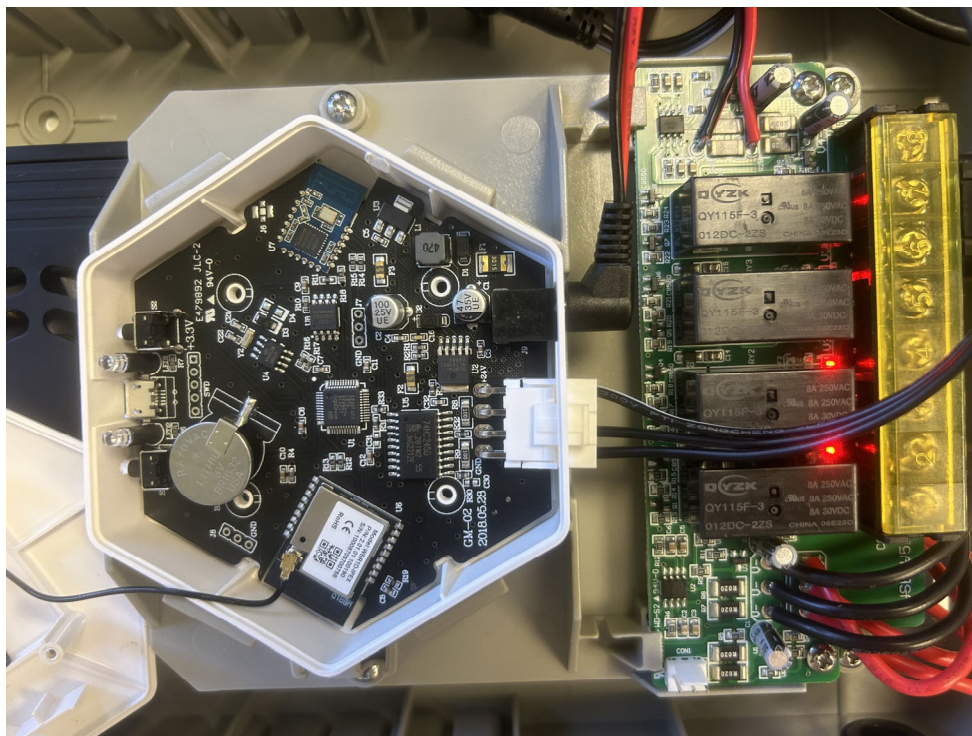
21. Defendant makes, sells, offers for sale, and/or imports into the United States intelligent lighting solutions including the Accused Products. Defendant's online website may be accessed at the following link: <https://www.gemstonelights.com>. The Accused Products of Defendant include its Gemstone Lights System, which includes its lights, strip, and controller. Defendant offers the Gemstone Lights Hub App available for download on the Google Play and Apple App Store. The Accused Products and Gemstone Lights Hub App on a smart phone is referred to as the "Accused System" herein. By way of example only, Defendant has made, used, imported, sold, or offered for sale Accused Products that include the "GM-02" WiFi & Bluetooth controller:



**WiFi&Bluetooth Controller****GM-02**

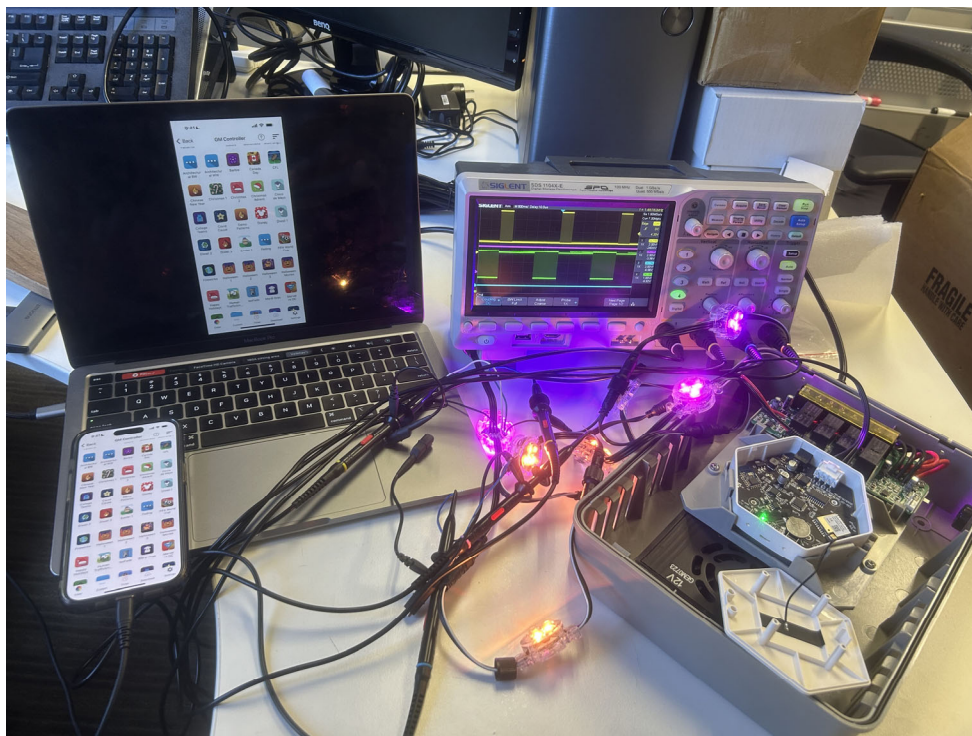
22. Plaintiff identifies the above Controller for representative purposes only, and alleges infringement as set forth below by all other products made, used, imported, sold or offered for sale by Defendant that includes the same or similar infringing functionality. The Accused Products include all future generations of the infringing design, as well as any successor products or later-released products that utilize the same or similar infringing design.

23. The Accused Products comprise a lighting device (and when used with the Gemstone app comprise a lighting system). The Accused Products include one or more intelligent lights, including one or more LEDs (including red, green, blue and white LEDs) capable of producing variable lighting. The Accused Products also include an AC/DC or DC/DC power converter (for example, the QY115-3 AC/DC power supply), memory (e.g., Winbond IC), a processor/controller (e.g., WiFi controller WBRID-IPLEX and Bluetooth controller TLSR8266), an LED current control circuit (e.g., the power converter circuitry, the processor/controller and the IC UCS2904 on board with the LEDs), a real time clock (e.g., IC HT1381), a wireless transceiver, an antenna, housing, and a reset switch.

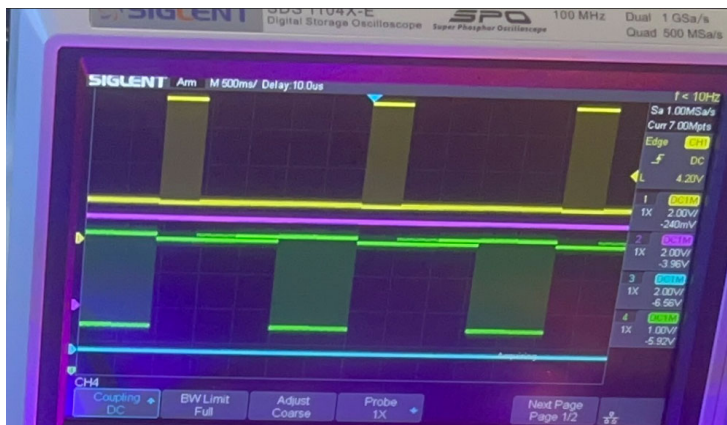


24. The Accused System utilizes a user device (a user's smart phone with the Gemstone application for example) that provides a user interface to send programs or commands to the lights. Programs may comprise one or more default programs, one or more user created programs, or a combination thereof.

25. The Accused Product includes intelligent lights that produce variable colors in response to the program or command from the user device. A controller/processor executes one or more programs to control an LED current control circuit to produce a light in accordance with the programs. Below includes a picture of the user device (smart phone with Gemstone app) on the left, with purple and red lights illuminating. The waveforms depicted on the oscilloscope measure the frequencies that the lights turn on and off, as specified by the processor.



26. The frequencies comprise a first on/off signal having a first cycle time and a second on/off signal having a second cycle time. This can be seen through the waveforms below, which show the yellow and green waves representing first on/off signal for the yellow wave with a first cycle time (rising edge to falling edge) and a second on/off signal for the green wave with a second cycle time (rising edge and falling edge). The first on/off signal turns on the first LEDs on and off at a first frequency and the second on/off signal turns the second LEDs on and off at a first frequency with a time offset. The signals are offset from one another as they are not overlapping with one another (e.g., the signals shown in the yellow and green waves are not “on” at the same time.



27. The processor sends the signals to the first and second color LEDs in order to combine together to produce variable color programmed by the user device. In this example, the first and second on/off signals are used to combine to create purple and red variable color lighting.

28. The Accused Products comprise a smart strip, as evidenced by the flexible smart strip pictured above following paragraph 25. There is an electrical connector affixed to the flexible strip.

29. The Accused Products comprise intelligent lights that enter a “discovery mode” to detect one or more other intelligent lights or other user interfaces. The intelligent lights also transmit a status information to one another or the user device. In addition, the user interface on the user device allows selection of two or more of the intelligent lights to be assigned to a “group.” The lighting device of the Accused Products are part of a mesh network, a group, or a combination thereof.

### **COUNT 1: PATENT INFRINGEMENT OF U.S. PATENT NO. 8,890,435**

30. Plaintiff repeats and re-alleges all preceding paragraphs of this Complaint, including those describing the features and operation of the Accused Products, as though fully set forth herein.

31. On November 18, 2014, United States Patent No. 8,890,435 (“the ‘435 Patent”) was duly and legally issued for a “WIRELESS LIGHTING CONTROL SYSTEM.” A true and correct copy of the ‘435 Patent is attached hereto as Exhibit “A” and made a part hereof.

32. Defendant, without authority, consent, right, or license, and in direct infringement of the ‘435 Patent, makes, has made, uses, and sells the Accused Products, which comprise the components and functionality described above, and which infringe at least claim 6 of the ‘435 Patent, among others. Defendant’s actions constitute direct infringement, either literally or under the doctrine of equivalents, of at least claim 6 of the ‘435 Patent.

33. Defendant actively induces infringement of one or more of the claims of the ‘435 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(b). A customer’s use of the Accused Products in the manners described above infringes at least claim 6 of the ‘435 Patent. Defendant knows that the Accused Products are especially designed for and marketed toward infringing use by its customers. Defendant has induced, caused, urged, encouraged, aided and abetted its direct and indirect customers to make, use, sell, offer for sale and/or import one or more of the Accused Products.

34. Additionally, Defendant provides step-by-step instructions for installation, setup, and use of the Accused Products to operate in a manner that directly infringes, either literally or under the doctrine of equivalents, at least claim 6 of the ‘435 Patent. See, e.g., <https://www.gemstonelights.com/quickstart>. These instructions are provided by Defendant as user manuals and online content made available by Defendant through its website to its customers and distributors. Such conduct by Defendant was intended to and actually did result in direct infringement by Defendant’s direct and indirect customers, including the making, using,

selling, offering for sale and/or importation of the Accused Products in the United States. On information and belief, Defendant provides and will continue to provide encouragement and/or instructions, such as its website literature and instructions on its software application, that encourage and/or instruct its customers to use, and use in the future, the Accused Products in an infringing manner, specifically intending such customers will operate the Accused Products in such a manner, and knowing of such actions, which constitutes infringement of one or more claims as set forth herein. Defendant engages in such inducement knowingly and, at least from the time of receipt of the Complaint, has done so with knowledge that such activity encourages and/or instructs customers of its Accused Products to directly infringe the Patents.

35. Defendant contributes to the infringement of at least claim 6 of the '435 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(c). The Accused Products are especially designed to provide intelligent lighting systems in the manners described above infringes at least claim 6 of the '435 Patent. Upon information and belief, the Accused Products have no substantial non-infringing use, as they are specifically designed and marketed for use in the installation and operation of intelligent lighting systems. Setup and use of the Accused Products by Defendant's customers constitutes direct infringement, either literally or under the doctrine of equivalents, of at least claim 6 of the '435 Patent.

36. Plaintiff expressly reserves the right to assert additional claims of the '435 Patent against Defendant.

37. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates for its infringement, which, by law, cannot be less than a reasonable royalty, together with interest and

costs as fixed by this Court under 35 U.S.C. § 284. Plaintiff has also been damaged by the loss of opportunities to make sales resulting from Defendant's infringing conduct. Plaintiff is entitled to further compensation to account for such lost opportunities.

38. Based on Defendant's knowledge of the '435 Patent and of Plaintiff's allegations of patent infringement presented herein since the filing of this Complaint, if not earlier, as well as Defendant's objective recklessness in continuing to offer for sale and selling the Accused Products since that time, Defendant's infringement has been willful and entitles Plaintiff to enhanced damages under 35 U.S.C. § 284.

**COUNT 2: PATENT INFRINGEMENT OF U.S. PATENT NO. 8,922,126**

39. Plaintiff repeats and re-alleges all preceding paragraphs of this Complaint, including those describing the features and operation of the Accused Products, as though fully set forth herein.

40. On December 30, 2014, United States Patent No. 8,922,126 ("the '126 Patent") was duly and legally issued for a "WIRELESS LIGHTING CONTROL SYSTEM." A true and correct copy of the '126 patent is attached hereto as Exhibit "B" and made part hereof.

41. Defendant, without authority, consent, right, or license, and in direct infringement of the '126 Patent, makes, has made, uses, and sells the Accused Products, which comprise the components and functionality described above, and which infringe at least claim 1 of the '126 Patent, among others. Defendant's actions constitute direct infringement, either literally or under the doctrine of equivalents, of at least claim 1 of the '126 Patent.

42. Defendant actively induces infringement of one or more of the claims of the '126 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(b). A customer's use of the Accused Products in

the manners described above infringes at least claim 1 of the '126 Patent. Defendant knows that the Accused Products are especially designed for and marketed toward infringing use by its customers. Defendant has induced, caused, urged, encouraged, aided and abetted its direct and indirect customers to make, use, sell, offer for sale and/or import one or more of the Accused Products.

43. Additionally, Defendant provides step-by-step instructions for installation, setup, and use of the Accused Products to operate in a manner that directly infringes, either literally or under the doctrine of equivalents, at least claim 1 of the '126 Patent. See, e.g., <https://www.gemstonelights.com/quickstart>. These instructions are provided by Defendant as user manuals and online content made available by Defendant through its website to its customers and distributors. Such conduct by Defendant was intended to and actually did result in direct infringement by Defendant's direct and indirect customers, including the making, using, selling, offering for sale and/or importation of the Accused Products in the United States. On information and belief, Defendant provides and will continue to provide encouragement and/or instructions, such as its website literature and instructions on its software application, that encourage and/or instruct its customers to use, and use in the future, the Accused Products in an infringing manner, specifically intending such customers will operate the Accused Products in such a manner, and knowing of such actions, which constitutes infringement of one or more claims as set forth herein. Defendant engages in such inducement knowingly and, at least from the time of receipt of the Complaint, has done so with knowledge that such activity encourages and/or instructs customers of its Accused Products to directly infringe the Patents.

44. Defendant contributes to the infringement of at least claim 1 of the '126 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect



infringement under 35 U.S.C. § 271(c). The Accused Products are especially designed to provide intelligent lighting systems in the manners described above infringes at least claim 1 of the '126 Patent. Upon information and belief, the Accused Products have no substantial non-infringing use, as they are specifically designed and marketed for use in the installation and operation of intelligent lighting systems. Setup and use of the Accused Products by Defendant's customers constitutes direct infringement, either literally or under the doctrine of equivalents, of at least claim 1 of the '126 Patent.

45. Plaintiff expressly reserves the right to assert additional claims of the '126 Patent against Defendant.

46. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates for its infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284. Plaintiff has also been damaged by the loss of opportunities to make sales resulting from Defendant's infringing conduct. Plaintiff is entitled to further compensation to account for such lost opportunities.

47. Based on Defendant's knowledge of the '126 Patent and of Plaintiff's allegations of patent infringement presented herein since the filing of this Complaint, if not earlier, as well as Defendant's objective recklessness in continuing to offer for sale and selling the Accused Products since that time, Defendant's infringement has been willful and entitles Plaintiff to enhanced damages under 35 U.S.C. § 284.

**COUNT 3: PATENT INFRINGEMENT OF U.S. PATENT NO. 9,295,144**

48. Plaintiff repeats and re-alleges all preceding paragraphs of this Complaint, including those describing the features and operation of the Accused Products, as though fully set forth herein.

49. On March 22, 2016, United States Patent No. 9,295,144 (“the ‘144 Patent”) was duly and legally issued for a “WIRELESS LIGHTING CONTROL SYSTEM.” A true and correct copy of the ‘144 patent is attached hereto as Exhibit “C” and made part hereof.

50. Defendant, without authority, consent, right, or license, and in direct infringement of the ‘144 Patent, makes, has made, uses, and sells the Accused Products, which comprise the components and functionality described above, and which infringe at least claim 12 of the ‘144 Patent, among others. Defendant’s actions constitute direct infringement, either literally or under the doctrine of equivalents, of at least claim 12 of the ‘144 Patent.

51. Defendant actively induces infringement of one or more of the claims of the ‘144 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(b). A customer’s use of the Accused Products in the manners described above infringes at least claim 12 of the ‘144 Patent. Defendant knows that the Accused Products are especially designed for and marketed toward infringing use by its customers. Defendant has induced, caused, urged, encouraged, aided and abetted its direct and indirect customers to make, use, sell, offer for sale and/or import one or more of the Accused Products.

52. Additionally, Defendant provides step-by-step instructions for installation, setup, and use of the Accused Products to operate in a manner that directly infringes, either literally or under the doctrine of equivalents, at least claim 12 of the ‘144 Patent. See, e.g., <https://www.gemstonelights.com/quickstart>. These instructions are provided by Defendant as

user manuals and online content made available by Defendant through its website to its customers and distributors. Such conduct by Defendant was intended to and actually did result in direct infringement by Defendant's direct and indirect customers, including the making, using, selling, offering for sale and/or importation of the Accused Products in the United States. On information and belief, Defendant provides and will continue to provide encouragement and/or instructions, such as its website literature and instructions on its software application, that encourage and/or instruct its customers to use, and use in the future, the Accused Products in an infringing manner, specifically intending such customers will operate the Accused Products in such a manner, and knowing of such actions, which constitutes infringement of one or more claims as set forth herein. Defendant engages in such inducement knowingly and, at least from the time of receipt of the Complaint, has done so with knowledge that such activity encourages and/or instructs customers of its Accused Products to directly infringe the Patents.

53. Defendant contributes to the infringement of at least claim 12 of the '144 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(c). The Accused Products are especially designed to provide intelligent lighting systems in the manners described above infringes at least claim 12 of the '144 Patent. Upon information and belief, the Accused Products have no substantial non-infringing use, as they are specifically designed and marketed for use in the installation and operation of intelligent lighting systems. Setup and use of the Accused Products by Defendant's customers constitutes direct infringement, either literally or under the doctrine of equivalents, of at least claim 12 of the '144 Patent.

54. Plaintiff expressly reserves the right to assert additional claims of the '144 Patent against Defendant.

55. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates for its infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284. Plaintiff has also been damaged by the loss of opportunities to make sales resulting from Defendant's infringing conduct. Plaintiff is entitled to further compensation to account for such lost opportunities.

56. Based on Defendant's knowledge of the '144 Patent and of Plaintiff's allegations of patent infringement presented herein since the filing of this Complaint, if not earlier, as well as Defendant's objective recklessness in continuing to offer for sale and selling the Accused Products since that time, Defendant's infringement has been willful and entitles Plaintiff to enhanced damages under 35 U.S.C. § 284.

**COUNT 4: PATENT INFRINGEMENT OF U.S. PATENT NO. 8,742,694**

57. Plaintiff repeats and re-alleges all preceding paragraphs of this Complaint, including those describing the features and operation of the Accused Products, as though fully set forth herein.

58. On June 3, 2014, United States Patent No. 8,742,694 ("the '694 Patent") was duly and legally issued for a "WIRELESS LIGHTING CONTROL SYSTEM." A true and correct copy of the '694 patent is attached hereto as Exhibit "D" and made part hereof.

59. Defendant, without authority, consent, right, or license, and in direct infringement of the '694 Patent, makes, has made, uses, and sells the Accused Products, which comprise the components and functionality described above, and which infringe at least claim 1 of the '694 Patent, among others. Defendant's actions constitute direct infringement, either literally or under the doctrine of equivalents, of at least claim 1 of the '694 Patent.

60. Defendant actively induces infringement of one or more of the claims of the '694 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(b). A customer's use of the Accused Products in the manners described above infringes at least claim 1 of the '694 Patent. Defendant knows that the Accused Products are especially designed for and marketed toward infringing use by its customers. Defendant has induced, caused, urged, encouraged, aided and abetted its direct and indirect customers to make, use, sell, offer for sale and/or import one or more of the Accused Products.

61. Additionally, Defendant provides step-by-step instructions for installation, setup, and use of the Accused Products to operate in a manner that directly infringes, either literally or under the doctrine of equivalents, at least claim 1 of the '694 Patent. See, e.g., <https://www.gemstonelights.com/quickstart>. These instructions are provided by Defendant as user manuals and online content made available by Defendant through its website to its customers and distributors. Such conduct by Defendant was intended to and actually did result in direct infringement by Defendant's direct and indirect customers, including the making, using, selling, offering for sale and/or importation of the Accused Products in the United States. On information and belief, Defendant provides and will continue to provide encouragement and/or instructions, such as its website literature and instructions on its software application, that encourage and/or instruct its customers to use, and use in the future, the Accused Products in an infringing manner, specifically intending such customers will operate the Accused Products in such a manner, and knowing of such actions, which constitutes infringement of one or more claims as set forth herein. Defendant engages in such inducement knowingly and, at least from

the time of receipt of the Complaint, has done so with knowledge that such activity encourages and/or instructs customers of its Accused Products to directly infringe the Patents.

62. Defendant contributes to the infringement of at least claim 1 of the '694 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(c). The Accused Products are especially designed to provide intelligent lighting systems in the manners described above infringes at least claim 1 of the '694 Patent. Upon information and belief, the Accused Products have no substantial non-infringing use, as they are specifically designed and marketed for use in the installation and operation of intelligent lighting systems. Setup and use of the Accused Products by Defendant's customers constitutes direct infringement, either literally or under the doctrine of equivalents, of at least claim 1 of the '694 Patent.

63. Plaintiff expressly reserves the right to assert additional claims of the '694 Patent against Defendant.

64. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates for its infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284. Plaintiff has also been damaged by the loss of opportunities to make sales resulting from Defendant's infringing conduct. Plaintiff is entitled to further compensation to account for such lost opportunities.

65. Based on Defendant's knowledge of the '694 Patent and of Plaintiff's allegations of patent infringement presented herein since the filing of this Complaint, if not earlier, as well as Defendant's objective recklessness in continuing to offer for sale and selling the Accused

Products since that time, Defendant's infringement has been willful and entitles Plaintiff to enhanced damages under 35 U.S.C. § 284.

**COUNT 5: PATENT INFRINGEMENT OF U.S. PATENT NO. 8,896,218**

66. Plaintiff repeats and re-alleges all preceding paragraphs of this Complaint, including those describing the features and operation of the Accused Products, as though fully set forth herein.

67. On November 25, 2014, United States Patent No. 8,896,218 ("the '218 Patent") was duly and legally issued for a "WIRELESS LIGHTING CONTROL SYSTEM." A true and correct copy of the '218 patent is attached hereto as Exhibit "E" and made part hereof.

68. Defendant, without authority, consent, right, or license, and in direct infringement of the '218 Patent, makes, has made, uses, and sells the Accused Products, which comprise the components and functionality described above, and which infringe at least claim 3 of the '218 Patent, among others. Defendant's actions constitute direct infringement, either literally or under the doctrine of equivalents, of at least claim 3 of the '218 Patent.

69. Defendant actively induces infringement of one or more of the claims of the '218 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(b). A customer's use of the Accused Products in the manners described above infringes at least claim 3 of the '218 Patent. Defendant knows that the Accused Products are especially designed for and marketed toward infringing use by its customers. Defendant has induced, caused, urged, encouraged, aided and abetted its direct and indirect customers to make, use, sell, offer for sale and/or import one or more of the Accused Products.

70. Additionally, Defendant provides step-by-step instructions for installation, setup, and use of the Accused Products to operate in a manner that directly infringes, either literally or under the doctrine of equivalents, at least claim 3 of the '218 Patent. See, e.g., <https://www.gemstonelights.com/quickstart>. These instructions are provided by Defendant as user manuals and online content made available by Defendant through its website to its customers and distributors. Such conduct by Defendant was intended to and actually did result in direct infringement by Defendant's direct and indirect customers, including the making, using, selling, offering for sale and/or importation of the Accused Products in the United States. On information and belief, Defendant provides and will continue to provide encouragement and/or instructions, such as its website literature and instructions on its software application, that encourage and/or instruct its customers to use, and use in the future, the Accused Products in an infringing manner, specifically intending such customers will operate the Accused Products in such a manner, and knowing of such actions, which constitutes infringement of one or more claims as set forth herein. Defendant engages in such inducement knowingly and, at least from the time of receipt of the Complaint, has done so with knowledge that such activity encourages and/or instructs customers of its Accused Products to directly infringe the Patents.

71. Defendant contributes to the infringement of at least claim 3 of the '218 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(c). The Accused Products are especially designed to provide intelligent lighting systems in the manners described above infringes at least claim 3 of the '218 Patent. Upon information and belief, the Accused Products have no substantial non-infringing use, as they are specifically designed and marketed for use in the installation and operation of intelligent lighting systems. Setup and use of the Accused Products by Defendant's



customers constitutes direct infringement, either literally or under the doctrine of equivalents, of at least claim 3 of the '218 Patent.

72. Plaintiff expressly reserves the right to assert additional claims of the '218 Patent against Defendant.

73. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates for its infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284. Plaintiff has also been damaged by the loss of opportunities to make sales resulting from Defendant's infringing conduct. Plaintiff is entitled to further compensation to account for such lost opportunities.

74. Based on Defendant's knowledge of the '218 Patent and of Plaintiff's allegations of patent infringement presented herein since the filing of this Complaint, if not earlier, as well as Defendant's objective recklessness in continuing to offer for sale and selling the Accused Products since that time, Defendant's infringement has been willful and entitles Plaintiff to enhanced damages under 35 U.S.C. § 284.

**COUNT 6: PATENT INFRINGEMENT OF U.S. PATENT NO. 8,896,232**

75. Plaintiff repeats and re-alleges all preceding paragraphs of this Complaint, including those describing the features and operation of the Accused Products, as though fully set forth herein.

76. On November 25, 2014, United States Patent No. 8,896,232 ("the '232 Patent") was duly and legally issued for a "WIRELESS LIGHTING CONTROL SYSTEM." A true and correct copy of the '232 patent is attached hereto as Exhibit "F" and made part hereof.

77. Defendant, without authority, consent, right, or license, and in direct infringement of the '232 Patent, makes, has made, uses, and sells the Accused Products, which comprise the components and functionality described above, and which infringe at least claim 24 of the '232 Patent, among others. Defendant's actions constitute direct infringement, either literally or under the doctrine of equivalents, of at least claim 24 of the '232 Patent.

78. Defendant actively induces infringement of one or more of the claims of the '232 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(b). A customer's use of the Accused Products in the manners described above infringes at least claim 24 of the '232 Patent. Defendant knows that the Accused Products are especially designed for and marketed toward infringing use by its customers. Defendant has induced, caused, urged, encouraged, aided and abetted its direct and indirect customers to make, use, sell, offer for sale and/or import one or more of the Accused Products.

79. Additionally, Defendant provides step-by-step instructions for installation, setup, and use of the Accused Products to operate in a manner that directly infringes, either literally or under the doctrine of equivalents, at least claim 24 of the '232 Patent. See, e.g., <https://www.gemstonelights.com/quickstart>. These instructions are provided by Defendant as user manuals and online content made available by Defendant through its website to its customers and distributors. Such conduct by Defendant was intended to and actually did result in direct infringement by Defendant's direct and indirect customers, including the making, using, selling, offering for sale and/or importation of the Accused Products in the United States. On information and belief, Defendant provides and will continue to provide encouragement and/or instructions, such as its website literature and instructions on its software application, that

encourage and/or instruct its customers to use, and use in the future, the Accused Products in an infringing manner, specifically intending such customers will operate the Accused Products in such a manner, and knowing of such actions, which constitutes infringement of one or more claims as set forth herein. Defendant engages in such inducement knowingly and, at least from the time of receipt of the Complaint, has done so with knowledge that such activity encourages and/or instructs customers of its Accused Products to directly infringe the Patents.

80. Defendant contributes to the infringement of at least claim 24 of the '232 Patent by its customers and end users of at least the Accused Products and is therefore liable for indirect infringement under 35 U.S.C. § 271(c). The Accused Products are especially designed to provide intelligent lighting systems in the manners described above infringes at least claim 24 of the '232 Patent. Upon information and belief, the Accused Products have no substantial non-infringing use, as they are specifically designed and marketed for use in the installation and operation of intelligent lighting systems. Setup and use of the Accused Products by Defendant's customers constitutes direct infringement, either literally or under the doctrine of equivalents, of at least claim 24 of the '232 Patent.

81. Plaintiff expressly reserves the right to assert additional claims of the '232 Patent against Defendant.

82. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates for its infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284. Plaintiff has also been damaged by the loss of opportunities to make sales resulting from Defendant's infringing conduct. Plaintiff is entitled to further compensation to account for such lost opportunities.

83. Based on Defendant's knowledge of the '232 Patent and of Plaintiff's allegations of patent infringement presented herein since the filing of this Complaint, if not earlier, as well as Defendant's objective recklessness in continuing to offer for sale and selling the Accused Products since that time, Defendant's infringement has been willful and entitles Plaintiff to enhanced damages under 35 U.S.C. § 284.

**V. JURY DEMAND**

84. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of the Asserted Patents have been directly infringed, either literally or under the doctrine of equivalents, by Defendant;
- b. Judgment that one or more of the claims of the Asserted Patents have been directly infringed by others and indirectly infringed by Defendant, to the extent Defendant contributed to or induced such direct infringement by others;
- c. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein, including enhanced damages as permitted by 35 U.S.C. § 284;
- d. Judgment that Defendant's infringement be found to be willful from the time Defendant became aware of its infringement, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;

- e. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities;
- f. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
- g. That Defendant, its officers, agents, servants and employees, and those persons in active concert and participation with any of them, be permanently enjoined from infringement of one or more claims of the Asserted Patents or, in the alternative, if the Court finds that an injunction is not warranted, Plaintiff requests an award of post judgment royalty to compensate for future infringement;
- h. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Date: October 20, 2023.

Respectfully submitted,

/s/ Jonathan T. Suder

Jonathan T. Suder

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