

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

SUPRONICS LLC,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

CIVIL ACTION

NO. 7:24-cv-331

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Supronics LLC (“Plaintiff”) files this Complaint for Patent Infringement against Defendant Home Depot U.S.A., Inc. (“Defendant”), and states as follows:

THE PARTIES

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Delaware.
2. On information and belief, Defendant is a Delaware corporation with its principal place of business at 2455 Paces Ferry Road, Atlanta, Georgia, 30339-4024. On information and belief, Defendant maintains retail stores located in this Judicial District that constitute regular and established places of business, including, on information and belief, at least the following locations: 4009 N Midland, Midland, TX 79707; 5181 E 42nd St, Odessa, TX 79762; 1803 North I-35 Bellmead, Waco, TX 76705; 3550 S General Bruce Dr., Temple, TX 76504; 3201 E Central Texas Exp., Killeen, TX 76543; 1303 Rivery Blvd., Georgetown, TX 78628; 2551 S Interstate Hwy 35, Round Rock, TX 78664; 2700 Whitestone Blvd., Cedar Park, TX 78613; 11301 Lakeline Blvd., Austin, TX 78717; 1517 Town Center Dr., Pflugerville, TX 78660; and 600 W Hwy 79, Hutto, TX 78634. Upon information and belief, Defendant also offers employment to

and employs hundreds of residents of the State of Texas and residents of this Judicial District at its stores.

JURISDICTION AND VENUE

3. This Court has exclusive subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a) on the grounds that this action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285.

4. Defendant is subject to personal jurisdiction in this Court because, *inter alia*, on information and belief, (i) it maintains regular and established places of business in Texas in this Judicial District; (ii) it sells products and services to customers in this Judicial District; and (iii) the patent infringement claims arise directly from Defendant's continuous and systematic activity in this Judicial District.

5. Venue is proper in this Judicial District under 28 U.S.C. § 1400(b) because, on information and belief, Defendant has a regular and established place of business in this Judicial District and has committed acts of patent infringement in this Judicial District and/or has contributed to or induced acts of patent infringement by others in this District.

FACTUAL BACKGROUND

The '722 Patent

6. Plaintiff is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,081,722 entitled "Light Emitting Diode Multiphase Driver Circuit and Method" ("the '722 patent"), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the USPTO.

7. A true and correct copy of the '722 patent is attached hereto as Exhibit A. The '722 patent is incorporated herein by reference.

8. The application that became the '722 patent was filed on February 4, 2005.

9. The '722 patent issued on July 25, 2006, after a full and fair examination by the USPTO.

The '944 Patent

10. Plaintiff is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,439,944 entitled "Light Emitting Diode Multiphase Driver Circuit and Method" ("the '944 patent"), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the USPTO.

11. A true and correct copy of the '944 patent is attached hereto as Exhibit B. The '944 patent is incorporated herein by reference.

12. The application that became the '944 patent was filed on May 22, 2006 and claims priority to an application filed on February 4, 2005.

13. The '944 patent issued on October 21, 2008, after a full and fair examination by the USPTO.

The '212 Patent

14. Plaintiff is the owner by assignment of all right, title, and interest in and to United States Patent No. 8,525,212 entitled "Light Emitting Diode Having Electrode Extensions" ("the '212 patent"), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the USPTO.

15. A true and correct copy of the '212 patent is attached hereto as Exhibit C. The '212 patent is incorporated herein by reference.

16. The application that became the '212 patent was filed on December 7, 2010 and claims priority to a Korean application filed on December 29, 2009.

17. The '212 patent issued on September 3, 2013, after a full and fair examination by the USPTO.

COUNT I – INFRINGEMENT OF THE '722 PATENT

18. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

19. Plaintiff's predecessor-in-interest to the '722 patent contacted Defendant about its infringement of the '722 patent by letter dated March 24, 2022. Plaintiff's predecessor-in-interest had previously sent Defendant notices of patent infringement by letters dated February 2, 2021 and May 26, 2021.

20. Defendant has, and on information and belief, continues to directly infringe the '722 patent by making, using, selling, offering for sale, and/or importing products that incorporate one or more of the inventions claimed in the '722 patent.

21. For example, Defendant has directly infringed and, on information and belief, continues to directly infringe at least claims 3, 23, and 24 of the '722 patent, either literally or under the doctrine of equivalents, in connection with the Lithonia Lighting FMLSL 14 20840 lighting fixture, as detailed in the preliminary claim chart attached hereto as Exhibit D and incorporated herein by reference.

22. On information and belief, Defendant has performed all steps of claim 3 or, alternatively, to the extent a user performed any step, Defendant conditioned the user's use of the functionality of Defendant's accused products (e.g., the adjustable brightness functionality) described herein on the performance of that step as disclosed in Exhibit D. On information and belief, a user of the accused products could not use the functionality described in Exhibit D without performance of the steps recited in claim 3 of the '722 patent. Defendant also controlled the manner and/or timing of the functionality described in Exhibit D. In other words, for a user to

utilize the functionality for adjusting brightness described in Exhibit D, the steps of claim 3 of the '722 patent had to be performed in the manner described in Exhibit D. Otherwise, the benefit of the functionality for adjusting brightness would not have been available to users of the accused products.

23. Additionally, Defendant's affirmative acts of selling the accused products, causing the accused products to be sold, advertised, offered for sale, and/or distributed, and providing instruction, marketing, and/or installation materials for the accused products have induced and, on information and belief, continue to induce Defendant's customers and/or end-users to use the accused products in their normal and customary way to infringe the '722 patent. For example, it can be reasonably inferred that end-users will use the infringing products, which will cause the end-users to use the elements that are the subject of the claimed invention. Defendant specifically intended and was aware that these normal and customary activities would infringe the '722 patent. In addition, Defendant provides marketing, instructional, and/or installation materials that specifically teach end-users to use the accused products in an infringing manner. By providing such instructions, Defendant knows (and has known), or was willfully blind to the probability, that its actions have, and continue to, actively induce infringement. By way of example only, Defendant has induced infringement and continues to induce infringement of at least the specific claims of the '722 patent identified above by selling in the United States, without Plaintiff's authority, infringing products and providing instructional, marketing, and/or installation materials. These actions have induced and continue to induce the direct infringement of the '722 patent by end-users. Defendant performed acts that constitute induced infringement, and would induce actual infringement, with knowledge of the '722 patent and with knowledge, or willful blindness to the probability, that the induced acts

would constitute infringement. Upon information and belief, Defendant specifically intended (and intends) that its actions would result in infringement of at least the specific claims identified above of the '722 patent, or subjectively believed that its actions would result in infringement of the '722 patent but took deliberate actions to avoid learning of those facts, as set forth above. Upon information and belief, Defendant knew of the '722 patent and knew of its infringement, including by way of the notice described above, as well as the service of this lawsuit.

24. Defendant's infringing activities are and have been without authority or license under the '722 patent. Its infringing activities since being notified of its infringement of the '722 patent prior to the filing of this lawsuit have been willful.

25. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the applicable marking and/or notice requirements of § 287.

26. Plaintiff has been, and continues to be, damaged by Defendant's infringement of the '722 patent, and Plaintiff is entitled to recover damages for Defendant's infringement, which damages cannot be less than a reasonable royalty. Plaintiff is also entitled to recover enhanced damages for Defendant's willful infringement of the '722 patent.

COUNT II – INFRINGEMENT OF THE '944 PATENT

27. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

28. Plaintiff's predecessor-in-interest to the '944 patent contacted Defendant about its infringement of the '944 patent by letter dated March 24, 2022. Plaintiff's predecessor-in-interest had previously sent Defendant notices of patent infringement by letters dated February 2, 2021 and May 26, 2021.

29. Defendant has, and on information and belief, continues to directly infringe the '944 patent by making, using, selling, offering for sale, and/or importing products that incorporate one or more of the inventions claimed in the '944 patent.

30. For example, Defendant has directly infringed and, on information and belief, continues to directly infringe at least claims 1, 2, 4, 5, and 6 of the '944 patent, either literally or under the doctrine of equivalents, in connection with the Lithonia Lighting FMLSL 14 20840 lighting fixture, as detailed in the preliminary claim chart attached hereto as Exhibit E and incorporated herein by reference.

31. Additionally, Defendant's affirmative acts of selling the accused products, causing the accused products to be sold, advertised, offered for sale, and/or distributed, and providing instruction, marketing, and/or installation materials for the accused products have induced and, on information and belief, continue to induce Defendant's customers and/or end-users to use the accused products in their normal and customary way to infringe the '944 patent. For example, it can be reasonably inferred that end-users will use the infringing products, which will cause the end-users to use the elements that are the subject of the claimed invention. Defendant specifically intended and was aware that these normal and customary activities would infringe the '944 patent. In addition, Defendant provides marketing, instructional, and/or installation materials that specifically teach end-users to use the accused products in an infringing manner. By providing such instructions, Defendant knows (and has known), or was willfully blind to the probability, that its actions have, and continue to, actively induce infringement. By way of example only, Defendant has induced infringement and continues to induce infringement of, at least the specific claims of the '944 patent identified above by selling in the United States, without Plaintiff's authority, infringing products and providing

instructional, marketing, and/or installation materials. These actions have induced and continue to induce the direct infringement of the '944 patent by end-users. Defendant performed acts that constitute induced infringement, and would induce actual infringement, with knowledge of the '944 patent and with knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. Upon information and belief, Defendant specifically intended (and intends) that its actions would result in infringement of at least the specific claims identified above of the '944 patent, or subjectively believed that its actions would result in infringement of the '944 patent but took deliberate actions to avoid learning of those facts, as set forth above. Upon information and belief, Defendant knew of the '944 patent and knew of its infringement, including by way of the notice described above, as well as the service of this lawsuit.

32. Defendant's infringing activities are and have been without authority or license under the '944 patent. Its infringing activities since being notified of its infringement of the '944 patent prior to the filing of this lawsuit have been willful.

33. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the applicable marking and/or notice requirements of § 287.

34. Plaintiff has been, and continues to be, damaged by Defendant's infringement of the '944 patent, and Plaintiff is entitled to recover damages for Defendant's infringement, which damages cannot be less than a reasonable royalty. Plaintiff is also entitled to recover enhanced damages for Defendant's willful infringement of the '944 patent.

COUNT III – INFRINGEMENT OF THE '212 PATENT

35. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

36. Plaintiff's predecessor-in-interest to the '212 patent contacted Defendant about its infringement of the '212 patent by letter dated March 24, 2022. Plaintiff's predecessor-in-interest

had previously sent Defendant notices of patent infringement by letters dated February 2, 2021 and May 26, 2021.

37. Defendant has, and on information and belief, continues to directly infringe the '212 patent by making, using, selling, offering for sale, and/or importing products that incorporate one or more of the inventions claimed in the '212 patent.

38. For example, Defendant infringes at least claims 1, 2, 3, 13, and 19 of the '212 patent, either literally or under the doctrine of equivalents, in connection with the Lithonia Lighting FMLSL 14 20840 lighting fixture, as detailed in the preliminary claim chart attached hereto as Exhibit F and incorporated herein by reference.

39. Additionally, Defendant's affirmative acts of selling the accused products, causing the accused products to be sold, advertised, offered for sale, and/or distributed, and providing instruction, marketing, and/or installation materials for the accused products have induced and, on information and belief, continue to induce Defendant's customers and/or end-users to use the accused products in their normal and customary way to infringe the '212 patent. For example, it can be reasonably inferred that end-users will use the infringing products, which will cause the end-users to use the elements that are the subject of the claimed invention. Defendant specifically intended and was aware that these normal and customary activities would infringe the '212 patent. In addition, Defendant provides marketing, instructional, and/or installation materials that specifically teach end-users to use the accused products in an infringing manner. By providing such instructions, Defendant knows (and has known), or was willfully blind to the probability, that its actions have, and continue to, actively induce infringement. By way of example only, Defendant has induced infringement and continues to induce infringement of, at least the specific claims of the '212 patent identified above by selling

in the United States, without Plaintiff's authority, infringing products and providing instructional, marketing, and/or installation materials. These actions have induced and continue to induce the direct infringement of the '212 patent by end-users. Defendant performed acts that constitute induced infringement, and would induce actual infringement, with knowledge of the '212 patent and with knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. Upon information and belief, Defendant specifically intended (and intends) that its actions would result in infringement of at least the specific claims identified above of the '212 patent, or subjectively believed that its actions would result in infringement of the '212 patent but took deliberate actions to avoid learning of those facts, as set forth above. Upon information and belief, Defendant knew of the '212 patent and knew of its infringement, including by way of the notice described above, as well as the service of this lawsuit.

40. Defendant's infringing activities are and have been without authority or license under the '212 patent. Its infringing activities since being notified of its infringement of the '212 patent prior to the filing of this lawsuit have been willful.

41. To the extent any marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the applicable marking and/or notice requirements of § 287.

42. Plaintiff has been, and continues to be, damaged by Defendant's infringement of the '212 patent, and Plaintiff is entitled to recover damages for Defendant's infringement, which damages cannot be less than a reasonable royalty. Plaintiff is also entitled to recover enhanced damages for Defendant's willful infringement of the '212 patent.

JURY DEMAND

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

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. Entry of judgment that Defendant has infringed one or more claims of the '722 patent,
- B. Entry of judgment that Defendant has infringed one or more claims of the '944 patent,
- C. Entry of judgment that Defendant has infringed one or more claims of the '212 patent,
- D. Damages in an amount to be determined at trial for Defendant's infringement, which amount cannot be less than a reasonable royalty, including enhanced damages for willful infringement, and an accounting of all infringing acts, including but not limited to those acts not presented at trial,
- E. Pre-judgment and post-judgment interest on the damages assessed, and
- F. Such other and further relief, both at law and in equity, to which Plaintiff may be entitled and which the Court deems just and proper.

This 16th day of December, 2024.

/s/Cortney S. Alexander
Cortney S. Alexander
cortneyalexander@kentrisley.com
Tel: (404) 855-3867
Fax: (770) 462-3299
KENT & RISLEY LLC
5755 N Point Pkwy Ste 57
Alpharetta, GA 30022

Attorneys for Plaintiff