

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GO FAN YOURSELF, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	
ILLUMIPURE, INC.,)	
)	JURY TRIAL DEMANDED
Defendant.)	

COMPLAINT

Plaintiff, Go Fan Yourself, LLC (“Plaintiff” or “GFY”) complains of IllumiPure, Inc. (“IllumiPure” or “Defendant”) as follows:

NATURE OF THE ACTION

This Complaint asserts a claim for patent infringement that arises under the patent laws of the United States, Title 35 of the United States Code and is brought to stop Defendant’s infringement of Plaintiff’s United States Patent Nos. 10,316,141 (the “’141 Patent”), 10,670,026 (the “’026” Patent), 11,028,223 (the “’223 Patent”), and 11,255,336 (the “’336 Patent”) (collectively the “GFY Patents” or “the Patents in Suit”). All allegations are made on information and belief, unless otherwise stated.

THE PARTIES

1. Plaintiff Go Fan Yourself, LLC is a Delaware corporation with its principal place of business at 1032 National Parkway, Schaumburg, Illinois 60173.

2. GFY is in the business of designing, developing, manufacturing, marketing, and selling heating, ventilation, air-conditioning, and air purification products and systems (“HVAC”). GFY was founded in 2014 as a small business and has quickly grown into a leading developer and provider of HVAC products and systems.

3. GFY owns and has standing to enforce the '141 Patent, titled "Ceiling Tile with Built-in Air Flow Mechanism and UV Air Purifying Device," which issued on June 11, 2019 (Exhibit A).

4. GFY owns and has standing to enforce the '026 Patent, titled "Ceiling Tile with Built-in Air Flow Mechanism," which issued on June 2, 2020 (Exhibit B).

5. GFY owns and has standing to enforce the '223 Patent, titled "Ceiling Tile with Built-in Air Flow Mechanism and UV Air Purifying Device" which issued on June 8, 2021 (Exhibit C).

6. GFY owns and has standing to enforce the '336 Patent, titled "Ceiling Tile with Built-in Air Flow Mechanism," which issued on June February 22, 2022 (Exhibit D).

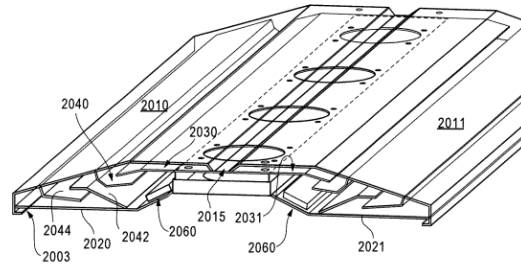
7. GFY has marked the patent numbers of the Patents in Suit on certain of its pertinent products and via its website.

8. The Patents in Suit relate to an air purification system that utilizes UV light to decontaminate air. The system utilizes a fan and UV light system to clean the air in a room as the air is directed through the UV light source positioned in the air purification system which functions to kill various forms of bacteria, viruses and molds that are contained within the air being treated.

9. The Patents in Suit address the need to purify air within indoor environments.

10. One of the embodiments of the Patents in Suit is shown in the drawing below:

Fig. 19



11. Defendant makes, uses, offers to sell, and sells a line of products called the Air Guardian Air Purification and Disinfection Device (the “Air Guardian” or the “Accused Devices”).



JURISDICTION AND VENUE

12. GFY’s claims for patent infringement against IllumiPure arise under the patent laws of the United States, including 35 U.S.C. §§ 271 and 281. This Court has original subject matter jurisdiction under 28 U.S.C. §1331 and 1338(a).

13. IllumiPure is conducting business and infringing the asserted Patents, including the ’141, ’026, ’223, and ’336 Patents in this district and elsewhere in the United States.

14. Defendant IllumiPure, Inc. is a Texas corporation with its principal place of business at 14340 Torrey Chase Blvd. Ste 410, Houston, Texas 77014.

15. Defendant IllumiPure, Inc.'s agent for service of process is Mark E. Sam, whose registered office street address is 14340 Torrey Chase Blvd. Ste 410, Houston, Texas 77014.

16. IllumiPure makes, uses, offers to sell, and sells in this judicial district the Air Guardian devices accused of infringement of the '141, '026, '223, and '336 Patents.

17. IllumiPure has conducted business in the Southern District of Texas and the State of Texas. IllumiPure has committed acts of patent infringement within Texas and the Southern District of Texas giving rise to this action. IllumiPure has minimum contacts with the forum such that the exercise of jurisdiction over it would not offend traditional notions of fair play and substantial justice.

18. This Court has personal jurisdiction over Defendant because it transacts business within this district at least by making, using, offering to sell, and/or selling, the Guardian devices accused infringement to customers in Texas and in this judicial district. Defendant has purposefully availed itself of the privileges of conducting business within this judicial district and has established minimum contacts with the State of Texas to the extent it should reasonably and fairly anticipate being sued in court in Texas.

19. Venue is proper in this District under 28 U.S.C. § 1391(b) and 1400(b).

THE AIR GUARDIAN PRODUCT

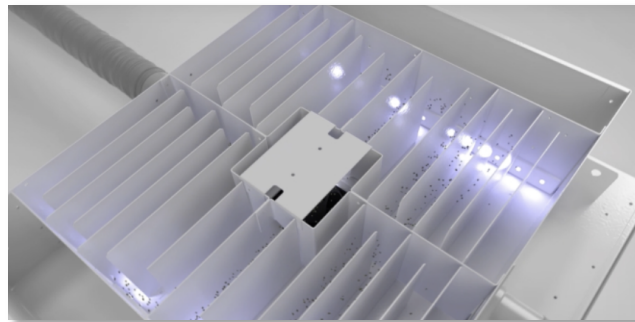
20. The Air Guardian product is an air purification and disinfection device that utilizes light-based purification and precision airflow to purify air in an indoor environment.

21. The Air Guardian product is installed in the ceiling tile grid of a building and operates to eliminate pathogens from the air in school, hospital and office space environments:



22. The “Air Guardian technology starts with UVGI (UV-C) to kill pathogens and particulates.” (<https://IllumiPure.com/products/air-guardian>). The Air Guardian products also feature an inner-chamber design to maximize exposure to the UV-C light source “ensuring maximum particulate destruction in a single pass.”

23. The Air Guardian product utilizes a UV-C light fixture to form a kill zone within the chamber:



24. The Air Guardian’s in-ceiling dispersion ports, which work independently of an HVAC system, allow fresh air to be dispersed precisely where desired.

25. High fan speeds create maximum continuous downward directional airflow during high occupancy times, while quiet mode settings allow for fresh air to be delivered in any indoor environment.

26. On November 20, 2023, GFY sent a letter via email and Federal Express mail to John Higgins, IllumiPure's Chief Executive Officer, accusing the Air Guardian of infringing certain claims of the Patents in Suit. In its letter, GFY included claim charts detailing the infringement of the '141, '026, '223, and '336 Patents by the Air Guardian products, as well as copies of the '141, '026, '223, and '336 Patents. The claim charts accused the Air Guardian products of infringing claim 11 of the '141 patent, claim 1 of the '026 patent, claim 14 of the '223 patent, and claim 1 of the '336 patent.

27. Neither John Higgins, nor any representative purporting to act on behalf of IllumiPure responded to GFY's letter of November 23, 2023.

28. On February 2, 2024, GFY sent via email a second letter to John Higgins, following up on and requesting a response to GFY's letter of November 20, 2023.

29. As of the date of this Complaint, neither John Higgins, nor any representative purporting to act on behalf of IllumiPure, has responded to GFY's notice letters of November 20, 2023, and February 2, 2024.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 10,316,141

30. GFY incorporates all prior allegations as if set forth fully herein.

31. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. § 271, et seq.

32. GFY is the owner of all right, title, and interest in the '141 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement.

33. The '141 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

34. Defendant makes, uses, offers to sell, and sells a line of products called the Air Guardian Air Purification and Disinfection Device ("Air Guardian").

35. Defendant has directly infringed and continues to directly infringe one or more claims of the '141 patent in this judicial district and elsewhere in Texas and the United States, including at least claims 11-13 without the consent or authorization of GFY, at least by or through its making, having made, offering for sale, selling and/or using the Air Guardian.

36. Claim 11 of the '141 patent recites (Exhibit A):

An air purifying device comprising:

a lower baffle configured the size of a ceiling tile, wherein the lower baffle includes a fan portion and a vent portion;

an upper baffle adjacent the lower baffle configured to form an air chamber between the lower baffle and the upper baffle;

a fan positioned in the fan portion of the lower baffle, wherein said fan directs air between the air chamber and the vent portion; and

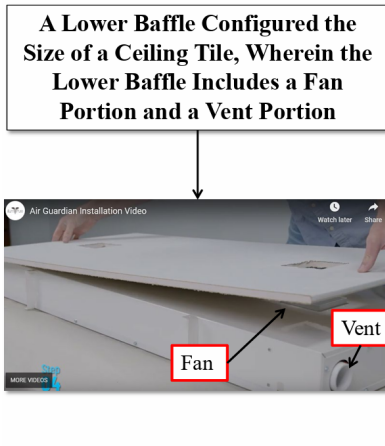
a UV-C light fixture positioned in the air chamber wherein the UV-C light fixture emits UV light to form a kill zone within the air chamber capable of killing bacteria, viruses or microbes contained in air passing through the kill zone.

37. An element-by-element comparison of claim 11 of the '141 Patent is attached as Exhibit E.

38. The Air Guardian is an air purifying device (Exhibit E).

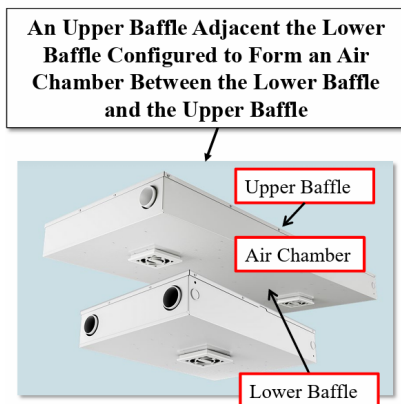
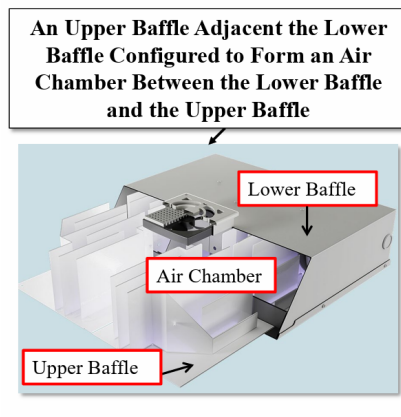
39. The Air Guardian has a lower baffle configured the size of a ceiling tile, wherein the lower baffle includes a fan portion and a vent portion (Exhibit E).

40. The Air Guardian includes a fan and a vent as part of the lower baffle (Exhibit E):



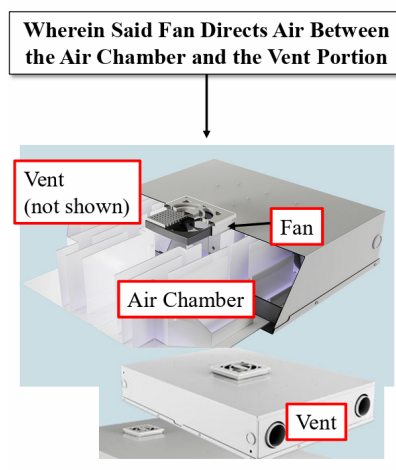
41. The Air Guardian has an upper baffle adjacent to the lower baffle configured to form an air chamber between the lower baffle and the upper baffle (Exhibit E).

42. The Air Guardian includes an air chamber between the lower baffle and the upper baffle (Exhibit E):



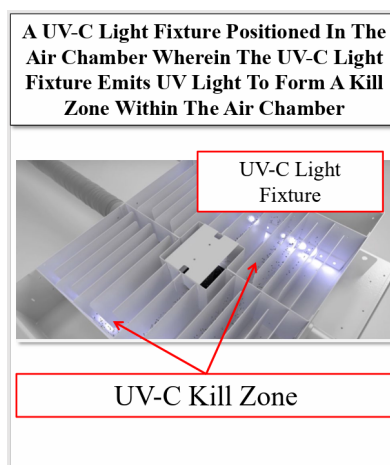
43. The Air Guardian has a fan positioned in the fan portion of the lower baffle, wherein said fan directs air between the air chamber and the vent portion (Exhibit E).

44. The Air Guardian includes a fan positioned in the fan portion of the lower baffle to direct air between the air chamber and the vent portion (Exhibit E):

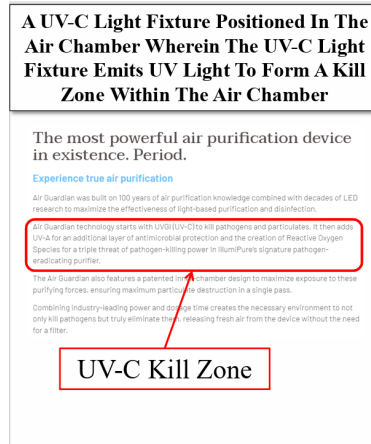


45. The Air Guardian has a UV-C light fixture positioned in the air chamber wherein the UV-C light fixture emits UV light to form a kill zone within the air chamber capable of killing bacteria, viruses or microbes contained in air passing through the kill zone (Exhibit E).

46. The UVC kill zone of the Air Guardian is shown below (Exhibit E):



47. The UV light operates to kill bacteria, viruses or microbes contained in the passing air (Exhibit E):



48. GFY has complied with the notice provisions of 35 U.S.C. § 287. As explained above, Defendant has had notice of the '141 Patent and knowledge of its infringement thereof since at least November 20, 2023.

49. Defendant has been aware of the '141 Patent and its infringement thereof, yet it has continued its unlicensed and unauthorized infringement with no regard to the '141 Patent or GFY's rights under the '141 Patent.

50. GFY has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is liable to GFY in an amount that adequately compensates it for Defendant's 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.

51. Defendant has committed direct infringement as alleged in Count I at least through the making, use, sale, and/or offer for sale of the infringing Air Guardian products.

52. Defendant has induced infringement as alleged in Count I at least through inducing the use of the infringing Air Guardian products by at least IllumiPure and/or IllumiPure's customers.

53. Defendant's infringement of the '141 Patent has been willful, deliberate, and objectively reckless.

54. Defendant's actions complained of herein will continue unless they are enjoined by this Court.

55. Defendant's infringement of the '141 patent has been such that it merits an award of enhanced damages under 35 U.S.C. § 284. Defendant has engaged in infringement of GFY's patented technology. The Defendant has continued to infringe the '141 Patent despite an objectively high likelihood that its actions constitute infringement of the '141 Patent and a subjective knowledge or obviousness of such risk.

56. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 10,670,026

57. GFY incorporates all prior allegations as if set forth fully herein.

58. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. § 271, et seq.

59. GFY is the owner of all right, title, and interest in the '026 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement.

60. The '026 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

61. Defendant makes, uses, offers to sell, and sells a line of products called the Air Guardian Air Purification and Disinfection Device ("Air Guardian").

62. Defendant has directly infringed and continues to directly infringe one or more claims of the '026 patent in this judicial district and elsewhere in Texas and the United States, including at least claims 1, 2, 7-16 without the consent or authorization of GFY, at least by or through its making, having made, offering for sale, selling and/or using the Air Guardian.

63. Claim 1 of the '026 patent recites:

An air circulation device, comprising:

a housing configured in the shape of a housing ceiling tile;

a first fan mounted to the housing;

a first vent in the housing;

a baffle, mounted to the housing, and defining at least a first airway between the fan and the first vent;

a UV kill chamber mounted in the first airway; and

the UV kill chamber includes a UV light source and a UV-shield adapted to block UV light generated by the UV light source from exiting the first airway.

64. A representative claim chart setting forth an element-by-element comparison of representative claim 1 of the '026 Patent is attached as Exhibit F.

65. The Air Guardian is an air circulation device (Exhibit F).

66. The Air Guardian has a housing configured in the shape of a housing ceiling tile (Exhibit F).

67. The Air Guardian has a baffle, mounted to the housing, and defining at least a first airway between the fan and the first vent (Exhibit F).

68. The Air Guardian has a UV kill chamber mounted in the first airway (Exhibit F).

69. The Air Guardian has a UV kill chamber which includes a UV light source and a UV-shield adapted to block UV light generated by the UV light source from exiting the first airway (Exhibit F).

70. GFY has complied with the notice provisions of 35 U.S.C. § 287. As explained above, Defendant has had notice of the '026 Patent and knowledge of its infringement thereof since at least November 20, 2023, the date it received the letter from GFY.

71. Defendant has been aware of the '026 Patent and its infringement thereof, yet has continued its unlicensed and unauthorized infringement with no regard to the '026 Patent or GFY's rights under the '026 Patent.

72. GFY has been damaged as a result of Defendant's infringing conduct described in this Court. Defendant is liable to GFY in an amount that adequately compensates it for Defendant's 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.

73. Defendant has committed direct infringement as alleged in Count II at least through the making, use, sale, and/or offer for sale of the infringing Air Guardian products.

74. Defendant has induced infringement as alleged in Count II at least through inducing the use of the infringing Air Guardian products by at least IllumiPure and/or IllumiPure customers.

75. Defendant's infringement of the '026 Patent has been willful, deliberate, and objectively reckless.

76. Defendant's actions complained of herein will continue unless they are enjoined by this Court.

77. Defendant's infringement of the '026 patent has been such that merits an award of enhanced damages under 35 U.S.C. § 284. Defendant has engaged in infringement of GFY's patented technology. The Defendant has continued to infringe the '026 Patent despite an objectively high likelihood that its actions constitute infringement of the '026 Patent and a subjective knowledge or obviousness of such risk.

78. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

COUNT III – INFRINGEMENT OF UNITED STATES PATENT NO. 11,028,223

79. GFY incorporates all prior allegations as if set forth fully herein.

80. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. § 271, et seq.

81. GFY is the owner of all right, title, and interest in the '223 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement.

82. The '223 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

83. Defendant makes, uses, offers to sell, and sells a line of products called the Air Guardian Air Purification and Disinfection Device ("Air Guardian").

84. Defendant has directly infringed and continues to directly infringe one or more claims of the '223 patent in this judicial district and elsewhere in Texas and the United States, including at least claims 1-9 and 14 without the consent or authorization of GFY, at least by or through its making, having made, offering for sale, selling and/or using the Air Guardian.

85. Claim 14 of the '223 patent recites:

An air purifying device comprising:

a face-plate configured the size of a ceiling tile, wherein the face-plate includes a fan portion and a vent portion;

a cover attached to the face-plate forming an air chamber between the face-plate and the cover;

a fan positioned in the fan portion of the face-plate, wherein said fan directs air through the air chamber to the vent portion;

a UV-C light fixture positioned in the air chamber wherein the UV-C light fixture emits UV light to form a kill zone within the air chamber; and

a baffle positioned in proximity to the kill zone in the air chamber wherein the baffle is configured to direct air to the kill zone and prohibit the UV light from exiting the kill zone.

86. A representative claim chart setting forth an element-by-element comparison of representative claim 14 of the '223 Patent is attached as Exhibit G.

87. The Air Guardian is an air purifying device (Exhibit G).

88. The Air Guardian has a face-plate configured the size of a ceiling tile, wherein the face-plate includes a fan portion and a vent portion (Exhibit G).

89. The Air Guardian has a cover attached to the face-plate forming an air chamber between the face-plate and the cover (Exhibit G).

90. The Air Guardian has a fan positioned in the fan portion of the face-plate, wherein said fan directs air through the air chamber to the vent portion (Exhibit G).

91. The Air Guardian has a UV-C light fixture positioned in the air chamber wherein the UV-C light fixture emits UV light to form a kill zone within the air chamber (Exhibit G).

92. The Air Guardian has a baffle positioned in proximity to the kill zone in the air chamber wherein the baffle is configured to direct air to the kill zone and prohibit the UV light from exiting the kill zone (Exhibit G).

93. GFY has complied with the notice provisions of 35 U.S.C. § 287. As explained above, Defendant has had notice of the '223 Patent and knowledge of its infringement thereof since at least November 20, 2023.

94. Defendant has been aware of the '223 Patent and its infringement thereof, yet has continued its unlicensed and unauthorized infringement with no regard to the '223 Patent or GFY's rights under the '223 Patent.

95. GFY has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is liable to GFY in an amount that adequately compensates it for Defendant's 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.

96. Defendant has committed direct infringement as alleged in Count III at least through the making, use, sale, and/or offer for sale of the infringing Air Guardian products.

97. Defendant has induced infringement as alleged in Count III at least through inducing the use of the infringing Air Guardian products by at least IllumiPure and/or IllumiPure customers.

98. Defendant's infringement of the '223 Patent has been willful, deliberate, and objectively reckless.

99. Defendant's actions complained of herein will continue unless they are enjoined by this Court.

100. Defendant's infringement of the '223 patent has been such that merits an award of enhanced damages under 35 U.S.C. § 284. Defendant has engaged in infringement of GFY's patented technology. The Defendant has continued to infringe the '223 Patent despite an objectively high likelihood that its actions constitute infringement of the '223 Patent and a subjective knowledge or obviousness of such risk.

101. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

COUNT IV – INFRINGEMENT OF UNITED STATES PATENT NO. 11,255,336

102. GFY incorporates all prior allegations as if set forth fully herein.

103. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. § 271, et seq.

104. GFY is the owner of all right, title, and interest in the '336 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement.

105. The '336 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

106. Defendant makes, uses, offers to sell, and sells a line of products called the Air Guardian Air Purification and Disinfection Device ("Air Guardian").

107. Defendant has directly infringed and continues to directly infringe one or more claims of the '336 patent in this judicial district and elsewhere in Texas and the United States, including at least claims 1-2, 7, 10-16 without the consent or authorization of GFY, at least by or through its making, having made, offering for sale, selling and/or using the Air Guardian.

108. Claim 1 of the '336 patent recites:

An air circulation device, comprising:

a housing configured to be joined to a structure of a building;

a first fan mounted to the housing;

a first vent in the housing;

a baffle, mounted to the housing, and defining at least a first airway between the fan and the first vent;

a UV kill chamber mounted in the first airway; and

the UV kill chamber includes a UV light source and a UV-shield adapted to block UV light generated by the UV light source from exiting the first airway.

109. A representative claim chart setting forth an element-by-element comparison of representative claims 1 and 10 of the '336 Patent is attached as Exhibit H.

110. The Air Guardian is an air circulation device (Exhibit H).

111. The Air Guardian has a housing configured to be joined to a structure of a building (Exhibit H).

112. The Air Guardian has a first fan mounted to the housing; (Exhibit H).

113. The Air Guardian has a first vent in the housing (Exhibit H).

114. The Air Guardian has a baffle, mounted to the housing, and defining at least a first airway between the fan and the first vent (Exhibit H).

115. The Air Guardian has a UV kill chamber mounted in the first airway (Exhibit H).

116. The Air Guardian has a UV kill chamber which includes a UV light source and a UV-shield adapted to block UV light generated by the UV light source from exiting the first airway (Exhibit H).

117. GFY has complied with the notice provisions of 35 U.S.C. § 287. As explained above, Defendant has had notice of the '336 Patent and knowledge of its infringement thereof since at least November 20, 2023.

118. Defendant has been aware of the '336 Patent and its infringement thereof, yet has continued its unlicensed and unauthorized infringement with no regard to the '336 Patent or GFY's rights under the '336 Patent.

119. GFY has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is liable to GFY in an amount that adequately compensates it for Defendant's 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.

120. Defendant has committed direct infringement as alleged in Count IV at least through the making, use, sale, and/or offer for sale of the infringing Air Guardian products.

121. Defendant has induced infringement as alleged in Count IV at least through inducing the use of the infringing Air Guardian products by at least IllumiPure and/or IllumiPure customers.

122. Defendant's infringement of the '336 Patent has been willful, deliberate, and objectively reckless.

123. Defendant's actions complained of herein will continue unless they are enjoined by this Court.

124. Defendant's infringement of the '336 patent has been such that merits an award of enhanced damages under 35 U.S.C. § 284. Defendant has engaged in infringement of GFY's

patented technology. The Defendant has continued to infringe the '336 Patent despite an objectively high likelihood that its actions constitute infringement of the '336 Patent and a subjective knowledge or obviousness of such risk.

125. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

PRAYER FOR RELIEF

Wherefore, Plaintiff, Go Fan Yourself LLC, requests that this Court find in its favor and against Defendant, IllumiPure, Inc. and grant Plaintiff the following relief:

A. That Judgment be entered that Defendant has infringed each of the claims asserted at trial of the '141, '026, '223, and '336 Patents, literally or under the doctrine of equivalents;

B. A judgment that the '141, '026, '223, and '336 Patents are valid and enforceable.

C. A permanent injunction enjoining Defendant, its agents, officers, assigns, and any and all others acting in concert with them, from infringing and/or inducing infringement of the '141, '026, '223, and '336 Patents.

D. That, in accordance with 35 U.S.C. § 283, Defendant and all affiliates, employees, agents, officers, directors, attorneys, successors, and assigns and all those acting on behalf of or in active concert or participation with any of them, be preliminarily and permanently enjoined from (1) infringing the GFY Patents and (2) making, using, selling, and offering for sale the Air Guardian;

E. An award of damages, sufficient to compensate Plaintiff for Defendant's infringement under 35 U.S.C. § 284, including an award of enhanced damages up to three times the amount found or assessed.

- F. That the case be found exceptional under 35 U.S.C. § 285 and that Plaintiff be awarded its attorneys' fees;
- G. Costs and expenses in this action;
- H. An award of prejudgment and post-judgment interest; and
- I. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: May 20, 2024

Respectfully submitted,

/s/ _____

Paul K. Vickrey (pro hac forth coming)
vickrey@vvnlaw.com
Attorney in Charge
Patrick F. Solon (pro hac forthcoming)
solon@vvnlaw.com
Vitale, Vickrey, Niro, Solon & Gasey LLP
311 S. Wacker Drive, Suite 2470
Chicago, IL 60606
(312) 236-0733
(312) 236-3137 Facsimile

Michael S. Dowler
Park, Vaughan, Fleming & Dowler LLP
Texas State Bar No. 783979
Southern District of Texas Bar No. 15607
1980 Post Oak Boulevard, Suite 2300
Houston, Texas 77056
mike@parklegal.com
713-443-6866

Attorneys for Plaintiff Go Fan Yourself, LLC