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9 Attorneys for Plaintiffs
10 Harman Professional, Inc. and Harman
Professional Denmark ApS

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION
14

15 Harman Professional, Inc., a
16 corporation; and Harman Professional
17 Denmark ApS, a private limited
company,

18 Plaintiffs,

19 v.

20 Electronic Theatre Controls, Inc.;
21 Electronic Theatre Controls America,
LLC; and Electronic Theatre Controls
22 International, Inc.,

23 Defendants.
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Case No. 2:24-cv-2815

**COMPLAINT FOR PATENT
INFRINGEMENT**

1 Plaintiffs Harman Professional, Inc. (“Harman Pro USA”) and Harman
2 Professional Denmark ApS (“Harman Pro Denmark”) (collectively, “Harman” or
3 “Plaintiffs”) bring this Complaint for patent infringement against Defendants
4 Electronic Theatre Controls, Inc. (“ETC Inc.”), Electronic Theatre Controls
5 America, LLC (“ETC America”), and Electronic Theatre Controls International,
6 Inc. (“ETC International”) (collectively, “ETC”).

7 **NATURE OF THE ACTION**

8 1. This is an action by Harman for infringement of U.S. Patent
9 No. 7,789,543 (the “’543 patent”).

10 **THE PARTIES**

11 2. Harman Pro USA is a company incorporated under the laws of
12 Delaware, with a principal place of business at 8500 Balboa Boulevard, Northridge,
13 California 91329.

14 3. Harman Pro Denmark is a private limited company organized and
15 existing under the laws of Denmark, with a place of business at Olof Palmes Allé 44,
16 Aarhus, 8200, Denmark.

17 4. Upon information and belief, ETC Inc. is a Delaware corporation with
18 a physical office located at 1120 Scott Road, Burbank, California 91504, staffed with
19 its employees there.

20 5. Upon information and belief, ETC America is a Delaware corporation
21 with a principal place of business located at 3031 Pleasant View Road, Middleton,
22 Wisconsin 53562.

23 6. Upon information and belief, ETC International is a Delaware
24 corporation with a principal place of business located at 3031 Pleasant View Road,
25 Middleton, Wisconsin 53562.

26 **JURISDICTION AND VENUE**

27 7. This is a civil action for patent infringement arising under the 35 U.S.C.
28 § 1 *et seq.*

1 8. This Court has subject matter jurisdiction over Plaintiffs’ claims for
2 patent infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a) and 35 U.S.C. §§ 271
3 *et seq.*

4 9. This Court has personal jurisdiction over ETC because, on information
5 and belief, it maintains an office in Burbank, California, where its employees conduct
6 hands-on training sessions on ETC lighting consoles used to control, e.g. the
7 infringing light fixture products, and interacts with actual and potential consumers
8 and customers. The Court furthermore has personal jurisdiction over ETC because,
9 on information and belief, ETC has maintained continuous and systematic contacts
10 with the State of California, including but not limited to, purposefully availing itself
11 of this forum by, among other things, making, marketing, shipping, using, offering
12 to sell or selling, or causing others to use, offer to sell, or sell infringing products in
13 the State of California, and deriving substantial revenue from such activities.

14 10. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(c) and
15 1400(b). ETC maintains an office with employees in Burbank, California, and it
16 therefore resides in this judicial district pursuant to 28 U.S.C. § 1400(b).

17 **THE PATENT-IN-SUIT**

18 11. Harman Pro Denmark is the owner of the ’543 patent, entitled, “Handle
19 for Light Fixture,” issued by the U.S. Patent and Trademark Office on September 7,
20 2010. A copy of the ’543 patent is attached hereto as Exhibit A.

21 12. Harman Pro USA is the exclusive licensee of the ’543 patent, with the
22 right to sue for and collect damages for infringement thereof. Harman Pro USA sells
23 products in the U.S. embodying the inventions claimed in the ’543 patent, including
24 its MAC line of products sold on its “Martin” branded website.

25 13. Harman Pro Denmark, through its “Martin” brand and distribution and
26 sales through Harman Pro USA, is a Danish manufacturer and distributor of stage
27 and architectural lighting fixtures. Martin has a reputation as an industry leader in
28 live entertainment lighting. Martin’s patented stage lighting products are utilized in

1 leading Broadway stage productions, nationwide concert tours, cruise ships, and
2 other stages and locations to provide reliable, precise, and consistent lighting for
3 performances.

4 14. Martin is committed to providing stage lighting products that consider
5 not only creative lighting requirements, but the health and safety of those who handle
6 and operate them. Stage lighting fixtures may weigh up to 50 kg (about 110 lbs.),
7 and are used both on the stage floor and suspended above stage from metal trusses.
8 The products often require repeated setup, breakdown, and transportation in “flight
9 boxes” designed to keep the fixtures safe during transport; for example, during a
10 nationwide tour. The weight and size of the products risk personal injury to the
11 individuals handling them, as well as damage to the products from accidental drops.

12 15. Martin recognized these challenges and, through experimentation and
13 development, conceived of the invention that is the subject matter of the ’543 patent.
14 The patented invention comprises a light fixture with a U-shaped yoke with handles
15 extending from a top part of the legs of the yoke. The invention improves the
16 handling and lifting safety and convenience of the fixture by allowing users to easily
17 place into or remove the fixture from flight boxes, carry the fixture while walking
18 upright thus avoiding strain on the back and spine, and more easily place the fixture
19 on the stage floor or on overhead trusses. Martin had and continues to receive
20 numerous requests to license the ’543 patent due to its patented features.

21 16. Since Martin introduced the patented invention in its light fixture
22 products in 2008, Martin’s products have come to be identifiable by the patented
23 handles on the yoke. This visual distinction dovetails with Martin’s reputation for
24 long-lasting products and distinguishes Martin as a leader in the industry. In light of
25 this longevity, Martin guarantees availability of replacement bulbs and spare parts
26 for five years *after* its light fixture product models are *discontinued*. Martin’s award-
27 winning patented light fixtures are also showcased to potential buyers in Los
28 Angeles, California, where Martin demonstrates the capabilities of its products to

1 inquiring customers, from those putting on Broadway shows, to those using them on
2 cruise ship stages.

3 17. The '543 patent is directed to “a light fixture having a head, a yoke and
4 a base, the yoke having handles for carrying the light fixture.”

5 18. The '543 patent seeks, among other things, “to achieve stable carrying
6 handles for light fixtures” by “plac[ing] handles for carrying a light fixture at the
7 upperpart of the yoke over the gravitational center of the light fixture.” *Id.* at 1:35-
8 38.

9 19. Independent claim 1 of the '543 patent is representative:

10 1. Light fixture comprising:

11 a base which comprises at least a power supply and a
12 controller for control of the light fixture,

13 a U-shaped yoke which is rotatable in relation to the base
14 by at least a first motor,

15 a head which is mounted between upstanding legs of the
16 yoke, which is rotatable in relation to the yoke by at least a
17 second motor, and which comprises at least one light
18 source for generation of a light beam,

19 wherein the yoke is provided with handles for carrying
20 the light fixture, at least one handle extending from a top
21 part of the legs of the yoke.

22 **COUNT I**

23 **(Infringement of the '543 Patent)**

24 20. Plaintiffs repeat and reallege the allegations in paragraphs 1-19 as if
25 fully set forth herein.

26 21. The '543 patent is valid and enforceable.

27 22. On information and belief, ETC makes, uses, sells, and/or offers to sell
28 the Relevé Spot in the United States, including in this district.

1 23. In violation of 35 U.S.C. § 271(a), ETC has been and is directly
2 infringing the '543 patent, either literally or under the doctrine of equivalents, by
3 making, using, selling, and/or offering to sell, without license or authority, the Relevé
4 Spot or components thereof, covered by one or more claims of the '543 patent,
5 including, without limitation, claims 1-6.

6 24. The Relevé Spot practices the inventions claimed in the '543 patent, by
7 practicing each and every limitation of at least one claim of that patent. Plaintiffs
8 incorporate by reference the preliminary claim chart attached hereto as Exhibit B,
9 which is based on publicly available information obtained after a reasonable inquiry.

10 25. ETC had actual notice of the '543 patent no later than July 7, 2022, when
11 it was notified by an email bearing that date that its Relevé Spot product infringes the
12 '543 patent. After ETC ignored Harman's July 7, 2022 email, Harman on
13 September 1, 2022, sent ETC another email notifying ETC again that its Relevé Spot
14 infringes the '543 patent. ETC responded on September 27, 2022, yet continues to
15 sell the infringing Relevé Spot.

16 26. In addition, Harman's products that are embodiments of the '543 patent
17 include, but are not limited to:

- 18 a. The MAC III Profile;
 - 19 b. The MAC Viper XIP, Mac Viper Wash, MAC Viper Wash, MAC Viper
20 AirFX, MAC Viper Performance, and MAC Viper Wash DX
21 (collectively, the "MAC Viper Products");
 - 22 c. MAC Encore Performance, MAC Encore Wash (collectively, the
23 "MAC Encore Products");
 - 24 d. MAC Ultra Performance, MAC Ultra Wash (collectively, the "MAC
25 Ultra Products"); and
 - 26 e. Era 800 Performance, Era 700 Performance IP, Era 600 Performance
27 (collectively, the "Era Products").
- 28

1 27. Martin’s website lists the aforementioned products as “Exemplary
2 Martin Patented Products” covered by US 7,789,543.¹

3 28. ETC’s Relevé Spot directly competes with at least Harman’s patented
4 MAC and Era Products. Given that these types of lighting fixtures are used for an
5 industry average of 6 years, sales of the infringing Relevé Spot cause long term, if
6 not irreparable, market harm. Specifically, buyers tend not to purchase replacement
7 lighting fixtures for 6 years. Plaintiffs are thus harmed, not only by being deprived
8 of sales of the MAC and Era Products, but also by being deprived of sales of
9 compatible accessories and parts, such as light bulbs, for many years.

10 29. ETC’s direct infringement has injured and continues to injure Plaintiffs,
11 and Plaintiffs are entitled to recover damages adequate to compensate them for such
12 infringement, including lost profits, but in no event less than a reasonable royalty.

13 30. For the reasons stated above, the infringement by ETC is willful,
14 entitling Plaintiffs to recover enhanced damages pursuant to 35 U.S.C. § 284 and
15 Plaintiffs’ attorneys’ fees and costs pursuant to 35 U.S.C. § 285.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiffs respectfully demand judgment in their favor and
18 against ETC as follows:

- 19 a. Judgment that ETC infringed and continues to infringe the ’543 patent;
20 b. Award Plaintiffs damages in an amount adequate to compensate
21 Plaintiffs for ETC’s infringement of the ’543 patent, including lost
22 profits, and in no event less than a reasonable royalty;
23 c. Award Plaintiffs treble damages pursuant to 35 U.S.C. § 284;
24 d. Enter a permanent injunction against ETC and its respective officers,
25 directors, shareholders, agents, servants, employees, attorneys, all
26 parent, subsidiary and affiliate corporations, their successors in interest
27 and assignees, and all other entities and individuals acting in concert
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¹ <https://www.martin.com/martin-legal>.

1 with or on behalf of ETC, including customers, from making, importing,
2 using, offering for sale, and/or selling any product or service falling
3 within the scope of any claims of the '543 patent or otherwise infringing
4 or contributing to or inducing infringement of any claim of the '543
5 patent;

- 6 e. Enter an order finding this to be an exceptional case and awarding
7 Plaintiffs their reasonable attorneys' fees under 35 U.S.C. § 285;
8 f. Award Plaintiffs pre-judgment and post-judgment interest to the fullest
9 extent allowable by law;
10 g. Award Plaintiffs their costs;
11 h. In the event this Court deems that Plaintiffs are not entitled to an
12 injunction on its patent claims, award a compulsory ongoing royalty;
13 and
14 i. Award such other relief as the Court may deem appropriate and just
15 under the circumstances.

16 **JURY DEMAND**

17 Plaintiffs respectfully demand a jury trial pursuant to Federal Rule of Civil
18 Procedure 38 on all issues so triable.

19
20 Dated: April 8, 2024

GOODWIN PROCTER LLP

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