

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

| | | |
|--------------|---|----------------------------|
| _____ |) | |
| BX LED LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. _____ |
| |) | |
| AMS-OSRAM AG |) | JURY TRIAL DEMANDED |
| |) | |
| Defendant. |) | |
| |) | |
| _____ |) | |

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff BX LED LLC (“BX” or “Plaintiff”), by and through the undersigned counsel, hereby asserts the following claims for patent infringement against Defendant ams-Osram AG (“ams-Osram”), and alleges as follows:

SUMMARY

1. Plaintiff is the owner by assignment of all right, title and interest in United States United States Patent Nos. 6,869,812; 7,901,109; 7,883,226; and 8,888,318 (collectively, the “Patents-in-Suit”).

2. Defendant infringes the Patents-in-Suit at least by selling, without authorization, Plaintiff’s proprietary technologies in a number of its commercial products including, *inter alia*, the Osram LEDriving: Round MX180-CB, Lightbar FX250-CB, SL C5W 6419 lamp, SL W5W White lamp, and SL 921W White lamp, and Osram Duris S 8 (GW P9LR34.EM), among other substantially similar products (collectively, the “Accused Products”). These Accused Products are marketed, offered, and distributed throughout the United States, including in this District.

3. By this action, Plaintiff seeks to obtain compensation for the harm Plaintiff has suffered, and will continue to suffer, as a result of Defendant's infringement of the Patents-in-Suit.

NATURE OF THE ACTION

4. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

5. Defendant has infringed and continues to infringe, and at least as early as the filing and/or service of this Complaint, has induced and continues to induce infringement of, and has contributed to and continues to contribute to infringement of, one or more claims of Plaintiff's Patents-in-Suit at least by making, using, selling, and/or offering to sell the Accused Products in the United States, including in this District, and/or by importing the Accused Products into the United States.

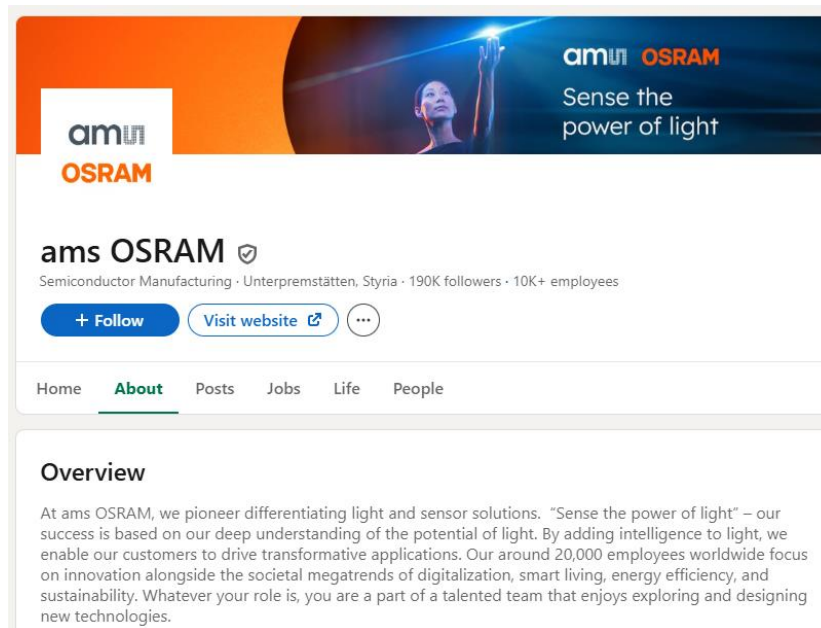
6. Plaintiff is the legal owner by assignment of the Patents-in-Suit, which were duly and legally issued by the United States Patent and Trademark Office ("USPTO"). Plaintiff seeks monetary damages for Defendant's infringement of the Patents-in-Suit.

THE PARTIES

7. Plaintiff BX LED LLC is a Texas limited liability company with its principal place of business at 17330 Preston Road, Suite 200D, Dallas, Texas 75252. Plaintiff is the owner of the intellectual property rights at issue in this action.

8. On information and belief, Defendant ams-Osram AG is organized and exists under the laws of Austria with its principal place of business at Tobelbader Straße 30, 8141 Premstaetten, Austria and may be served with process by serving its registered agent, Corporation Creations Network Inc. 5444 Westheimer #1000, Houston, TX 77056.

9. On information and belief, Defendant acts with and through its intermediaries, subsidiaries, and agents, to directly and/or indirectly distribute, market, design, use, offer to sell, and/or sell the Accused Products in the United States and/or imports the Accused Products into the United States, including in the Eastern District of Texas, and otherwise directs infringing activities to this District in connection with the Accused Products. On information and belief, employees across ams-Osram's various entities coordinate to pursue a common enterprise. As one example, Osram relies on the combined know-how of their expert teams improve products. *See, ams-Osram 2023 Annual Report – pg. 11, https://ams-osram.com/documents/4390887/4391329/ams%20OSRAM%20EN%20Annual%20Report%202023.pdf/d73eb460-5fc0-093b-159f-d307d804aca1?t=1713257897189; ams-Osram, LinkedIn, https://www.linkedin.com/company/ams-osram/about/.*



10. As shown below, ams-Osram has derived significant revenue, over 15% of ams-Osram's gross revenue, in the United States. *See, ams-Osram 2024 Half Year Report, https://ams-osram.com/documents/4390887/25202939/ams%20OSRAM%20EN%20HY%20Report%202024.pdf/0d4302ad-9d33-cb22-c775-b42c391def68.*

Revenues by Region

| Business Segments | 1st Half 2024 / 2023 | | | | | | | |
|-------------------------------------|----------------------|------------|------------|------------|------------|------------|--------------|--------------|
| | OS | | CSA | | L&S | | Total | |
| | 2024 | 2023 | 2024 | 2023 | 2024 | 2023 | 2024 | 2023 |
| EMEA | 208 | 212 | 89 | 128 | 162 | 217 | 459 | 557 |
| thereof Austria | 10 | 13 | 1 | 1 | 6 | 6 | 17 | 19 |
| thereof Germany | 113 | 123 | 34 | 67 | 26 | 49 | 172 | 240 |
| Americas | 102 | 91 | 24 | 27 | 221 | 260 | 347 | 379 |
| thereof USA | 77 | 71 | 16 | 20 | 182 | 185 | 275 | 276 |
| Asia / Pacific | 408 | 335 | 344 | 354 | 109 | 154 | 860 | 843 |
| thereof Greater China ¹⁾ | 332 | 259 | 329 | 316 | 55 | 64 | 716 | 640 |
| Total | 717 | 638 | 457 | 510 | 491 | 631 | 1,665 | 1,778 |

JURISDICTION AND VENUE

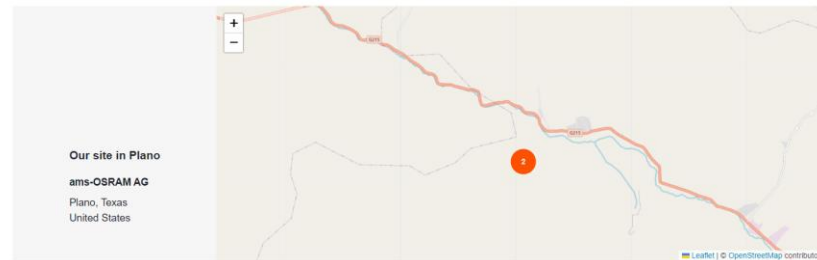
11. As this is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 et seq., this Court has subject matter jurisdiction over the matters asserted herein under 28 U.S.C. §§ 1331 and 1338(a).

12. This Court has personal jurisdiction over Defendant because Defendant has (i) availed itself of the rights and benefits of the laws of the State of Texas, (ii) transacted, conducted, and/or solicited business and engaged in a persistent course of conduct in the State of Texas (and in this District), (iii) derived substantial revenue from the sales and/or use of products, such as the Accused Products, in the State of Texas (and in this District), (iv) purposefully directed activities (directly and/or through intermediaries, subsidiaries, or agents¹⁾), such as marketing, shipping, distributing, offering for sale, selling, and/or advertising the Accused Products, at residents of the State of Texas (and residents in this District), (v) delivered Accused Products into the stream of commerce with the expectation that the Accused Products will be used and/or purchased by consumers in the State of Texas (and in this District), and (vi) committed acts of patent infringement in the State of Texas (and in this District).

¹ See Defendant's distribution partners: <https://ams-osram.com/about-us/locations-distribution/channel-partners/distribution-partners#northamerica>

13. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b), as Defendant has committed acts of infringement in this District by, e.g., directly, vicariously, indirectly, and through contribution offering the Accused Products to customers and potential customers located in Texas, including in the Eastern District of Texas. Defendant also has a regular and established place of business in the District, which is located at 5556 Tennyson Parkway, Plano, TX 75024. Defendant employs a number of individuals and currently has active job listings for positions at the Plano office. *See Search Results for Available ams-Osram Employees*, <https://jobs.ams-osram.com/en/job/Principal-Engineer-Plano?id=007593>; *Mike Lusk*, LinkedIn, <https://www.linkedin.com/in/mike-lusk-085672a/>.

Where you can find us



Principal Engineer

Plano (Texas), Plano (Texas) – ams-OSRAM AG

What we expect

- EMPLOYER: AMS-OSRAM USA Inc.
- JOB TITLE: Principal Engineer

Job details

Posting date: 2024/08/13

Experience level: Experienced Professional (>8 Years)

Type of contract: Permanent

Employment type: Full-time

Work Model: On site

Business unit: ams OSRAM

Organization: ams-OSRAM AG

Job field: Research & Development

Job ID: 007593

Mike Lusk ams OSRAM
Semiconductor Operations Executive
Plano, Texas, United States · [Contact info](#)
500+ connections

[Connect](#) [Message](#) [More](#)

About

High energy, results-driven executive with extensive experience leading global organizations through critical transitions to achieve financial, operational & market success. Visionary leader with keen global business acumen and broad-based experience in Supply Chain Management, Operations, Procurement, Logistics, Marketing & Manufacturing across numerous market segments. Natural talent in building & leading high performing teams and instilling a culture ...see more

Activity
1,912 followers

Mike hasn't posted yet
Recent posts Mike shares will be displayed here.

[Show all activity →](#)

Enhance your own profile by adding a work experience. [Add experience](#) ×

Experience

ams OSRAM
Full-time · 7 yrs 6 mos

- COO & Executive Vice President Operations, Supply Chain, & Quality - CSA BU
Oct 2023 - Present · 1 yr 1 mo
Plano, Texas, United States · Hybrid

PATENTS-IN-SUIT

U.S. Patent No. 6,869,812

14. U.S. Patent No. 6,869,812 (the “812 Patent”) is titled “High power AlInGaN based multichip light emitting diode” and was issued on March 22, 2005. A true and correct copy of the ‘812 Patent is attached as Exhibit A.

15. The ‘812 Patent was filed on May 13, 2003 as U.S. Patent Application No. 10/438,108.

16. Plaintiff is the owner of all rights, title, and interest in and to the ‘812 Patent, with the full and exclusive right to bring suit to enforce the ‘812 Patent, including the right to recover for past infringement.

17. The ‘812 Patent is valid and enforceable under United States Patent Laws.

18. The ‘812 Patent recognized problems with existing light emitting diodes at the time of the invention of the ‘812 Patent.

19. For instance, the inventors of the ‘812 Patent recognized that prior art light emitting diodes had issues of insufficient illumination and poor efficiency, limiting their ability “to function in some applications, such as providing general illumination, *e.g.*, ambient lighting.” ‘812 Patent at 1:24-31. Prior attempts to address these issues involved the use of multiple LEDs and/or larger device sizes. *See id.* at 1:38-45, 2:16-18.

20. The use of larger device sizes introduced other impediments towards efficiency, *e.g.*, lower light extraction efficiency relative to smaller devices. *See id.* at 2:61-65. Light extraction efficiency refers to the issue that when light is generated in an LED, some light fails to escape the device, because “as the device size increases, light has a tendency to bounce more and thus travel a longer distance before exiting the device, resulting in increased light loss,” whereas “light tends to bounce fewer times in a smaller device and thus travels a shorter distance.” *See id.* at 3:12-16.

21. The inventors of the ‘812 Patent recognized that it was “desirable to minimize the number of bounces and the total travel distance before light can escape for any light transmissive layer of an LED.” *See id.* at 3:9-11.

22. In view of the foregoing, among other advantages over the prior art, the inventions claimed by the ‘812 Patent provide the benefits of “superior light output efficiency” over the prior art by way of an active surface with elongated geometry. *See id.* at 11:46-48. With elongated geometry, “light can easily escape from the long dimension side, thus substantially enhancing the brightness of the device. The elongated configuration of the LED chip also enhances heat dissipation, thus allowing the device to be operated at higher current levels to facility further enhancement of the light output thereof, as well as for improvement of the efficiency thereof.” *See id.* at 8:62-9:3.

U.S. Patent No. 7,901,109

23. U.S. Patent No. 7,901,109 (the “‘109 Patent”) is titled “Heat sink apparatus for solid state lights” and was issued on March 8, 2011. A true and correct copy of the ‘109 Patent is attached as Exhibit B.

24. The ‘109 Patent was filed on June 30, 2008 as U.S. Patent Application No. 12/165,563.

25. Plaintiff is the owner of all rights, title, and interest in and to the ‘109 Patent, with the full and exclusive right to bring suit to enforce the ‘109 Patent, including the right to recover for past infringement.

26. The ‘109 Patent is valid and enforceable under United States Patent Laws.

27. The ‘109 Patent recognized problems with existing solid state lights at the time of invention.

28. For instance, the ‘109 Patent recognized that the “operational power of many current solid state lights, such as light-emitting diode (LED) lights, is often limited by the solid state lights’ ability to dissipate heat.” ‘109 Patent at 1:11-13. “Accordingly, increasing the ability

of a solid state light to dissipate heat allows for higher power, and thus brighter, more efficient solid state lights.” *Id.* at 1:18-20.

29. In view of the foregoing, the ‘109 Patent discloses, in one embodiment, “a heat sink apparatus for a solid state light” that “comprises a heat sink comprising a first end configured for connection to a solid state light, a second end opposite the first end, and a heat dissipating portion between the first end and the second end. The heat dissipating portion has an elongated portion and a plurality of fins for dissipating heat generated by the solid state light, the fins extending from the elongated portion.” *Id.* at 1:27-34. Through this, and other disclosed embodiments, the ‘109 Patent offers advantages of, *inter alia*, increasing the heat dissipation, power, brightness, and efficiency of solid state lighting over the prior art.

U.S. Patent No. 8,888,318

30. U.S. Patent No. 8,888,318 (the “‘318 Patent”) is titled “LED spotlight” and was issued on October 29, 2013. A true and correct copy of the ‘318 Patent is attached as Exhibit C.

31. The ‘318 Patent was filed on June 8, 2011 as U.S. Patent Application No. 13/156,183.

32. Plaintiff is the owner of all rights, title, and interest in and to the ‘318 Patent, with the full and exclusive right to bring suit to enforce the ‘318 Patent, including the right to recover for past infringement.

33. The ‘318 Patent is valid and enforceable under United States Patent Laws. The ‘318 Patent recognized problems with existing both LED and conventional based spotlights at the time of its invention.

34. At the time of invention “[m]ost lighting devices utilizing high brightness white LEDs comprise arrangements in which a plurality of LEDs replaces the conventional light source

component and utilize the existing optical components such as a reflector and/or a lens.” However, this method would concentrate a greater proportion of the light emission of the axis which reduced the illuminance uniformity within the emission angle *See, e.g.*, ‘318 Patent at 1:34-54. In this regard, the ‘318 Patent recognized that a dish-shaped reflector and LEDs configured to emit light in a general radial direction to the emission axis of the spotlight “enables a spotlight to be fabricated that has a compact form factor and a narrow emission angle *See, e.g., Id* at 2:16-32. Thus, the invention described and claimed in the ‘318 Patent provides the advantages of, *inter alia*, improved illuminance uniformity and a more compact form factor over the prior art.

U.S. Patent No. 7,883,226

35. U.S. Patent No. 7,883,226 (the “’226 Patent”) is titled “LED signal lamp” and was issued on February 8, 2011. A true and correct copy of the ‘226 Patent is attached as Exhibit D.

36. The ‘226 Patent was filed on September 28, 2007 as U.S. Patent Application Serial No. 11/906,146 and has a priority date of March 5, 2007.

37. Plaintiff is the owner of all rights, title, and interest in and to the ‘226 Patent, with the full and exclusive right to bring suit to enforce the ‘226 Patent, including the right to recover for past infringement.

38. The ‘226 Patent is valid and enforceable under United States Patent Laws.

39. The inventors of the ‘226 Patent recognized that traditional LED signal lamps had issues with thermal stability, degradation in the event of failure of one or more LEDs, and reduced optical performance. To address the deficiencies found in the prior art, the ‘226 Patent recognized that “generating the required color of light . . . using a phosphor material which is excited by the radiation from an associated LED excitation source” improved thermal stability, improved color uniformity and saturations, and prevented issues with color uniformity when one of the LEDs fails,

See, e.g., id. at 2:53-3:11. The ‘226 Patent also recognized that the invention reduced fabrication costs since the signal lamp color can be determined by the phosphor material inserted into the module *See, e.g., id.* at 3:10-15. Thus, the invention described and claimed in the ‘226 Patent provides the advantages of, *inter alia*, increased thermal stability, improved color uniformity and saturation, and reduced fabrication cost over the prior art.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,869,812

40. Plaintiff incorporates by reference and re-alleges paragraphs 1-39 of the Complaint as if fully set forth herein.

41. Defendant has infringed and is infringing, either literally or under the doctrine of equivalents, the ‘812 Patent in violation of 35 U.S.C. § 271 et seq., directly and/or indirectly, by making, using, offering for sale, and/or selling in the United States, and/or importing into the United States without authority or license products, including but not limited to the Osram LEDriving: SL C5W 6419 lamp, SL W5W White lamp, and SL 921W White lamp, and Osram Duris S 8 (GW P9LR34.EM), among other substantially similar products (collectively, the “‘812 Accused Products”).

42. By way of non-limiting example(s), set forth below (with claim language in bold and italics) is exemplary evidence of infringement of claim 1 of the ‘812 Patent by the ‘812 Accused Products. This description is based on publicly available information. Plaintiff reserves the right to modify this description, including, for example, on the basis of information about the ‘812 Accused Products that it obtains during discovery.

43. ***I(a): A light emitting diode chip comprising:***— The Osram LEDriving SL C5W 6419 lamp comprises a “light emitting diode chip,” as recited in claim 1:

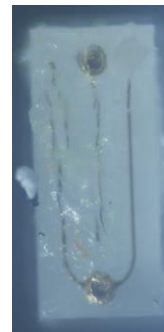
Osram LEDriving SL C5W 6419 lamp



Product Box

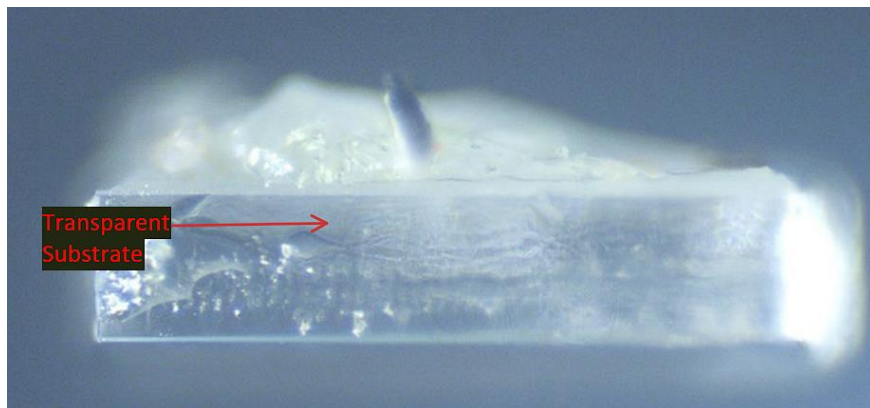


LED Package



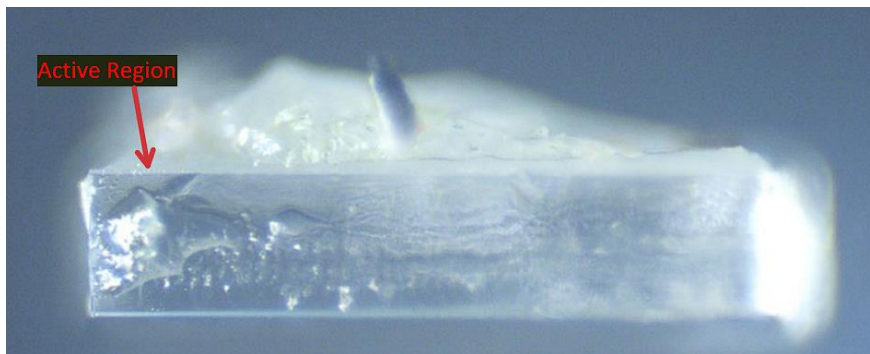
LED Chip

44. *I(b): a substantially transparent substrate;*— The Osram LEDDriving SL C5W 6419 lamp comprises a “substantially transparent substrate,” as seen in the below images where the transparent substrate is annotated in red:



Osram LEDDriving SL C5W 6419 lamp

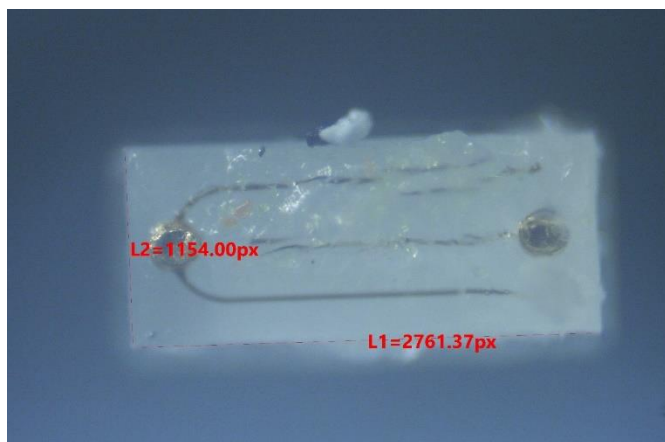
I(c): An active region formed upon the substrate; and;— The Osram LEDDriving SL C5W 6419 lamp comprises an “active region formed upon the substrate,” as seen in the below images:



Osram LEDriving SL C5W 6419 lamp

1(d): Wherein an aspect ratio of the active area is greater than approximately 1.5 to 1.—

The Osram LEDriving SL C5W 6419 lamp comprises an active region wherein the aspect ratio is greater than approximately 1.5 to 1.



Osram LEDriving SL C5W 6419 lamp

The aspect ratio of the active region of the light emitting diode chip in the Osram LEDriving SL C5W 6419 lamp is greater than 1.5 to 1. Specifically, the aspect ratio, as derived from the pixel (px) measurement taken from above image, is:

| | L1 (long side) | L2 | Aspect Ratio (L1/L2) |
|---|----------------|---------|----------------------|
| <i>Osram LEDriving SL C5W 6419 lamp</i> | 2761.37 | 1154.00 | 2.393 |

45. Additionally, Defendant has been and/or currently is an active inducer of infringement of the '812 Patent under 35 U.S.C. § 271(b) and a contributory infringer of the '812 Patent under 35 U.S.C. § 271(c).

46. Indeed, Defendant has been and/or currently is intentionally causing, urging, and/or encouraging customers to directly infringe one or more claims of the '812 Patent while being on notice of (or willfully blind to) the '812 Patent. For instance, Defendants have supplied and continue to supply the '812 Accused Products to customers (e.g., end users and/or distributors of the '812 Accused Products) while knowing that use of these products in their intended manner will directly infringe one or more claims of the '812 Patent.

47. Defendants have been and/or currently are knowingly and intentionally encouraging and aiding customers to engage in such direct infringement of the '812 Patent. As one example, Defendants promote, advertise, and instruct customers or potential customers about the '812 Accused Products and uses of the '812 Accused Products. *See, e.g.*, https://www.osram.com/ecat/LEDDriving%20SL%20C5W%206418%20WHITE-LEDDriving%20SL%20C5W-LED%20interior%20lamps-Car%20lighting-Automotive/com/en/GPS01_3380326/ZMP_4062040/.

48. Defendant knows (and/or has known) that such encouraging and aiding does (and/or would) result in their customers directly infringing the '812 Patent. For instance, Defendant knows (and/or has known) of the existence of the '812 Patent or at least should have known of the existence of the '812 Patent but was willfully blind to its existence. Indeed, Defendant has had actual knowledge of the '812 Patent since at least as early as September 13, 2022, when Defendant received Plaintiff's notice letter. And, as a result of their knowledge of the '812 Patent (and/or as a direct and probable consequence of its willful blindness to this fact), Defendant specifically

intends (and/or has intended) that its encouraging and aiding does (and/or would) result in direct infringement of the '812 Patent by Defendant's customers. On information and belief, Defendant specifically intends (and/or has intended) that its actions will (and/or would) result in direct infringement of one or more claims of the '812 Patent and/or subjectively believes (and/or has believed) that its actions will (and/or would) result in infringement of the '812 Patent but has taken (and/or took) deliberate actions to avoid learning of those facts.

49. Additionally, Defendant has been and/or currently is contributorily infringing one or more claims of the '812 Patent by offering for sale, selling, and/or importing one or more components in connection with the '812 Accused Products that contribute to the direct infringement of the '812 Patent by customers of the '812 Accused Products. As set forth above, Defendant has had actual knowledge of the '812 Patent or are willfully blind to its existence since at least as early as September 13, 2022, when Defendant received Plaintiff's notice letter. Further, Defendants offers for sale, sells, and/or import some or more components in connection with the '812 Accused Products that are not staple articles of commerce suitable for substantial non-infringing use, and Defendant knows (or should know) that such component(s) are specially made or especially adapted for use in infringement of the '812 Patent. Defendant has supplied (and/or continues to supply) the '812 Accused Products that comprise such component(s) to customers, who then directly infringe one or more claims of the '812 Patent by using the '812 Accused Products in their intended manner (e.g., pursuant to instructions provided by Defendant).

50. At least as early as when Defendant received Plaintiff's notice letter, Defendant's infringement of the '812 Patent was and continues to be willful and deliberate, thereby entitling Plaintiff to enhanced damages.

51. Additional allegations regarding Defendant's knowledge of the '812 Patent and willful infringement will likely have evidentiary support after a reasonable opportunity for discovery.

52. Defendant's infringement of the '812 Patent is exceptional and entitles Plaintiff to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

53. Plaintiff is in compliance with any applicable marking and/or notice provisions of 35 U.S.C. § 287 with respect to the '812 Patent.

54. Plaintiff is entitled to recover from Defendant all damages that Plaintiff has sustained as a result of Defendant's infringement of the '812 Patent, including, without limitation, a reasonable royalty.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,901,109

55. Plaintiff incorporates by reference and re-alleges paragraphs 1-54 of the Complaint as if fully set forth herein.

56. Defendant has infringed and is infringing, either literally or under the doctrine of equivalents, the '109 Patent in violation of 35 U.S.C. § 271 et seq., directly and/or indirectly, by making, using, offering for sale, and/or selling in the United States, and/or importing into the United States without authority or license products, including but not limited to the Osram LEDriving: Round MX180-CB, Lightbar FX250-CB, SL W5W White lamp, and SL 921W White lamp, among other substantially similar products (collectively, the "'109 Accused Products").

57. By way of non-limiting example(s), set forth below (with claim language in bold and italics) is exemplary evidence of infringement of claim 10 of the '109 Patent. This description is based on publicly available information. Plaintiff reserves the right to modify this description,

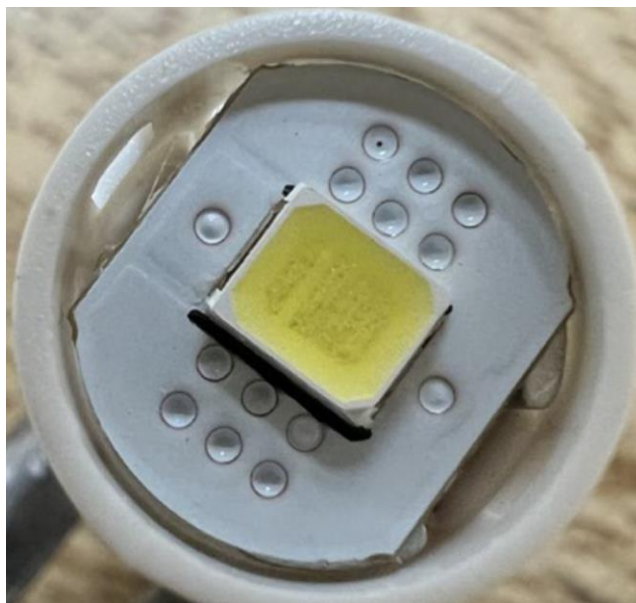
including, for example, on the basis of information about the '109 Accused Products that it obtains during discovery.

58. **10(a): A solid state light assembly, comprising:**—The Osram LEDriving SL W5W White lamp is a solid state light assembly.



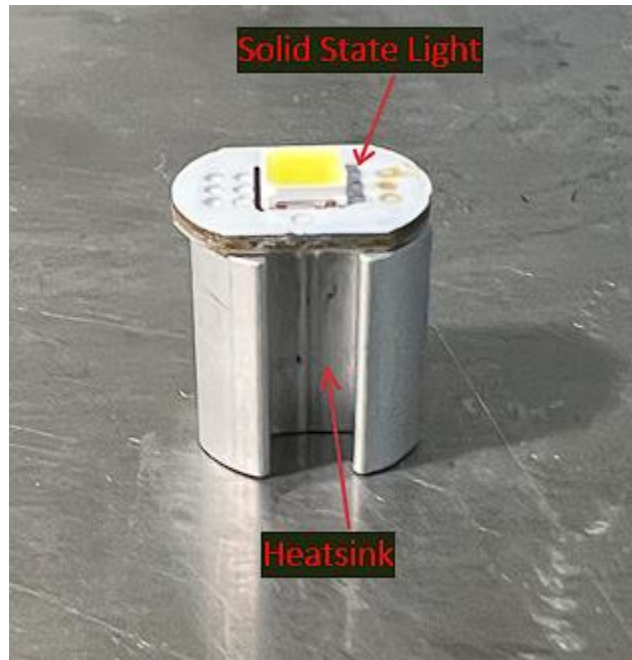
Osram LEDriving SL W5W White lamp

10(b): a solid state light; and— The Osram LEDriving SL W5W White lamp comprises a solid state light.

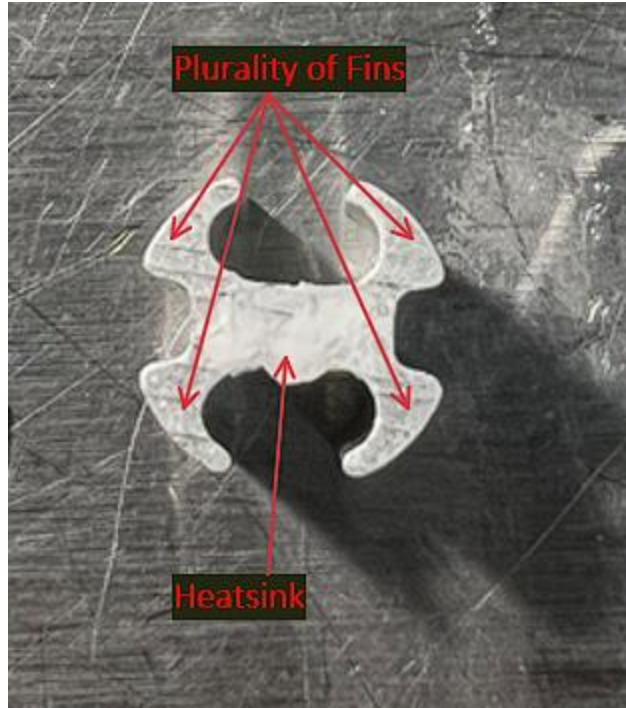


Osram LEDriving SL W5W White lamp

59. *10(c): a heat sink integrally affixed to the solid state light, the heat sink comprising at least one fin for dissipating heat generated by the solid state light.*- The Osram LEDriving SL W5W White lamp has a heat sink integrally affixed to the solid state light:



This heat sink comprises a plurality of fins for dissipating heat generated by the solid state light:



60. Additionally, Defendant has been and/or currently is an active inducer of infringement of the '109 Patent under 35 U.S.C. § 271(b) and a contributory infringer of the '109 Patent under 35 U.S.C. § 271(c).

61. Indeed, Defendant has been and/or currently is intentionally causing, urging, and/or encouraging customers to directly infringe one or more claims of the '109 Patent while being on notice of (or willfully blind to) the '109 Patent. For instance, Defendants have supplied and continue to supply the '109 Accused Products to customers (e.g., end users and/or distributors of the '109 Accused Products) while knowing that use of these products in their intended manner will directly infringe one or more claims of the '109 Patent.

62. Defendant has been and/or currently is knowingly and intentionally encouraging and aiding customers to engage in such direct infringement of the '109 Patent. As one example, Defendant promotes, advertises, and instructs customers or potential customers about the '109 Accused Products and uses of the '109 Accused Products. *See, e.g.,*

https://www.osram.com/ecat/LEDDriving%20SL%20W5W%20WHITE-LEDDriving%20SL%20W5W-LED%20interior%20lamps-Car%20lighting-Automotive/com/en/GPS01_3381096/ZMP_4062039/.

63. Defendant knows (and/or has known) that such encouraging and aiding does (and/or would) result in their customers directly infringing the ‘109 Patent. For instance, Defendant knows (and/or has known) of the existence of the ‘109 Patent or at least should have known of the existence of the ‘109 Patent but was willfully blind to its existence. Indeed, Defendant has had actual knowledge of the ‘109 Patent since at least as early as September 13, 2022, when Defendant received Plaintiff’s notice letter. And, as a result of their knowledge of the ‘109 Patent (and/or as a direct and probable consequence of its willful blindness to this fact), Defendant specifically intends (and/or has intended) that its encouraging and aiding does (and/or would) result in direct infringement of the ‘109 Patent by Defendant’s customers. On information and belief, Defendant specifically intends (and/or has intended) that its actions will (and/or would) result in direct infringement of one or more claims of the ‘109 Patent and/or subjectively believes (and/or has believed) that its actions will (and/or would) result in infringement of the ‘109 Patent but has taken (and/or took) deliberate actions to avoid learning of those facts.

64. Additionally, Defendant has been and/or currently is contributorily infringing one or more claims of the ‘109 Patent by offering for sale, selling, and/or importing one or more components in connection with the ‘109 Accused Products that contribute to the direct infringement of the ‘109 Patent by customers of the ‘109 Accused Products. In particular, as set forth above, Defendant has had actual knowledge of the ‘109 Patent or are willfully blind to its existence since at least as early as September 13, 2022, when Defendant received Plaintiff’s notice letter. Further, Defendants offers for sale, sells, and/or import some or more components in

connection with the '109 Accused Products that are not staple articles of commerce suitable for substantial non-infringing use, and Defendant knows (or should know) that such component(s) are especially made or especially adapted for use in infringement of the '109 Patent. Defendant has supplied (and/or continues to supply) the '109 Accused Products that comprise such component(s) to customers, who then directly infringe one or more claims of the '109 Patent by using the '109 Accused Products in their intended manner (e.g., pursuant to instructions provided by Defendant).

65. At least as early as the filing and/or service of this Complaint, Defendant's infringement of the '109 Patent was and continues to be willful and deliberate, thereby entitling Plaintiff to enhanced damages.

66. Additional allegations regarding Defendant's knowledge of the '109 Patent and willful infringement will likely have evidentiary support after a reasonable opportunity for discovery.

67. Defendant's infringement of the '109 Patent is exceptional and entitles Plaintiff to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

68. Plaintiff is in compliance with any applicable marking and/or notice provisions of 35 U.S.C. § 287 with respect to the '109 Patent.

69. Plaintiff is entitled to recover from Defendant all damages that Plaintiff has sustained as a result of Defendant's infringement of the '109 Patent, including, without limitation, a reasonable royalty.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 8,888,318

70. Plaintiff incorporates by reference and re-alleges 1-68 of the Complaint as if fully set forth herein.

71. Defendant has infringed and is infringing, either literally or under the doctrine of equivalents, the ‘318 Patent in violation of 35 U.S.C. § 271 et seq., directly and/or indirectly, by making, using, offering for sale, and/or selling in the United States, and/or importing into the United States without authority or license, products, including but not limited to the Osram LEDriving: Round MX180-CB, and Lightbar FX250-CB, among other substantially similar products (collectively, the “‘318 Accused Products”).

72. As non-limiting examples, set forth below (with claim language in bold and italics) is exemplary evidence of infringement of claim 1 of the ‘318 Patent. This description is based on publicly available information. Plaintiff reserves the right to modify this description, including, for example, on the basis of information about the ‘318 Accused Products that it obtains during discovery.

73. ***1(a): An LED spotlight operable to emit light with a selected emission angle measured relative to an emission axis of the spotlight comprising:***—The Osram LEDriving Lightbar FX250-CB is an LED spotlight operable to emit light with a selected emission angle measured relative to an emission axis of the spotlight.

Osram LEDriving Lightbar FX250-CB



Packaging

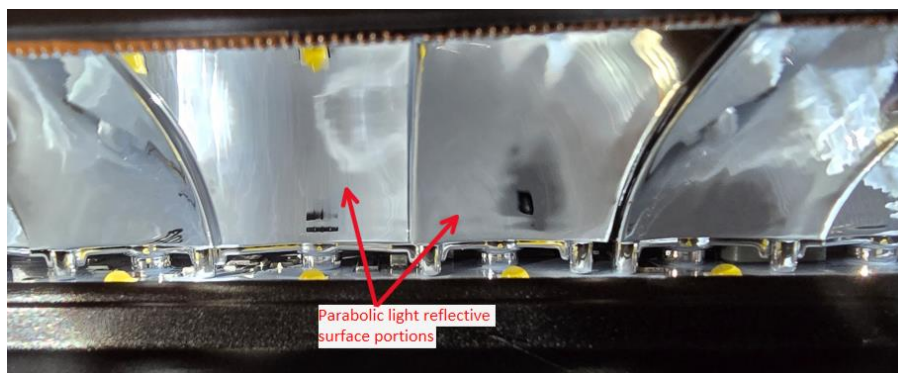
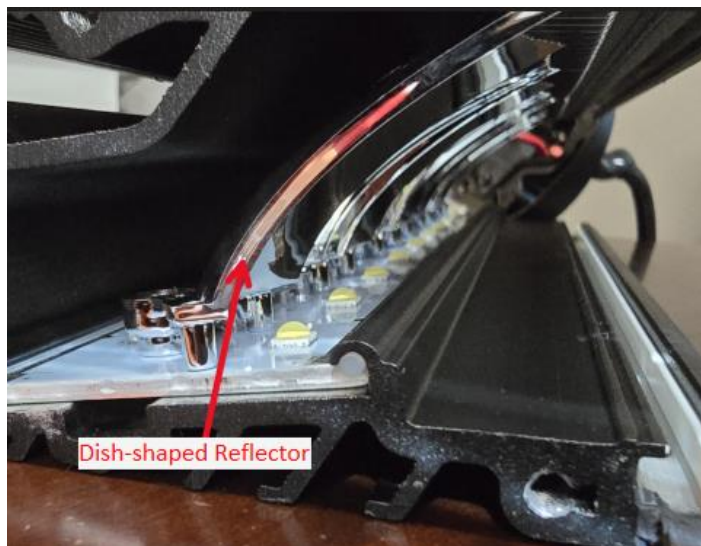


Product



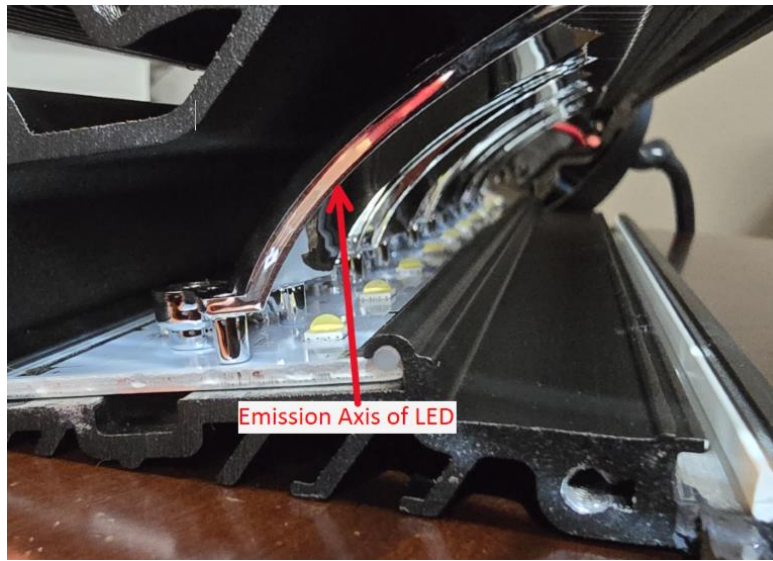
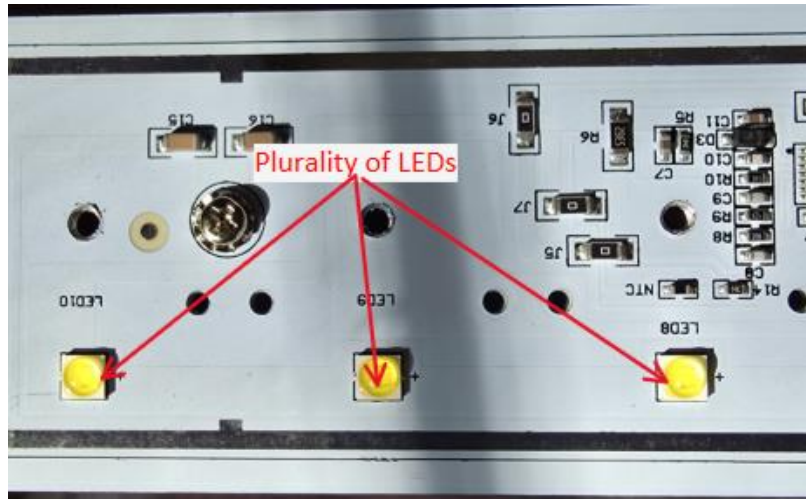
LEDs

74. ***1(b): a dish-shaped reflector having a plurality of parabolic light reflective surface portions and;***—The Osram LEDriving Lightbar FX250-CB comprises a dish-shaped reflector which has a plurality of parabolic light reflective surface portions.

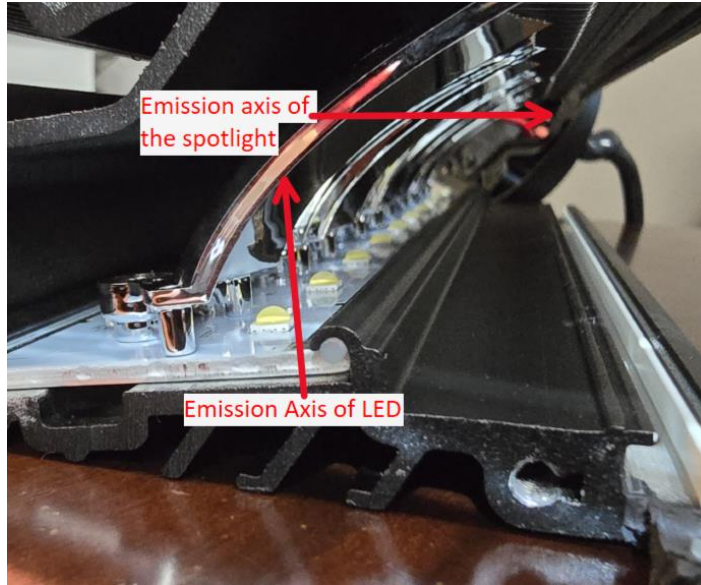


Osram LEDriving Lightbar FX250-CB

75. *1(c): a plurality of LEDs each having a respective light emission axis;*— The Osram LEDriving Lightbar FX250-CB comprises a plurality of LEDs each having a respective light emission axis.



76. (d): wherein the LEDs are configured such that in operation each emits light in a generally radial direction to the emission axis of the spotlight and wherein the light emission axis of each LED is configured at an angle to the emission axis of the spotlight of at least 40°.—
The Osram LEDriving Lightbar FX250-CB comprises LEDs configured to emit light in a radial direction to the emission axis of the spotlight. The light emission axis of each LED is configured at an angle to the emission axis of the spotlight of greater than 40°.



Osram LEDriving Lightbar FX250-CB

77. Additionally, Defendant has been and/or currently is an active inducer of infringement of the '318 Patent under 35 U.S.C. § 271(b) and a contributory infringer of the '318 Patent under 35 U.S.C. § 271(c).

78. Indeed, Defendant has been and/or currently is intentionally causing, urging, and/or encouraging customers to directly infringe one or more claims of the '318 Patent while being on notice of (or willfully blind to) the '318 Patent. For instance, Defendants have supplied and continue to supply the '318 Accused Products to customers (e.g., end users and/or distributors of the '318 Accused Products) while knowing that use of these products in their intended manner will directly infringe one or more claims of the '318 Patent.

79. Defendants have been and/or currently are knowingly and intentionally encouraging and aiding customers to engage in such direct infringement of the '318 Patent. As one example, Defendants promote, advertise, and instruct customers or potential customers about the '318 Accused Products and uses of the '318 Accused Products. *See, e.g.*, <https://www.osram.com/ecat/Lightbar%20FX250-CB-Functional%20Series->

LED%20driving%20lights-Car%20lighting-
Automotive/com/en/GPS01_3238215/ZMP_4058233/.

80. Defendant knows (and/or has known) that such encouraging and aiding does (and/or would) result in their customers directly infringing the ‘318 Patent. For instance, Defendant knows (and/or has known) of the existence of the ‘318 Patent or at least should have known of the existence of the ‘318 Patent but was willfully blind to its existence. Indeed, Defendant has had actual knowledge of the ‘318 Patent since at least as early as September 13, 2022, when Defendant received Plaintiff’s notice letter. And, as a result of their knowledge of the ‘318 Patent (and/or as a direct and probable consequence of its willful blindness to this fact), Defendant specifically intends (and/or has intended) that its encouraging and aiding does (and/or would) result in direct infringement of the ‘318 Patent by Defendant’s customers. On information and belief, Defendant specifically intends (and/or has intended) that its actions will (and/or would) result in direct infringement of one or more claims of the ‘318 Patent and/or subjectively believes (and/or has believed) that its actions will (and/or would) result in infringement of the ‘318 Patent but has taken (and/or took) deliberate actions to avoid learning of those facts.

81. Additionally, Defendant has been and/or currently is contributorily infringing one or more claims of the ‘318 Patent by offering for sale, selling, and/or importing one or more components in connection with the ‘318 Accused Products that contribute to the direct infringement of the ‘318 Patent by customers of the ‘318 Accused Products. In particular, as set forth above, Defendant has had actual knowledge of the ‘318 Patent or are willfully blind to its existence since at least as early as September 13, 2022, when Defendant received Plaintiff’s notice letter. Further, Defendants offers for sale, sells, and/or import some or more components in connection with the ‘318 Accused Products that are not staple articles of commerce suitable for

substantial non-infringing use, and Defendant knows (or should know) that such component(s) are especially made or especially adapted for use in infringement of the '318 Patent. Defendant has supplied (and/or continues to supply) the '318 Accused Products that comprise such component(s) to customers, who then directly infringe one or more claims of the '318 Patent by using the '318 Accused Products in their intended manner (e.g., pursuant to instructions provided by Defendant).

82. At least as early as the filing and/or service of this Complaint, Defendant's infringement of the '318 Patent was and continues to be willful and deliberate, thereby entitling Plaintiff to enhanced damages.

83. Additional allegations regarding Defendant's knowledge of the '318 Patent and willful infringement will likely have evidentiary support after a reasonable opportunity for discovery.

84. Defendant's infringement of the '318 Patent is exceptional and entitles Plaintiff to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

85. Plaintiff is in compliance with any applicable marking and/or notice provisions of 35 U.S.C. § 287 with respect to the '318 Patent.

86. Plaintiff is entitled to recover from Defendant all damages that Plaintiff has sustained as a result of Defendant's infringement of the '318 Patent, including, without limitation, a reasonable royalty.

COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 7,883,226

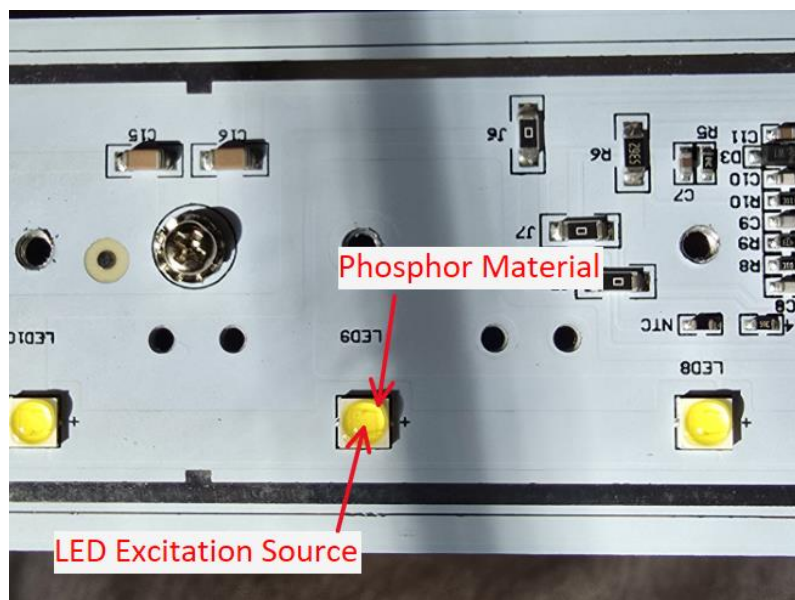
87. Plaintiff incorporates by reference and re-alleges 1-86 of the Complaint as if fully set forth herein.

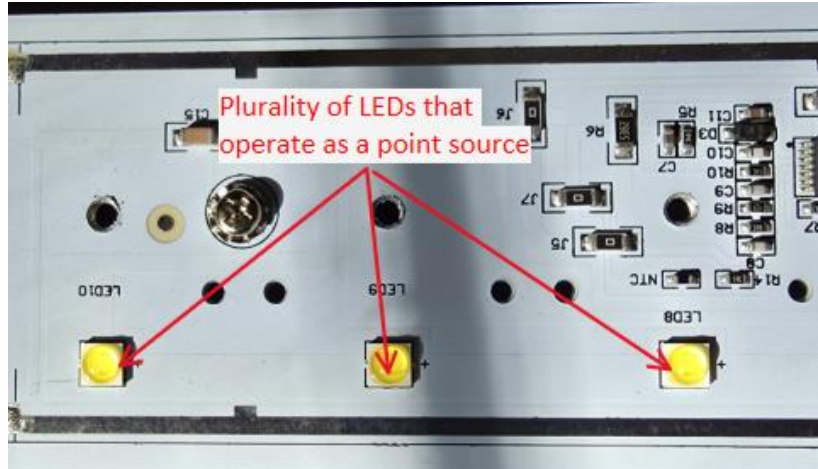
88. Defendant has infringed and is infringing, either literally or under the doctrine of equivalents, the '226 Patent in violation of 35 U.S.C. § 271 et seq., directly and/or indirectly, by

making, using, offering for sale, and/or selling in the United States, and/or importing into the United States without authority or license, products, including but not limited to the Osram LEDriving: Round MX180-CB, and Lightbar FX250-CB, among other substantially similar products (collectively, the “‘226 Accused Products”).

89. As non-limiting examples, set forth below (with claim language in bold and italics) is exemplary evidence of infringement of claim 1 of the ‘226 Patent. This description is based on publicly available information. Plaintiff reserves the right to modify this description, including, for example, on the basis of information about the ‘226 Accused Products that it obtains during discovery.

90. ***1: An LED signal lamp comprising: a housing, an LED excitation source operable to emit excitation radiation of a first wavelength range, at least one phosphor material for converting at least a part of the excitation radiation to light of a selected wavelength range and a substantially transparent cover provided on the housing opening, wherein the LED excitation source comprises a plurality of LEDs that are grouped to effectively operate as a point source.***—The Osram LEDriving Lightbar FX250-CB is a signal lamp that comprises a housing, an LED excitation source to emit radiation of a first wavelength range, at least one phosphor material for converting the radiation of light of a selected range, and a substantially transparent cover provided on the housing opening. The LED excitation source comprises a plurality of LEDs that are grouped to effectively operate as a point source, as seen below:





91. Additionally, Defendant has been and/or currently is an active inducer of infringement of the '226 Patent under 35 U.S.C. § 271(b) and a contributory infringer of the '226 Patent under 35 U.S.C. § 271(c).

92. Indeed, Defendant has been and/or currently is intentionally causing, urging, and/or encouraging customers to directly infringe one or more claims of the '226 Patent while being on notice of (or willfully blind to) the '226 Patent. For instance, Defendants have supplied and continue to supply the '226 Accused Products to customers (e.g., end users and/or distributors of the '226 Accused Products) while knowing that use of these products in their intended manner will directly infringe one or more claims of the '226 Patent.

93. Defendants have been and/or currently are knowingly and intentionally encouraging and aiding customers to engage in such direct infringement of the '226 Patent. As one example, Defendants promote, advertise, and instruct customers or potential customers about the '226 Accused Products and uses of the '226 Accused Products. *See, e.g.*, https://www.osram.com/ecat/Lightbar%20FX250-CB-Functional%20Series-LED%20driving%20lights-Car%20lighting-Automotive/com/en/GPS01_3238215/ZMP_4058233/.

94. Defendant knows (and/or has known) that such encouraging and aiding does (and/or would) result in their customers directly infringing the ‘226 Patent. For instance, Defendant knows (and/or has known) of the existence of the ‘226 Patent or at least should have known of the existence of the ‘226 Patent but was willfully blind to its existence. Indeed, Defendant has had actual knowledge of the ‘226 Patent since at least as early as September 13, 2022, when Defendant received Plaintiff’s notice letter. And, as a result of their knowledge of the ‘226 Patent (and/or as a direct and probable consequence of its willful blindness to this fact), Defendant specifically intends (and/or has intended) that its encouraging and aiding does (and/or would) result in direct infringement of the ‘226 Patent by Defendant’s customers. On information and belief, Defendant specifically intends (and/or has intended) that its actions will (and/or would) result in direct infringement of one or more claims of the ‘226 Patent and/or subjectively believes (and/or has believed) that its actions will (and/or would) result in infringement of the ‘226 Patent but has taken (and/or took) deliberate actions to avoid learning of those facts.

95. Additionally, Defendant has been and/or currently is contributorily infringing one or more claims of the ‘226 Patent by offering for sale, selling, and/or importing one or more components in connection with the ‘226 Accused Products that contribute to the direct infringement of the ‘226 Patent by customers of the ‘226 Accused Products. In particular, as set forth above, Defendant has had actual knowledge of the ‘226 Patent or are willfully blind to its existence since at least as early as September 13, 2022, when Defendant received Plaintiff’s notice letter. Further, Defendants offers for sale, sells, and/or import some or more components in connection with the ‘226 Accused Products that are not staple articles of commerce suitable for substantial non-infringing use, and Defendant knows (or should know) that such component(s) are especially made or especially adapted for use in infringement of the ‘226 Patent. Defendant has

supplied (and/or continues to supply) the '226 Accused Products that comprise such component(s) to customers, who then directly infringe one or more claims of the '226 Patent by using the '226 Accused Products in their intended manner (e.g., pursuant to instructions provided by Defendant).

96. At least as early as the filing and/or service of this Complaint, Defendant's infringement of the '226 Patent was and continues to be willful and deliberate, thereby entitling Plaintiff to enhanced damages.

97. Additional allegations regarding Defendant's knowledge of the '226 Patent and willful infringement will likely have evidentiary support after a reasonable opportunity for discovery.

98. Defendant's infringement of the '226 Patent is exceptional and entitles Plaintiff to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

99. Plaintiff is in compliance with any applicable marking and/or notice provisions of 35 U.S.C. § 287 with respect to the '226 Patent.

100. Plaintiff is entitled to recover from Defendant all damages that Plaintiff has sustained as a result of Defendant's infringement of the '226 Patent, including, without limitation, a reasonable royalty.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

- A. That Judgment be entered that Defendant has infringed at least one or more claims of the Patents-in-Suit, directly and/or indirectly, literally and/or under the doctrine of equivalents;

- B. An award of damages sufficient to compensate Plaintiff for Defendant's infringement under 35 U.S.C. § 284, including an enhancement of damages on account of Defendant's willful infringement;
- C. That the case be found exceptional under 35 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys' fees;
- D. Costs and expenses in this action;
- E. An award of prejudgment and post-judgment interest; and
- F. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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