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9 Attorneys for Plaintiff  
10 DIODE DYNAMICS, L.L.C.

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 RIVERSIDE DIVISION

14 DIODE DYNAMICS, L.L.C.,  
15 Plaintiff,  
16 v.  
17 5DLIGHT, INC., d/b/a LASFIT,  
18 Defendant.

Case No. 5:23-cv-2238

Judge:

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

19  
20 **COMPLAINT FOR PATENT INFRINGEMENT**

21 Pursuant to Federal Rule of Civil Procedure 15(a)(1), Plaintiff Diode  
22 Dynamics files this Complaint against 5DLight, Inc. for infringement of U.S.  
23 Design Patent No. D974,648 (hereinafter “the D’648 Patent,” attached as Exhibit 1).

24 **JURISDICTION AND VENUE**

25 1. This Complaint includes claims for patent infringement arising under  
26 the patent laws of the United States, Title 35 of the United States Code.

27 2. This Court has subject matter jurisdiction over this action under 28  
28 U.S.C. §§ 1331 and 1338(a).

1 3. 5DLight is subject to personal jurisdiction by this Court because  
2 5DLight is organized under the laws of California and has its principal place of  
3 business at 9155 Archibald Avenue, Suite D, Rancho Cucamonga, California 91730.  
4 Further, 5DLight has committed one or more acts of patent infringement within this  
5 District.

6 4. Venue is proper in this judicial District pursuant to 28 U.S.C. § 1391  
7 and 1400(b) because 5DLight resides in this District at 9155 Archibald Avenue,  
8 Suite D, Rancho Cucamonga, California 91730. Venue is also proper in this District  
9 because 5DLight has committed acts of infringement in this judicial District and has  
10 a regular and established physical place of business in this District.

### 11 **NATURE OF THE ACTION**

12 5. This is a civil action arising under the patent laws of the United States,  
13 35 U.S.C. § 1 et seq, including specifically 35 U.S.C. § 271, based on Defendant’s  
14 willful infringement of U.S. Patent No. D974,648 by the unauthorized manufacture,  
15 use, offer for sale, and/or sale of Defendant’s infringing products accused herein.

### 16 **THE PARTIES**

17 6. Plaintiff Diode Dynamics, L.L.C. (“Diode Dynamics” or “Plaintiff”) is  
18 a Missouri limited liability company having an address at 3780 Millstone Parkway,  
19 St. Charles, MO 63301.

20 7. Defendant 5DLight, Inc. (“5DLight” or “Defendant”) is a California  
21 stock corporation having a place of business at 9155 Archibald Avenue, Suite D,  
22 Rancho Cucamonga, California 91730.

23 8. According to the California Secretary of State’s Business Search  
24 website, 5DLight’s registered agent for service is Zhuo Wang, 9866 7<sup>th</sup> Street, Unit  
25 120, Rancho Cucamonga, California 91730. See Exhibit 2.

### 26 **JURISDICTION AND VENUE**

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28 the patent laws of the United States, Title 35 of the United States Code.

1           10. This Court has subject matter jurisdiction over this action under 28  
2 U.S.C. §§ 1331 and 1338(a).

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5 business at 9155 Archibald Avenue, Suite D, Rancho Cucamonga, California 91730.  
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7 District.

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9 and 1400(b) because 5DLight resides in this District at 9155 Archibald Avenue,  
10 Suite D, Rancho Cucamonga, California 91730. Venue is also proper in this District  
11 because 5DLight has committed acts of infringement in this judicial District and has  
12 a regular and established physical place of business in this District.

### 13   **THE PATENT-IN-SUIT**

14           13. The D’648 Patent, titled “LED LAMP BEZEL,” was duly and legally  
15 issued by the United States Patent and Trademark Office on January 3, 2023. The  
16 D’648 Patent names Paul Jerome McCain as its inventor. The application leading to  
17 the D’648 Patent was filed on April 15, 2021 and, further, the D’648 is entitled to  
18 the filing date of U.S. Patent No. D936,864, namely, December 23, 2019. A true and  
19 correct copy of the ‘648 Patent is attached as Exhibit 1. The D’648 Patent is valid,  
20 enforceable, and in full force and effect.

21           14. By lawful assignment, plaintiff Diode Dynamics owns all substantial  
22 rights, titles, and interests in and to the D’648 Patent, including the exclusive right  
23 and standing to bring suit with respect to any infringement.

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1           15. The D'648 Patent discloses and claims the non-functional ornamental  
2 design for an LED lamp bezel, which is described and shown from multiple  
3 perspectives in its Figures 1, 2 and 5 below. As explained in the D'648 Patent, the  
4 “broken lines showing the remaining portion of the lamp are included for the  
5 purpose of illustration only and form no part of the claimed design.”

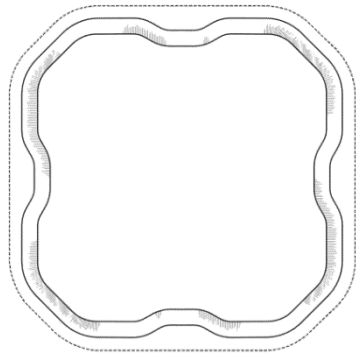


FIG. 1

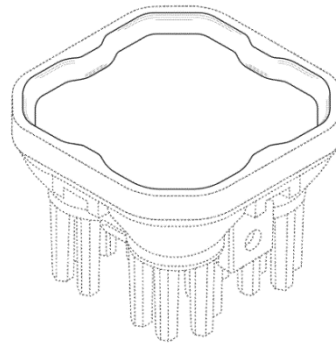


FIG. 2

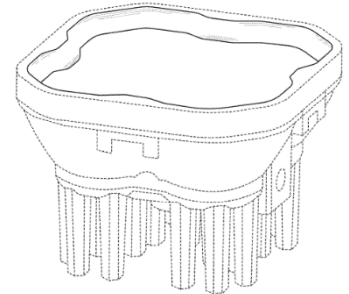


FIG. 5

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### **DIODE DYNAMICS' USE OF THE PATENT-IN-SUIT**

22           16. Diode Dynamics is an innovator and leader in the LED lighting  
23 industry.

24           17. Diode Dynamics sells a variety of LED lighting products and related  
25 accessories through its website [www.diodedynamics.com](http://www.diodedynamics.com). Included in Diode  
26 Dynamics' products are LED lamps having ornamental bezel designs disclosed and  
27 claimed by the D'648 Patent.

28           18. An example of the ornamental design disclosed and claimed by the  
D'648 Patent is embodied in Diode Dynamics' SS3 LED Pod products, SSC1 LED  
Pod products, and Stage Series 3" SAE/DOT White Sport LED Pod.

1           19. An example of Diode Dynamics’ SS3 LED Pod products is shown on  
2 Diode Dynamics’ website at [https://www.diodedynamics.com/stage-series-3-sae-](https://www.diodedynamics.com/stage-series-3-sae-dot-type-as-fog-light-kit.html)  
3 [dot-type-as-fog-light-kit.html](https://www.diodedynamics.com/stage-series-3-sae-dot-type-as-fog-light-kit.html) and is depicted below:



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13           20. An example of Diode Dynamics’ SSC1 LED Products is shown on  
14 Diode Dynamics’ website at [https://www.diodedynamics.com/stage-series-c1-sae-](https://www.diodedynamics.com/stage-series-c1-sae-dot-type-fbs-fog-light-kit.html)  
15 [dot-type-fbs-fog-light-kit.html](https://www.diodedynamics.com/stage-series-c1-sae-dot-type-fbs-fog-light-kit.html) and is depicted below:



24  
25           21. A further example of Diode Dynamics’ products is its Stage Series 3”  
26 SAE/DOT White Sport LED Pod, which is shown on Diode Dynamics’ website at  
27  
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1 [https://www.diodedynamics.com/stage-series-3-sae-dot-white-sport-led-pod-](https://www.diodedynamics.com/stage-series-3-sae-dot-white-sport-led-pod-pair.html)  
2 [pair.html](https://www.diodedynamics.com/stage-series-3-sae-dot-white-sport-led-pod-pair.html) and is depicted below:



14 22. Diode Dynamics’ SS3 LED Pod and SSC1 LED Pod are marked with  
15 the D’648 Patent in accordance with 35 U.S.C. § 287. Diode Dynamics maintains  
16 the publicly-accessible website <https://www.diodedynamics.com/patent>, where it  
17 associates the patented article with the number of the patent. Further, Diode  
18 Dynamics provides this website URL, along with the word “patent,” on the  
19 packaging for its patented articles. Diode Dynamics began this practice with respect  
20 to its SS3 LED Pod and SSC1 LED Pod on August 25, 2022.

21 **5DLIGHT’S INFRINGING DESIGN**

22 23. As described below, 5DLight makes, uses, imports, distributes,  
23 supplies, markets, offers for sale, and/or sells lighting products under the “Lasfit”  
24 name, including through the website [www.lasfit.com](http://www.lasfit.com).

25 24. One of the products made, used, imported, distributed, supplied,  
26 marketed, offered for sale, and/or sold by Lasfit is the Lasfit 3” LED Pod Sport  
27 Series Off-Road Hood Ditch Light SAE Fog Flood 18W (“the Lasfit 3” LED Pod  
28 Sport light”). Images of the Lasfit 3” LED Pod Sport light are shown below and

1 taken from 5DLight's Lasfit website at [https://www.lasfit.com/products/sport-3-led-](https://www.lasfit.com/products/sport-3-led-pod-light)  
2 [pod-light](https://www.lasfit.com/products/sport-3-led-pod-light) (attached as Exhibit 3):



13 25. The Lasfit 3" LED Pod Sport light embodies designs claimed in the  
14 D'648 Patent.

15 26. Diode Dynamics has not authorized 5DLight to copy, reproduce,  
16 manufacture, duplicate, disseminate, distribute, import, sell, offer for sale, or display  
17 any lighting products produced with the design claimed by the D'648 Patent.

18 27. In addition to the constructive notice provided by Diode Dynamics'  
19 patent markings, Diode Dynamics provided actual written notice to 5DLight of its  
20 infringement of the D'648 Patent via letter dated February 17, 2023. See Exhibit 4.

21 28. On information and belief, at least since receipt of the aforementioned  
22 letter, 5DLight has refused to change the design of its accused products and has  
23 refused to discontinue sales of the accused products.

24 29. On information and belief, 5DLight, with full knowledge of the  
25 asserted claim and the accused products, has acted with intentional disregard for the  
26 D'648 Patent.

27 30. Despite 5DLight's knowledge of the D'648 Patent, 5DLight continues  
28

1 to willfully violate Diode Dynamics’ intellectual property rights by infringing the  
2 D’648 Patent.

3 **COPYING BY 5DLIGHT**

4 31. 5DLight’s willful patent infringement is further shown by 5DLight’s  
5 efforts to copy Diode Dynamic’s product naming conventions, website materials,  
6 and advertisements.

7 32. For example, Diode Dynamics advertises “3”...LED Pod” pairs and  
8 offers a base “Sport” power level. See [https://www.diodedynamics.com/stage-](https://www.diodedynamics.com/stage-series-3-sae-dot-white-sport-led-pod-pair.html)  
9 [series-3-sae-dot-white-sport-led-pod-pair.html](https://www.diodedynamics.com/stage-series-3-sae-dot-white-sport-led-pod-pair.html) (attached as Exhibit 5):

The screenshot shows a product listing for 'Stage Series 3" SAE/DOT White Sport LED Pod (pair)'. The main image shows two black LED pods with four lenses each. The word 'SPORT' is written in large, bold, italicized letters above the pods. To the right of the pods, the product title is 'Stage Series 3" SAE/DOT White Sport LED Pod (pair)'. Below the title, there are 5 yellow stars, '29 Reviews', and a 'Write A Review' link. Further down, it says '14 Questions, 14 Answers' and 'Ask Your Question'. Below that, it says 'Need a different style or color? Click here!'. The price is '\$200.00' and it says '722 In stock.'. There are three add-on options, each with a checkbox and a price: '\$30.00' for a 'Light Duty Dual Output 2-Pin Offroad Wiring Harness', '\$40.00' for a 'Light Duty Dual Output 4-pin Wiring Harness', and '\$40.00' for an 'SS3 Security Hardware Kit'. At the bottom, there are tabs for 'Primary Optic' with options: 'Combo', 'Flood', 'SAE/DOT Driving', 'SAE Fog', and 'Spot'. Below the main image, there is a 'ITEMS IN YOUR CART' section with a small image of the product and a list of other items.



1 33. 5DLight similarly advertises its infringing pods as “3” LED Pod”  
2 products and offers them with a base “Sport” power level. See  
3 <https://www.lasfit.com/products/sport-3-led-pod-light> (attached as Exhibit 3).

3" LED Pod Sport Series Off-Road Hood Ditch Light SAE F  
Flood 18W

\$129.99  
SKU#: LW03FL18W

★★★★★ 141 reviews  
Pay in 4 interest-free installments of \$32.49 with [shop](#) [Learn more](#)

CHOOSE THE PRODUCT

Flood  Flood+Harness  Fog  Fog+Harness  Spot  Spot+Harne

Driving  Driving+Harness  Harness Only

COLOR

Qty

— 1 +

**15% Off for Happy Halloween**

Code: HL23 [COPY](#)

1 34. In addition, the graphic design of 5DLight’s Lasfit.com website is  
 2 identical to certain aspects of the Diode Dynamics website, including by arranging  
 3 “Features” and “What’s Included” data identically in its product listing page.  
 4 Compare [https://www.diodedynamics.com/stage-series-3-sae-dot-white-sport-led-](https://www.diodedynamics.com/stage-series-3-sae-dot-white-sport-led-pod-pair.html)  
 5 [pod-pair.html](https://www.diodedynamics.com/stage-series-3-sae-dot-white-sport-led-pod-pair.html) (attached as Exhibit 5):

6 **Features**

- 7
- Modern TIR optics provide highest intensity on the market
  - Backlight accent feature, available in white, amber, red, and blue
  - Available in SAE Driving, SAE Fog, Flood, Combo, or Spot beam patterns
  - Durable powdercoated aluminum construction
  - Integrated Deutsch-style connector
  - Engineered and Assembled in USA

8

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10 **Overview**

11 Introducing the SS3 3" LED Pod! Featuring higher output intensity than any other 3" light on the market, these LED  
 12 pods have been designed for maximum functionality, with custom-engineered TIR optics shining in highly useful  
 13 beam patterns, all in a durable package.

14 **Focused.** Traditional optics like reflectors or simple lenses lose light internally and to glare, so not all of the light  
 15 shines on target. Instead, the custom-engineered TIR optic in the SS3 collects all of the light from the LED, and directs  
 16 it only where you need it, drastically reducing glare and improving total efficiency. Click here to learn more: [Total  
 17 Internal Reflection \(TIR\) Optics | Stage Series Video.](#)

18 From there, while other options on the market lose as much as 10% of the light output shining through an outer  
 19 lens, the custom-molded TIR optic in the SS3 serves as both the optic and main lens for greater efficiency and light  
 20 output (patent pending). Thanks to this innovative feature, when coupled with high-intensity LED chips, the total  
 21 intensity of the SS3 is much greater than other LED pods using basic optics or reflectors with a standard outer lens.

22 **Functional Patterns.** All Stage Series beam pattern options were designed with optical simulation modeling, to  
 23 shape the output in a highly-functional beam pattern. No matter what your auxiliary lighting needs are, there is a  
 24 Stage Series optic for you! Click here to learn more: [Beam Pattern Overview Video.](#)

25 **What's Included**

26 **In the Box:**

- Two (2) SS3 3" LED Pods
- Two (2) Deutsch-style wire pigtails
- Two (2) Mounting brackets and hardware

27 **Quantity:** Two (2)  
 28 **Warranty:** 8 year warranty  
**Return Policy:** 30-day Return with no restocking fee  
**100% Satisfaction Guarantee**

17 with <https://www.lasfit.com/products/sport-3-led-pod-light> (attached as Exhibit 3):

18

19 **Features**

- 20
- Engineered **TIR** (Total Internal Reflection) optics
  - Ultra-high intensity
  - Torture-tested, heavy-duty construction
  - IP67 waterproof and impact-resistant

21 **What's included in your package:**

- 22
- ✓ Two (2) 3" LED Pods
  - ✓ Two (2) Deutsch-style wire pigtails
  - ✓ Complete set of mounting brackets and hardware
  - ✓ Installation guide paper

23 **Please Note:** Our kits come with universal mounts, Custom Modification might be needed to mount them. We have these [Vehicle-specific Brackets](#) (UPDATII  
 you to choose from.

24 \*If you couldn't find the specific brackets for you vehicle in our store at the moment, please order from Amazon.com or a nearby local store for your convenience.

25 **Fog vs. Spot vs. Flood vs. Driving Light: Which beam pattern is best for you?**

26

27 35. Next, graphic designs in 5DLight’s Lasfit advertisements are copied  
 28 from Diode Dynamics’ advertising. For example, product category images on the

1 Lasfit.com website shows added text for the product’s “power level” to the upper  
2 right of the product picture, in italicized Open Sans Bold typeface. This is identical  
3 to Diode Dynamics’ website styling. Compare [https://www.diodedynamics.com/led-](https://www.diodedynamics.com/led-off-road-lights/led-pods/ss3/standard-bezel.html)  
4 [off-road-lights/led-pods/ss3/standard-bezel.html](https://www.diodedynamics.com/led-off-road-lights/led-pods/ss3/standard-bezel.html) (attached as Exhibit 6):

### Standard SS3 LED Pods

Looking to add 3 inch LED light pods to your vehicle? Look no further! Our SS3 LED Pods include universal mounting brackets that allow you to mount LED pods to any vehicle! Available in five highly-functional beam patterns, there is a Stage Series optic for whatever your auxiliary lighting needs are!

Our SS3 LED Pods are also available in CAD-designed bracket kits for over 100+ makes and models. Check them out [here!](#)

Sort By  ↑



Stage Series 3" SAE/DOT White Sport LED Pod (pair).

★★★★★  
\$200.00 - \$240.00

Stage Series 3" SAE/DOT White Pro LED Pod (pair).

★★★★★  
\$300.00 - \$340.00

Stage Series 3" SAE White Max LED Pod (pair).

★★★★★  
\$500.00 - \$540.00



Stage Series 3" SAE Yellow Sport LED Pod (pair).

★★★★★  
\$200.00 - \$240.00

Stage Series 3" SAE Yellow Pro LED Pod (pair).

★★★★★  
\$300.00 - \$340.00

Stage Series 3" SAE Yellow Max LED Pod (pair).

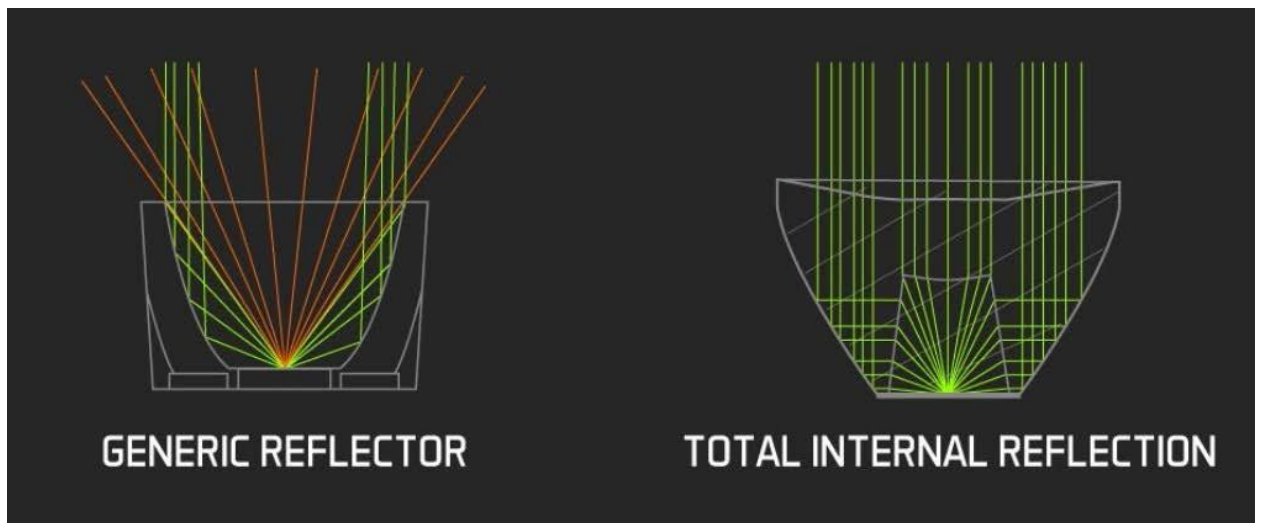
★★★★★  
\$500.00 - \$540.00

1 with <https://www.lasfit.com/collections/led-pod-lights> (attached as Exhibit 7,  
2 arrows added in image below):

3 We have designed Sport (18W) and brightest High Performance (36W) series of pods for your needs.



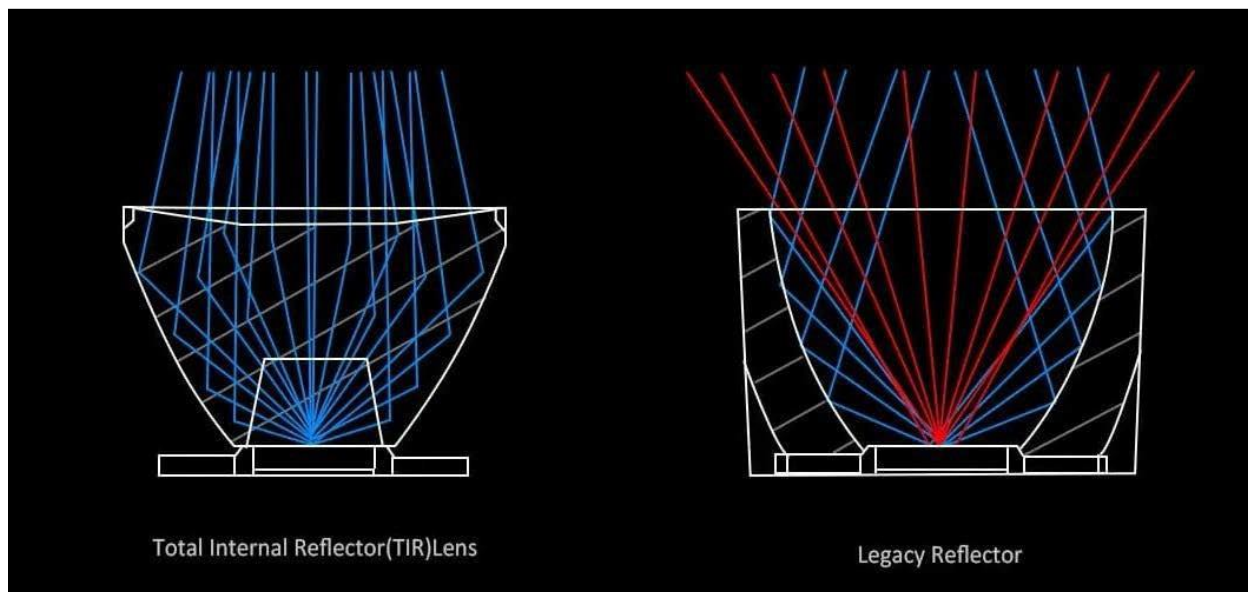
13 36. 5DLight has copied other graphic design elements from Diode  
14 Dynamics' advertisements, including by using an "optic comparison" image that is  
15 visually similar to a comparison used by Diode Dynamics. Compare  
16 <https://www.diodedynamics.com/blog/setting-the-bar-for-off-road-led-light-bars>  
17 (attached as Exhibit 8, p. 3):



27 With

28 <https://web.archive.org/web/20210414220213/https://www.lasfit.com/pages/3012->

1 [series-street-legal](#) (captured by the Wayback Machine on April 14, 2021; attached as  
2 Exhibit 9, p. 8):



14 37. Another example of 5DLight's copying of graphical design elements  
15 from Diode Dynamics is Lasfit's creation of a "specification table" that presents  
16 data in nearly identical fashion to Diode Dynamics, going so far as to include the  
17 disclaimer text "Specifications listed here are for each individual pod," which also  
18 appears on Diode Dynamics' webpage. Among the similarities, the typefaces and  
19 font weights used by 5DLight are identical to those used by Diode Dynamics, and  
20 certain column titles are worded identically to Diode Dynamics' (Lens Color/Optics,  
21 Measured Output (Lumens), Raw Output (Lumens)). Compare  
22 <https://www.diodedynamics.com/stage-series-3-sae-dot-white-sport-led-pod->

1 [pair.html](#) (attached as Exhibit 10):

2 **Specifications**

3 NOTE: Specifications listed here are for each individual pod.

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LENS COLOR/OPTICS	PEAK BEAM INTENSITY (CANDELA)	ILLUMINANCE (LUX @ 10M)	MEASURED OUTPUT (LUMENS)	RAW OUTPUT (LUMENS)	OUTPUT COLOR
Driving Sport	54,700 cd	547 lux	1,520 lm	2,262 lm	6000K White
Driving Pro	66,500 cd	665 lux	3,000 lm	5,796 lm	6000K White
Driving Max	98,000 cd	980 lux	3,500 lm	7,920 lm	6000K White
Flood Sport	1,750 cd	18 lux	1,520 lm	2,262 lm	6000K White
Flood Pro	3,100 cd	31 lux	3,000 lm	5,796 lm	6000K White
Flood Max	2,600 cd	26 lux	3,500 lm	7,920 lm	6000K White
Fog Sport	10,600 cd	106 lux	1,520 lm	2,262 lm	6000K White
Fog Pro	11,900 cd	119 lux	3,000 lm	5,796 lm	6000K White
Fog Max	18,000 cd	180 lux	3,500 lm	7,920 lm	6000K White
Spot Sport	151,000 cd	1,510 lux	1,520 lm	2,262 lm	6000K White
Spot Pro	131,500 cd	1,315 lux	3,000 lm	5,796 lm	6000K White
Spot Max	251,000 cd	2,510 lux	3,500 lm	7,920 lm	6000K White
Combo Sport	31,500 cd	315 lux	1,520 lm	2,262 lm	6000K White
Combo Pro	35,100 cd	351 lux	3,000 lm	5,796 lm	6000K White
Combo Max	46,000 cd	460 lux	3,500 lm	7,920 lm	6000K White

1 with <https://www.lasfit.com/products/sport-3-led-pod-light> (attached as Exhibit 3):

LENS COLOR /OPTICS	POWER (Watts)	LUX@10ft	MEASURED OUTPUT (LUMENS)	RAW OUTPUT (LUMENS)	OUTPUT COLOR
Flood White	18W	2315	1451.95	2000	5610K
Flood Yellow	18W	1311	1467.17	2000	3633K
Fog White	18W	1728	885.44	2000	6196K
Fog Yellow	18W	1304	852.52	2000	3751K
Spot White	18W	8672	1351.3	2000	6276K
Spot Yellow	18W	6700	1288.8	2000	3749K
Driving White	18W	2736	1235.7	2000	6256K
Driving Yellow	18W	2056	1233.33	2000	3772K

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12 38. 5DLight also used an advertisement with a “High Intensity LED”  
13 graphic having a quarter of an exposed lamp shown and the LED emitter circled.  
14 This matches a graphic previously used by Diode Dynamics. Compare  
15 <https://www.facebook.com/DiodeDynamics/videos/2830793720500000/> (attached  
16 as Exhibit 11; Diode Dynamics advertisement):



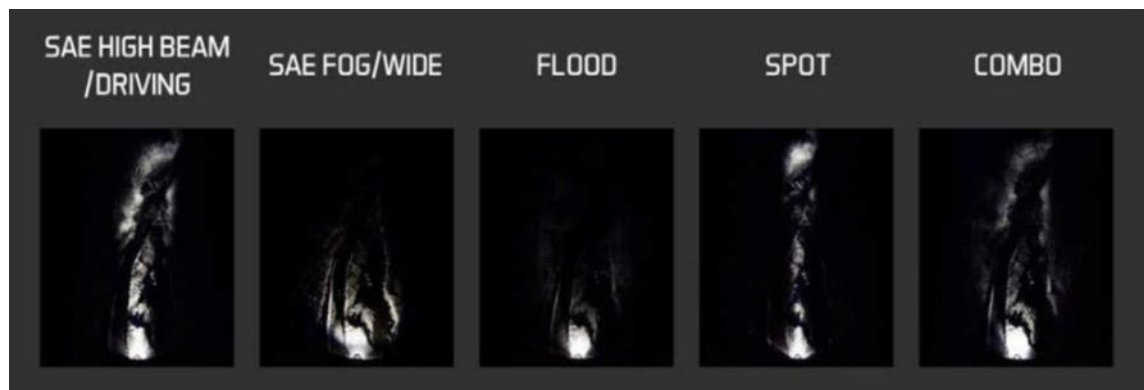
26 with

27 <https://web.archive.org/web/20210414220213/https://www.lasfit.com/pages/3012->  
28

1 [series-street-legal](#) (captured by the Wayback Machine on April 14, 2021; attached  
2 as Exhibit 9):

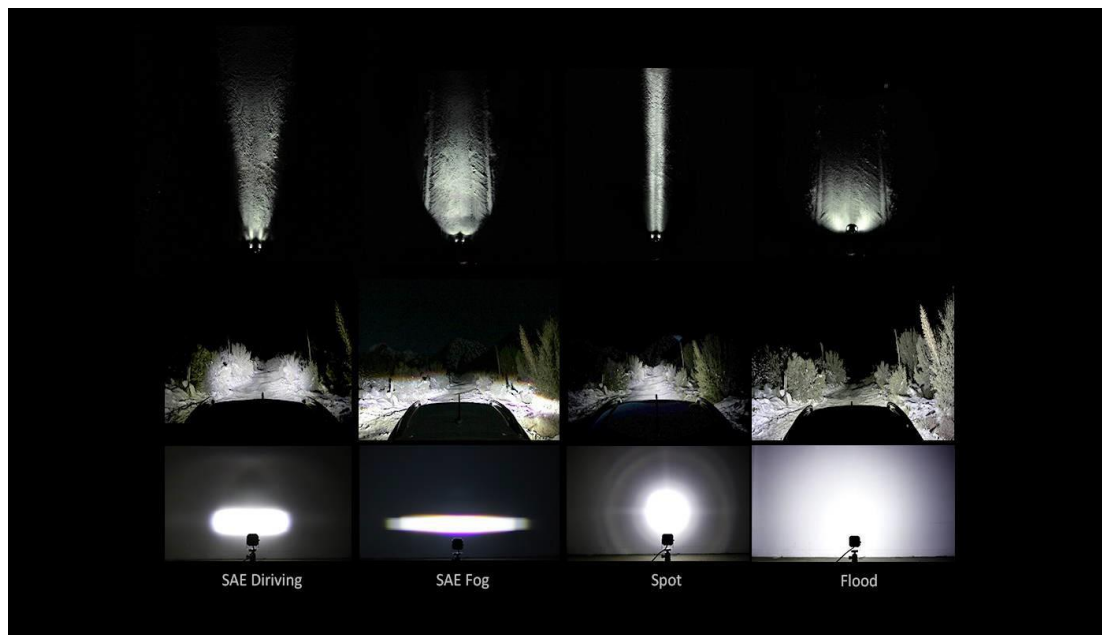


14 39. Further, 5DLight’s Lasfit website showed a “beam pattern comparison”  
15 graphic that closely matched a previously-existing Diode Dynamics graphic.  
16 Compare [https://www.diodedynamics.com/stage-series-3-sae-dot-white-max-](https://www.diodedynamics.com/stage-series-3-sae-dot-white-max-standard-led-pod-one.html)  
17 [standard-led-pod-one.html](https://www.diodedynamics.com/stage-series-3-sae-dot-white-max-standard-led-pod-one.html) (attached as Exhibit 12):



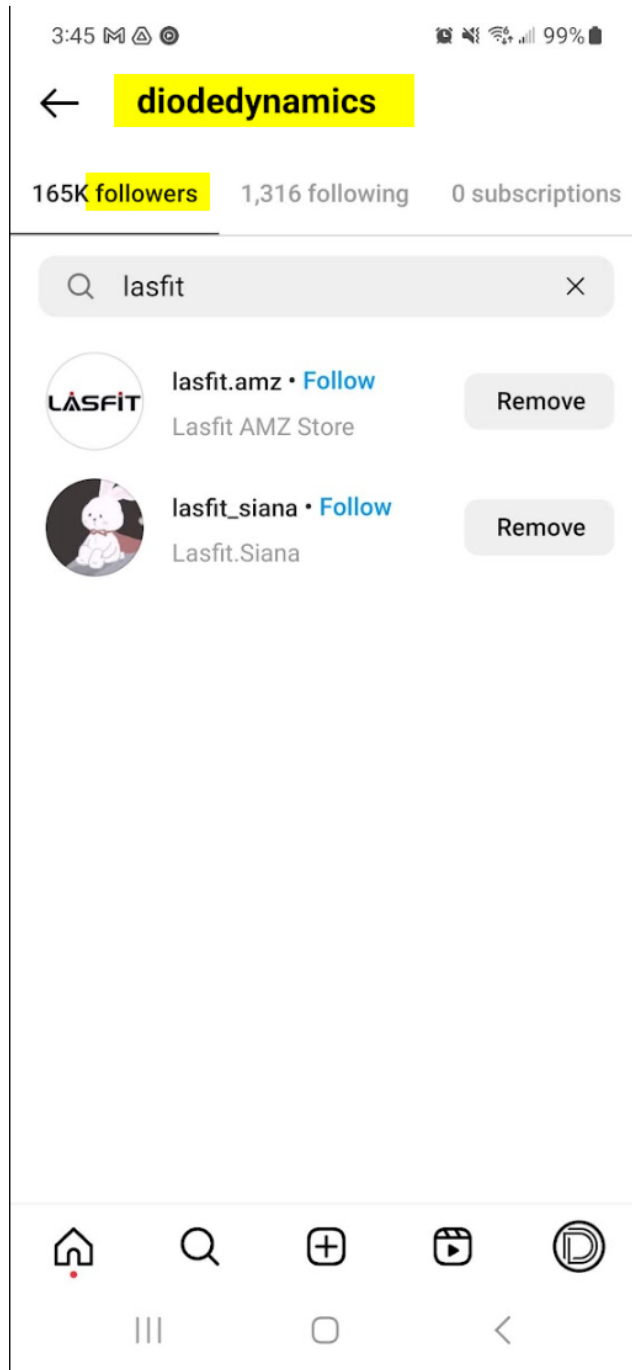


1 with  
2 [https://web.archive.org/web/20210414220213/https://www.lasfit.com/pages/3012-](https://web.archive.org/web/20210414220213/https://www.lasfit.com/pages/3012-series-street-legal)  
3 [series-street-legal](https://web.archive.org/web/20210414220213/https://www.lasfit.com/pages/3012-series-street-legal) (captured by the Wayback Machine on April 14, 2021; attached  
4 as Exhibit 9):



15  
16 40. Each of these concepts discussed above was first executed and  
17 published by Diode Dynamics prior to 5DLight's replication of them.  
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1 41. 5DLight endeavors to stay apprised of Diode Dynamic's activities by  
2 following Diode Dynamics on the social media site Instagram, as shown in the  
3 below screenshot listing two Lasfit accounts following Diode Dynamics:  
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**COUNT I**

**INFRINGEMENT OF U.S. DESIGN PATENT NO. D974,648**

42. Diode Dynamics incorporates by reference and realleges, as if fully set forth herein, paragraphs 1–42.

43. The D’648 patents claims a non-functional ornamental design, specifically, an “ornamental design for a LED lamp bezel.”

44. As described below, in violation of at least 35 U.S.C. § 271(a), 5DLight infringes and/or has infringed, literally or under the doctrine of equivalents, the D’648 Patent by importing, making, using, offering to sell, and/or selling products within the scope of the D’648 Patent’s claim (“Accused Products”), including but not limited to its Lasfit 3” LED Pod Sport Series Off-Road Hood Ditch Light SAE Fog Flood 18W, without license or permission from Diode Dynamics, including in this judicial District.

45. The D’648 Patent is directed to an “LED Lamp Bezel” as exemplified in its Figure 1, shown below:

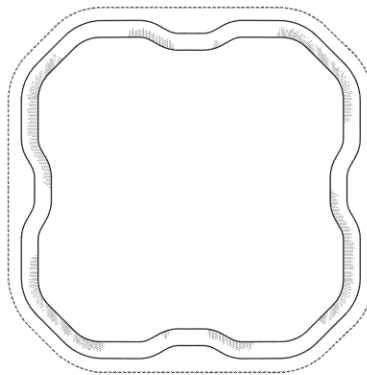


FIG. 1

46. As shown below, the design of the bezel on 5DLight’s infringing Lasfit 3” LED Pod Sport Series Off-Road Hood Ditch Light SAE Fog Flood 18W have appropriated the ornamental design for an LED lamp bezel as shown in the D’648 Patent:



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47. In the eye of the ordinary observer who is familiar with the prior art in the field, giving such attention as a purchaser usually gives, the Accused Products have an appearance which is substantially the same as the ornamental design of the D’648 Patent, the resemblance being such as to deceive an ordinary observer, inducing him to purchase an Accused Product supposing it to be the design claimed in the D’648 Patent.

48. Diode Dynamics has suffered and will continue to suffer damages as result of the infringing conduct by 5DLight alleged above. Thus, 5DLight is at least liable to Diode Dynamics in an amount that compensates Diode Dynamics for such infringement. This cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284, as well as all remedies for design patent infringement permitted under 35 U.S.C. § 289.

49. Diode Dynamics has marked its SS3 and SSC1 products with the patent number of the D’648 Patent via its virtual marking webpage at <https://www.diodedynamics.com/patent>.

50. On information and belief, 5DLight copied the design of Diode Dynamics’ LED light bezels which embody the design claimed in the D’648 Patent, to arrive at the design of the Accused Products.

1 51. 5DLight's infringement of the D'648 Patent has caused, and will  
2 continue to cause, Diode Dynamics to suffer substantial and irreparable harm unless  
3 5DLight is enjoined by this Court pursuant to 35 U.S.C. § 283.

4 52. Since at least receiving a letter from Diode Dynamics' attorney dated  
5 February 17, 2023 informing 5DLight of 5DLight's infringement of the D'648  
6 Patent, 5DLight has been on notice of and has actual knowledge of the D'648  
7 Patent. Further, 5DLight has had constructive knowledge of the D'648 Patent from  
8 Diode Dynamics' patent markings. Despite obtaining knowledge of the D'648  
9 Patent, 5DLight has failed to stop its infringing activities.

10 53. At least since its receipt of the above-referenced February 17, 2023  
11 letter, 5DLight's infringement of the D'648 Patent has been, and continues to be,  
12 willful, intentional, deliberate, and/or in conscious disregard of Diode Dynamics'  
13 rights. 5DLight's willful infringement entitles Diode Dynamics to increased  
14 damages under 35 U.S.C. § 285.

15 **DEMAND FOR A JURY TRIAL**

16 54. Diode Dynamics demands a trial by jury on all issues triable of right by  
17 jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

18 **PRAYER FOR RELIEF**

19 Diode Dynamics respectfully requests that this Court enter judgment in its  
20 favor and grant the following relief:

- 21 (i) Judgment and Order that 5DLight has infringed the D'648 Patent;  
22 (ii) Judgment and Order that 5DLight must pay Diode Dynamics past and  
23 future damages under 35 U.S.C. § 284, including supplemental  
24 damages arising from any continuing, post-verdict infringement for the  
25 time between trial and entry of the final judgment, together with an  
26 accounting, as needed, as provided under 35 U.S.C. § 284;  
27 (iii) Judgment and Order awarding Diode Dynamics 5DLight's profits  
28 pursuant to 35 U.S.C. § 289 resulting from 5DLight's infringement of

- 1 the D’648 Patent;
- 2 (iv) Judgment and Order that 5DLight must pay Diode Dynamics
- 3 reasonable and ongoing royalties on a go-forward basis after Final
- 4 Judgment;
- 5 (v) Permanent injunction prohibiting 5DLight from further infringement of
- 6 the D’648 Patent;
- 7 (vi) Judgment and Order that 5DLight must pay Diode Dynamics’s costs;
- 8 (vii) Judgment and Order that the Court find this case exceptional under the
- 9 provisions of 35 U.S.C. § 285 and order 5DLight to pay Diode
- 10 Dynamics its attorneys’ fees;
- 11 (viii) Judgment and Order that 5DLight’s infringement has been willful;
- 12 (ix) Judgment and Order that all damages awarded to Diode Dynamics for
- 13 5DLight’s infringement be trebled pursuant to 35 U.S.C. §284; and
- 14 (x) Such other and further relief as the Court deems just and proper.

15  
16 Dated: October 30, 2023

RUTAN & TUCKER, LLP  
RONALD P. OINES

17  
18 By:           /s/ Ronald P. Oines            
19 Ronald P. Oines

20 HARNES, DICKEY & PIERCE, P.L.C.  
21 DOUGLAS A. ROBINSON

22 *Attorneys for Plaintiff*  
23 *DIODE DYNAMICS, L.L.C.*

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial as to all issues that are so triable.

Dated: October 30, 2023

RUTAN & TUCKER, LLP  
RONALD P. OINES

By:           /s/ Ronald P. Oines  
Ronald P. Oines

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