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8
9 **IN THE UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 YUYAO TANGHONG INTERNATIONAL
11 TRADE CO., LTD., a Chinese corporate entity,

12 Plaintiff,

13 vs.

14 FOHSE, INC., a Nevada corporation,

15 Defendant.
16

Case No.: 2:23-cv-01789

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

17 Plaintiff Yuyao Tanghong International Trade Co., Ltd. (“Plaintiff”), through its counsel
18 the Bayramoglu Law Offices, LLC, hereby complains and alleges against Defendant Fohse, Inc.
19 (“Defendant”) as follows:

20 **I. NATURE OF THE ACTION**

21 1. This is an action for patent infringement under 35 U.S.C. § 101 *et seq.*,
22 specifically, 35 U.S.C. §§ 271, 283, 284, and 285. Defendant has made, used, offered for sale,
23 sold, and/or imported, at least the A3i, F1V, Aries, and Scorpio series of industrial horticultural
24 LED grow light products (the “Accused Products”) in the United States that has infringed and
25 continues to infringe Plaintiff’s rights in U.S. Patent No. 10,638,670 B2 (the “670 Patent”),
26 entitled “Full spectrum LED plant illumination lamp with a lens structure.”
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1 **II. THE PARTIES**

2 2. Plaintiff is a corporate entity organized under the laws of the People’s Republic
3 of China.

4 3. Defendant is a Nevada corporation with its principal place of business located at
5 6280 Annie Oakley Drive, Las Vegas, Nevada 89120.

6 **III. JURISDICTION AND VENUE**

7 4. This Court has original subject matter jurisdiction over this matter pursuant to 28
8 U.S.C. §§ 1331 and 1338(a) as they arise under the Patent Statute at 35 U.S.C. § 101 *et seq.*, 28
9 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331.

10 5. This Court has personal jurisdiction over Defendant because it is a Nevada
11 corporation with its principal place of business located at 6280 Annie Oakley Drive, Las Vegas,
12 Nevada 89120.

13 6. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(1) and 1400(b)
14 because Defendant resides in this judicial district.

15 **IV. FACTUAL BACKGROUND**

16 7. The '670 Patent was duly and legally issued on May 5, 2020, to inventor Wu
17 BaiJun.

18 8. The '670 Patent claims, among other things, A full spectrum LED plant
19 illumination lamp with a lens structure comprising a shell and full spectrum LED unit, a full
20 spectrum plant illumination lamp wherein the shell is connected to an electric wire and provided
21 with a full spectrum LED unit.

22 9. Plaintiff is the assignee of the entire right, title, and interest in the '670 Patent.

23 10. Defendant has infringed and continues to infringe the '670 Patent by making, sell,
24 and offering for sale in the United States, including within this judicial district, industrial
25 horticultural LED grow light products including, at least, the Accused Products.

26 11. Upon information and belief, Defendant has been, and is, inducing infringement
27 of the '670 Patent by actively and knowingly inducing others to make, use, sell, offer for sale,

1 or import, at least, the Accused Products that embody or use one or more of the inventions
2 claimed in the '670 Patent.

3 12. Upon information and belief, Defendant markets and sells, at least, the Accused
4 Products through e-commerce channels, brick-and-mortar stores, and through direct sales that
5 infringe on one or more of the inventions claimed in the '670 Patent.

6 13. Upon information and belief, Defendant has been contributorily infringing, and
7 continues to contributorily infringe, the '670 Patent by selling or offering for sale, at least, the
8 Accused Products, knowing them to be especially made or especially adapted for practicing one
9 or more of the inventions claimed in the '670 Patent and which are not a staple article or
10 commodity of commerce suitable for non-infringing use.

11 14. Upon information and belief, Defendant knew or should have known of the '670
12 Patent, including the inventions claimed therein, prior to designing, manufacturing, and selling,
13 at least, the Accused Products, in the United States market, and that there is no substantial non-
14 infringing use of said products.

15 15. Upon information and belief, Defendant has known the existence of the '670
16 Patent, and its acts of infringement have been in willful disregard of the rights granted therein
17 without any reasonable basis to believe it had the right to engage in the infringing conduct alleged
18 herein.

19 **FIRST CLAIM FOR RELIEF**

20 **INFRINGEMENT OF THE '670 PATENT**

21 16. Plaintiff hereby repeats and re-alleges each and every allegation set forth in
22 Paragraphs 1 through 15, above, as if the same were more fully set forth herein.

23 17. Defendant has infringed, and continues to infringe, the '670 Patent by making,
24 selling, or offering for sale in the United States, including within this judicial district, industrial
25 horticultural LED grow light products including, at least, the Accused Products in violation of
26 35 U.S.C. § 271(a).

1 18. Defendant has been, and is, inducing infringement of the '670 Patent by actively
2 and knowingly inducing others to make, use, sell, offer for sale, or import industrial horticultural
3 LED grow light products including, at least, the Accused Products, that embody or use one or
4 more of the inventions claimed in the '670 Patent in violation of 35 U.S.C. § 271(b).

5 19. Upon information and belief, Defendant has been and is inducing infringement of
6 the '670 Patent by actively and knowingly inducing others to make, use, sell, offer for sale, or
7 import the industrial horticultural LED grow light products, including the Accused Products, that
8 embody or use the one or more of the inventions claimed in the '670 Patent, which are not a
9 staple article or commodity of commerce suitable for substantial non-infringing use, in violation
10 of 35 U.S.C. § 271(c).

11 20. Upon information and belief, Defendant has been, and is, infringing, contributing
12 the infringement of, and inducing the infringement of the '670 Patent by making, using, selling,
13 offering for sale in the United States, or importing into the United States, industrial horticultural
14 LED grow light products including, at least, the Accused Products that embody or use one or
15 more of the inventions claimed in the '670 Patent.

16 21. Upon information and belief, Defendant has known of the existence of the '670
17 Patent, and its acts of infringement have been willful and in disregard for the '670 Patent, without
18 any reasonable basis for believing that it had a right to engage in the infringing conduct.

19 22. Defendant's infringement has been, and continues to be, knowing, intentional,
20 and willful.

21 23. Defendant's acts of infringement of the '670 Patent have caused, and continue to
22 cause, Plaintiff damages for which it is entitled to compensation pursuant to 35 U.S.C. § 284,
23 subject to proof at trial.

24 24. Defendant's acts of infringement of the '670 Patent have caused, and continue to
25 cause, Plaintiff immediate and irreparable harm, for which it has no adequate remedy at law,
26 unless such acts are enjoined by this Court pursuant to 35 U.S.C. § 283.

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1 25. This case is exceptional, and therefore, Plaintiff is entitled to an award of
2 attorneys' fees pursuant to 35 U.S.C. § 285.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff respectfully requests the Court enter judgment in its favor and
5 against Defendant as follows:

6 26. Entry of an Order adjudging that Defendant has directly infringed, actively
7 induced infringement of, and/or contributorily infringed the '670 Patent in violation of one or
8 more provisions of 35 U.S.C. § 271(a)-(c);

9 27. Entry of an Order requiring Defendant to pay Plaintiff damages for infringement
10 of the '670 Patent pursuant to 35 U.S.C. § 274;

11 28. Entry of an Order requiring Defendant to pay enhanced damages up to three times
12 the amount of actual damages awarded to Plaintiff pursuant to 35 U.S.C. § 284;

13 29. Entry of an Order awarding Plaintiff its reasonable costs and attorneys' fees
14 pursuant to 35 U.S.C. § 285, or as otherwise permitted by code, statute or rule.;

15 30. Entry of an Order temporarily, preliminarily, and/or permanently enjoining
16 Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates,
17 subsidiaries, and assigns, and all others acting in active concert and participation with any of the
18 foregoing persons or entities, from infringing, contributing to the infringement of, or inducing
19 the infringement of the '670 Patent; and

20 31. Entry of an Order awarding such other and further relief as the Court deems just
21 and proper.

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JURY DEMAND

Plaintiff demands a trial by jury on all issues triable by a jury in this matter.

Respectfully submitted,

BAYRAMOGLU LAW OFFICES LLC

Dated: November 2, 2023

By: /s/ Shawn A. Mangano
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