

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION



Provided by:
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JLC-Tech LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>1:19-cv-1468</u>
)	
Edge Systems Group LLC d/b/a Electra)	
Display,)	
)	
Defendant.)	
)	

COMPLAINT AND DEMAND FOR JURY TRIAL

For its Complaint against Defendant Edge Systems Group, LLC (“Edge Systems” or “Defendant”), which also does business as Electra Display, Plaintiff JLC-Tech, LLC alleges as follows:

Nature of the Action

1. This is an action for copyright infringement based upon Edge Systems’ copying of JLC’s intellectual property, including copyrighted images from JLC’s sales brochures, and false advertising, based on Edge Systems’ use of the images to deceive customers and potential customers into believing that Edge Systems sells JLC products, when in reality Edge Systems sells an inferior, competing product made by a Chinese knock off manufacturer.

Parties

2. JLC-Tech LLC (“JLC” or “Plaintiff”) is a Massachusetts limited liability company, with its principal place of business located at 370 Corporate Park, Pembroke, Massachusetts, 02359.

3. The two managing members of JLC are Silvio Porciatti and Mia Antonia Santoscoy-Dougherty, and they are both residents of the Commonwealth of Massachusetts.

4. Upon information and belief, Edge Systems is an Indiana limited liability company with a principal place of business at 6011 E. Hanna Ave., Suite G, Indianapolis, Indiana. Edge Systems also does business as “Electra Display,” and operates the website at the 1800ledlight.com domain from its principal place of business in Indianapolis.

Jurisdiction and Venue

5. Subject matter jurisdiction exists pursuant to 15 U.S.C. § 1121 (Lanham Act), 28 U.S.C. § 1331 (federal question), and 28 U.S.C. § 1338(a) (patents and copyrights).

6. JLC’s federal claims arise under the laws of the United States, specifically 17 U.S.C. §§ 101 *et seq.* (the Copyright Act), and 15 U.S.C. § 1125, *et seq.* (the Lanham Act).

7. The Court has personal jurisdiction over Defendant because Defendant is an Indiana limited liability company with a principal place of business in Indianapolis, Indiana.

8. Venue is proper in the judicial district pursuant to 28 U.S.C. §§ 1391 and 1400 because Defendant is organized under the laws of Indiana, Defendant’s principal place of business is in the district and, upon information and belief, Defendant’s tortious conduct occurred in the district.

Jury Demand

9. JLC hereby demands a jury on all triable issues.

FACTS COMMON TO ALL COUNTS

JLC's Development of the Revolutionary T-BAR LED™

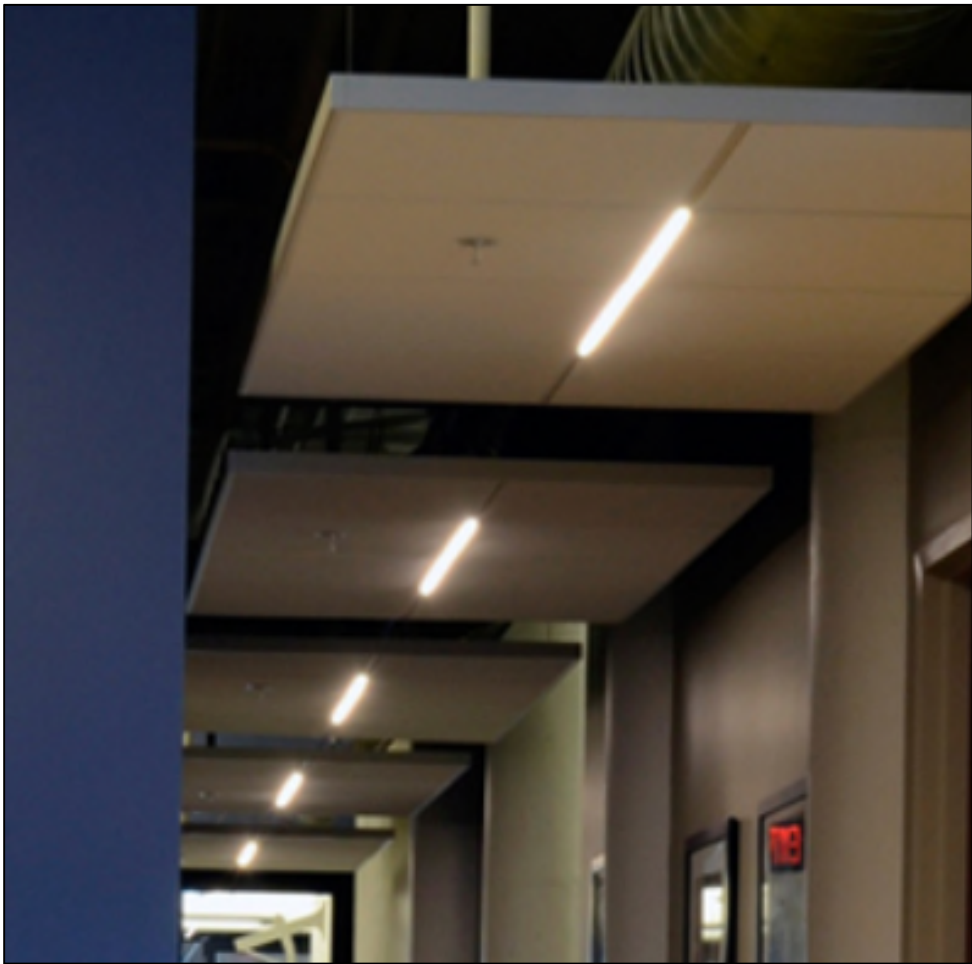
10. JLC was founded in 2010 with the goal of creating useful and unique LED lighting fixtures.

11. JLC's founders have more than 40 years of combined experience in the international lighting industry and business management.

12. To meet its goals, JLC has invested substantial time, money, and effort developing revolutionary LED lighting fixtures, including JLC's flagship product, the T-BAR LED™.

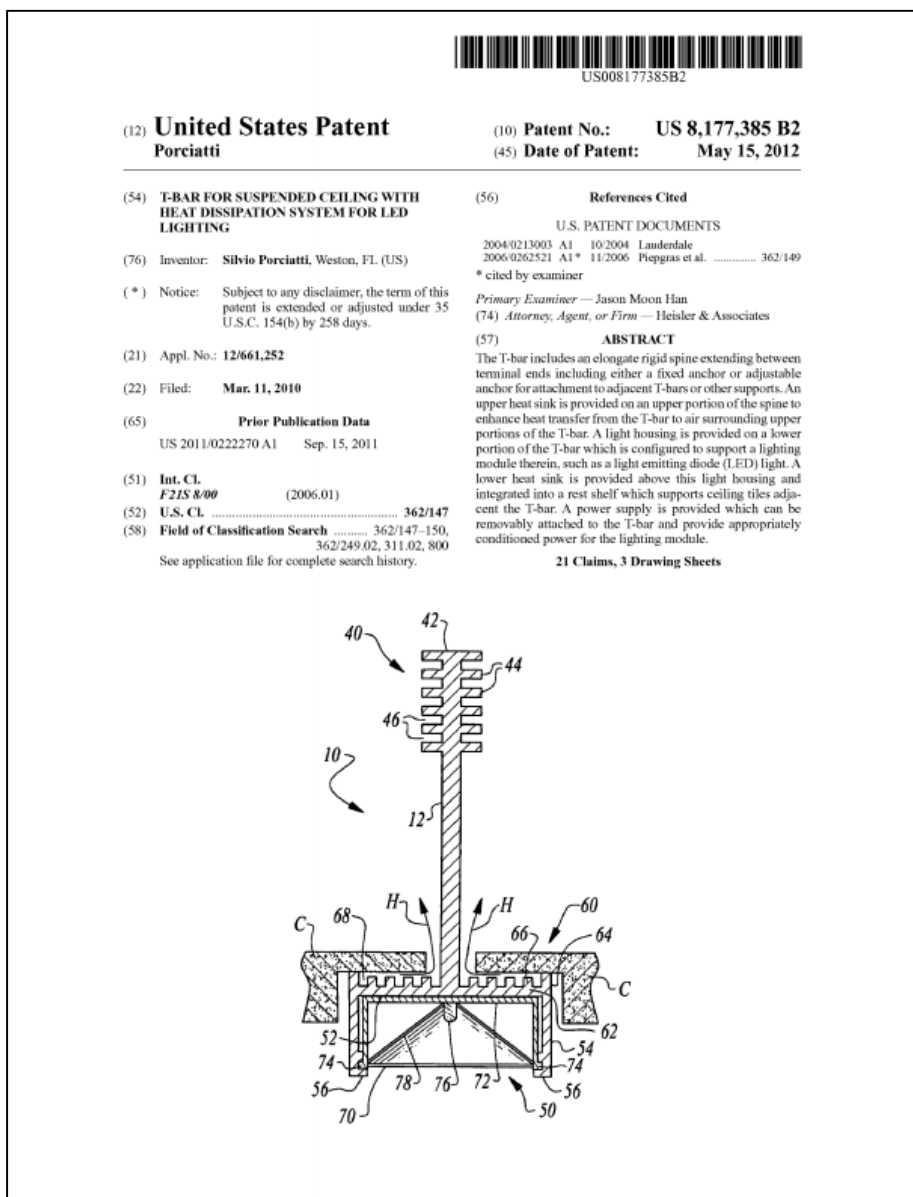
13. The T-BAR LED™ is specifically designed to be installed in suspended grid ceilings, replacing standard cross tee where lighting is desired. The LED light fixture directly integrates into the ceiling assembly itself and is essentially a building element and lighting fixture all in one.

14. Exemplars of Plaintiff's T-BAR LED™ product, installed in a ceiling grid, are shown below:



15. The T-BAR LED™ product is easily installed with a snap into the ceiling assembly utilizing high power LEDs with low energy consumption.

16. The T-BAR LED™ product is made possible because of Plaintiff’s invention of a high-performance heat-dissipation system. JLC-Tech IP, LLC is the owner by assignment of U.S. Patent 8,177,385 (the “385 Patent”) which claims these inventions. The cover page of the ’385 Patent is shown below:



17. JLC's T-BAR LED™ product has numerous advantages over other architectural lighting products: it is easy to install saving almost 50% in materials and labor; it is a "green" product that contains no mercury and reduces waste on the jobsite significantly; it can save up to 50% on energy costs with little to no additional maintenance; and it presents a clean, modern look.

18. JLC invests heavily in prosecuting and protecting its intellectual property as demonstrated by the following issued U.S patents and published patent applications: U.S. Patent Nos. 8,177,385, 9,879,850, 9,883,267, 10,145,536, 10,222,049, D782,106, D834,238, and D834,239; and U.S. Patent Application Publication Nos. 2016/0076746, 2018/0128475, and 2018/0132021.

JLC's Copyrights

19. As part of its advertising and marketing efforts, JLC commissioned photographs and photographic renderings of its T-BAR LED™ product as works for hire.

20. JLC used the photographs and photographic renderings on its website and in physical brochures to advertise and market its T-BAR LED™ product.

21. One brochure was the "March 2014 T-BAR LED (Linear Lighting) Brochure." JLC published this brochure in March 2014, and JLC used it and many of the rendered photographs contained therein on its website and/or in electronic and physical marketing messaging. A true and accurate copy of this brochure is attached as Exhibit 1.

22. On July 18, 2018 the U.S. Copyright Office issued JLC a copyright registration for the work entitled "March 2014 T-BAR LED (Linear Lighting) Brochure," Registration Number VA 2-137-216. A true and accurate copy of the registration certificate is attached as Exhibit 2.

23. Another brochure was the “October 2015 T-BAR LED (Linear Lighting) Brochure.” JLC published this brochure in October 2015, and JLC used it and many of the rendered photographs contained therein on its website and/or in electronic and physical marketing messaging. A true and accurate copy of this brochure is attached as Exhibit 3.

24. On July 18, 2018 the U.S. Copyright Office issued JLC a copyright registration certificate for the work entitled “October 2015 T-BAR LED (Linear Lighting) Brochure,” as Registration Number VA 2-137-165. A true and accurate copy of the registration certificate is attached as Exhibit 4.

25. The two brochures identified immediately above will be collectively identified as the “JLC Protected Works” in this Complaint.

26. JLC owns all right, title, and interest in the copyrights for the JLC Protected Works, including for the rendered photographs contained therein.

JLC’s History of Protecting Its Intellectual Property

27. In 2017, after JLC had established itself as an industry leader in LED lighting products and created a market for its T-BAR LED™ product, a Chinese entity, OKT Lighting, also known as Shenzhen OKT Lighting Co., Ltd. (“OKT Lighting”), began infringing JLC’s intellectual property rights.

28. OKT Lighting’s infringement was pervasive—copying images from JLC’s advertising, copying JLC’s patented technology, and copying JLC’s marketing messages used to sell JLC’s T-BAR LED™ product.

29. On May 4, 2017 JLC filed a Complaint against OKT Lighting in the U.S. District Court for the Eastern District of Pennsylvania to protect JLC’s intellectual property rights from

OKT Lighting's infringements. *See JLC-Tech LLC v. OKT Lighting*, No. 2:17-cv-02043-GJP, D.I. 1 (E.D. Pa. May 4, 2017), ECF #1.

30. As a result of JLC's efforts to protect its intellectual property rights, OKT Lighting agreed to cease all infringing activities. OKT Lighting agreed to take down JLC's copyrighted works that appeared on OKT's website and to cease all sales of the infringing "T-Bar Led" product. *Id.* at ECF #15.

31. Satisfied that its intellectual property rights were being respected, JLC filed a voluntary dismissal of its Complaint against OKT Lighting. *Id.*

Edge Systems' Infringing, Untruthful, and Misleading Website

32. Upon information and belief, Edge Systems is a distributor of OKT Lighting products, and is and has been engaging in activities that infringe JLC's intellectual property rights.

33. Edge Systems operates a website located at the 1800ledlight.com domain.





34. From this website, Edge Systems offers LED lighting and LED lighting accessories for sale to the public, and will ship orders to customers who purchase items through the website to locations throughout the United States.

35. On its 1800ledlight.com domain, Edge Systems offers a product referred to as the "LED Grid Light Linear Fixture."

36. Edge Systems hosts a product webpage for the "LED Grid Light Linear Fixture" at <https://1800ledlight.com/products/intergrid>. A true and accurate copy of Defendant's "LED Grid Light Linear Fixture" webpage is attached as Exhibit 5 (last accessed April 8, 2019).

37. Defendant copied Plaintiff's rendered photographs, contained in the JLC Protected Works, for its "LED Grid Light Linear Fixture" webpage.

38. Defendant's copying, reproduction, distribution, display, creation of derivative works, and use of the rendered photographs on its website is shown below, alongside the corresponding image contained in the JLC Protected Works.

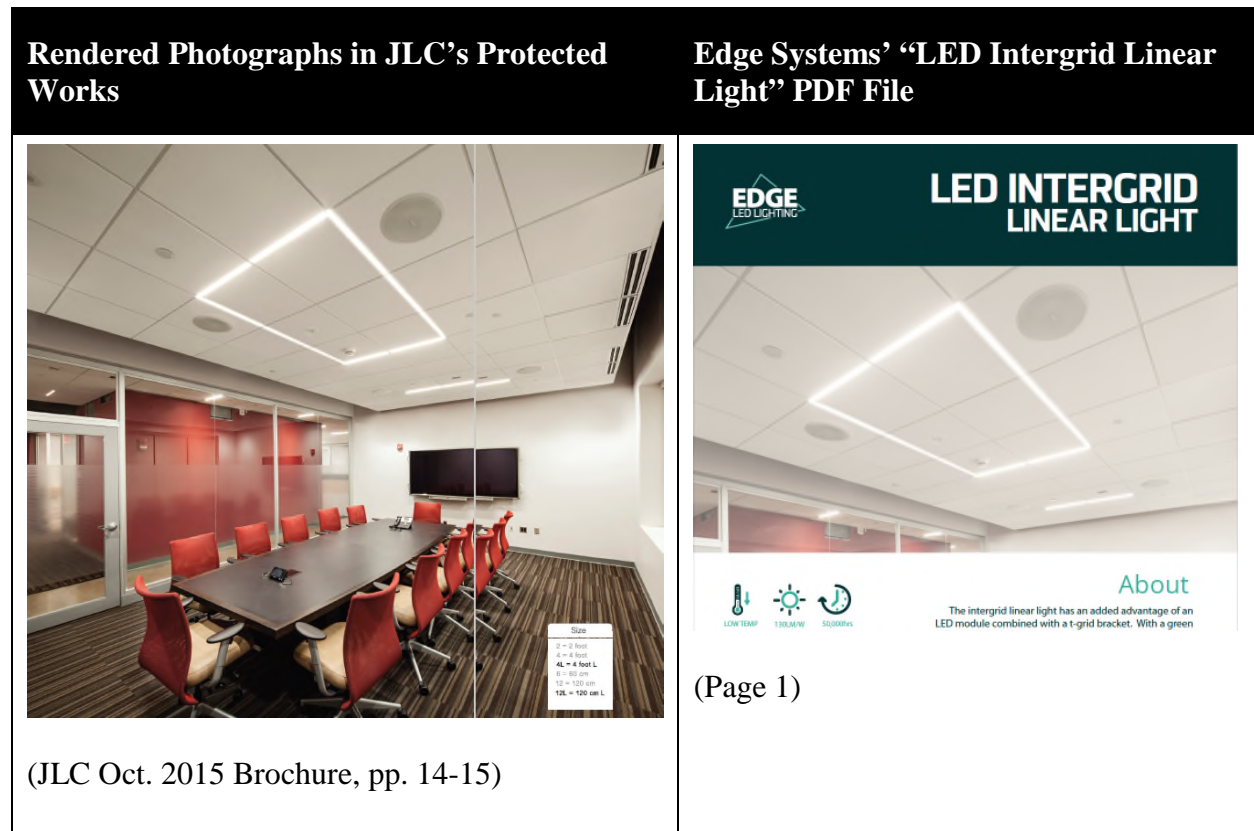
Rendered Photographs in JLC's Protected Works	Edge Systems' Infringing Use on the "LED Grid Light Linear Fixture" Product Webpage
	 <p data-bbox="797 810 1360 1014">The LED Intergrid allows you to place and link them in any perpendicular pattern you can think of. The low profile and light weight give you no boundaries when you're lighting your room.</p>
<p>(JLC March 2014 Brochure, p. 4)</p>	
	<p data-bbox="792 1140 1352 1304">The LED Intergrid will mount nearly anywhere you can think of. Its thin, low profile fits a t-grid separator between two ceiling panels.</p> 
<p>(JLC Oct. 2015 Brochure, pp. 14-15)</p>	

39. A black box on Defendant’s “LED Grid Light Linear Fixture” product webpage with the text “DOWNLOAD SPEC SHEET PDF” is hyperlinked to <https://1800ledlight.com/s/Intergrid.pdf>.

40. The document located at <https://1800ledlight.com/s/Intergrid.pdf> is a two-page document titled “LED Intergrid Linear Light.” A true and accurate copy of this document is attached as Exhibit 6 (last accessed April 8, 2019).

41. Defendant copied one of Plaintiff’s photographic renderings, contained in the JLC Protected Works, in its “LED Intergrid Linear Light” PDF File.

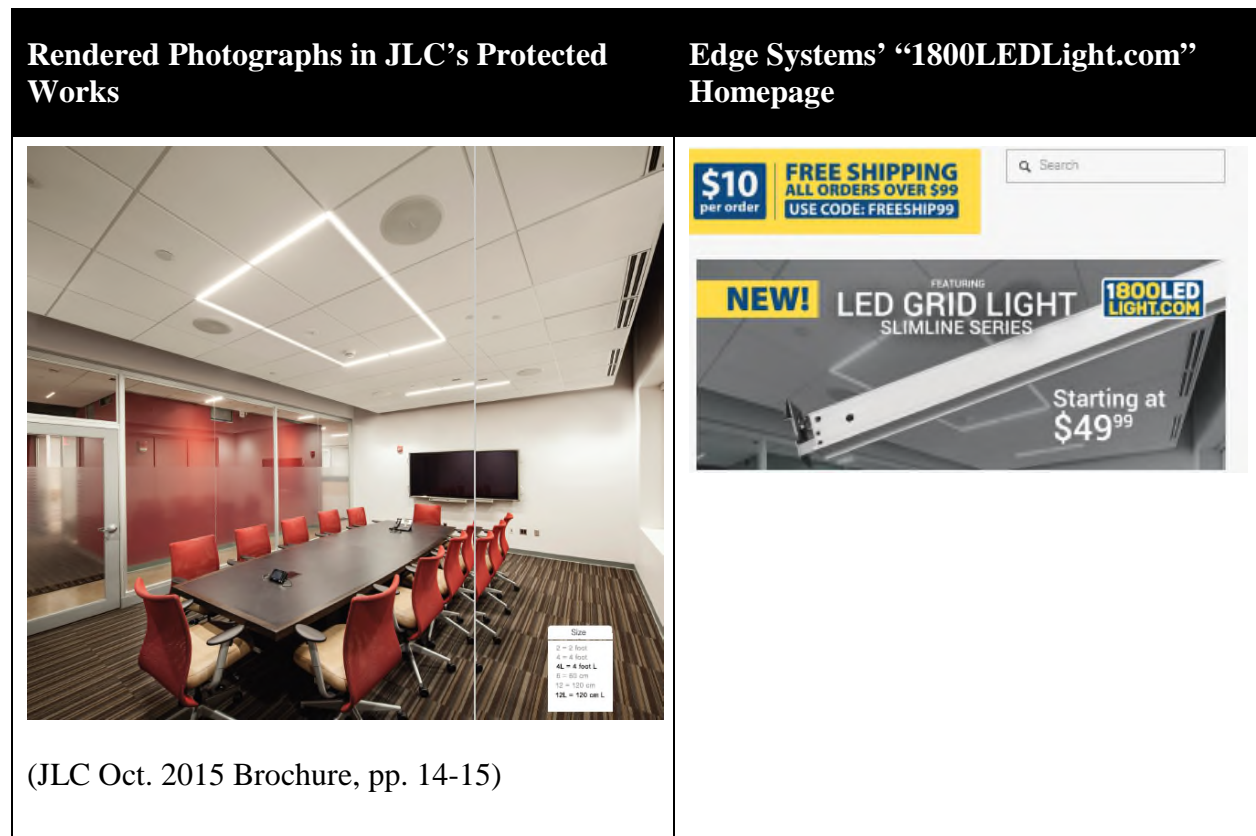
42. Defendant’s copying, reproduction, distribution, display, creation of derivative works, and use of the rendering on its website is shown below, alongside the corresponding image that is included in the JLC Protected Works.



43. Edge Systems hosts its “1800LEDLight.com” homepage, located at <https://1800ledlight.com>. A true and accurate copy of the “1800LEDLight.com” homepage is attached as Exhibit 7 (last accessed April 8, 2019).

44. Defendant copied Plaintiff’s rendered photographs, contained in the JLC Protected Works, for its “1800LEDLight.com” homepage.

45. Defendant’s copying, reproduction, distribution, display, creation of derivative works, and use of the rendered photographs on its website is shown below, alongside the corresponding image contained in the JLC Protected Works.



46. Defendant uses the JLC Protected Works, which illustrate JLC’s T-BAR LED™ product, on Defendant’s website and other materials to market Defendant’s “LED Intergrid

Linear Light.” But the product that Defendant sells is not the JLC’s T-BAR LED™ product Defendant depicts.

47. Instead, the product that Defendant sells, the “LED Intergrid Linear Light,” is a product manufactured by OKT Lighting with Model Numbers of TB4-DM-XXX and/or TB2-DM-XXX (collectively “the OKT Products”).

48. Thus, Defendant displays JLC’s T-BAR LED™ product, but sells OKT Products.

49. Neither of the OKT Products offered by Defendant is identical to JLC’s T-BAR LED™ product. Instead, these OKT Products are inferior to JLC’s T-BAR LED™ product.

50. Defendant’s uses of the photographic renderings of JLC’s T-BAR LED™ for the marketing of inferior OKT Products are false and misleading representations of fact in that they communicate to customers and/or potential customers of both JLC and Defendant that the OKT Products are the same as JLC’s T-BAR LED™ product and/or that Defendant is offering JLC’s T-BAR LED™ for sale.

COUNT I – COPYRIGHT INFRINGEMENT

Infringement of JLC’s Protected Works under 17 U.S.C. § 501, *et seq.*

51. JLC incorporates by reference, as if fully set forth herein, Paragraphs 1-50 of this Complaint.

52. Upon information and belief, Defendant, without license or authorization from JLC, copied, reproduced, distributed, displayed, made derivative works of, and used the photographic renderings contained in the JLC Protected Works, and continues to do so now.

53. Defendant’s wrongful actions described herein constitute multiple violations of 17 U.S.C. § 501, *et seq.*

54. Upon information and belief, Defendant's copyright infringement was willful because the photographs it copied, reproduced, distributed, displayed, made derivative works of, and used were JLC Protected Works and obtained from Plaintiff's website and/or brochures.

55. JLC has been injured and damaged, and will continue to be injured and damaged by Defendant's copyright infringement.

56. JLC has incurred and will continue to incur attorney's fees, costs, and expenses in this action.

COUNT II – FEDERAL UNFAIR COMPETITION & FALSE ADVERTISING

Violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), *et seq.*

57. JLC incorporates by reference, as if fully set forth herein, Paragraphs 1-56 of this Complaint.

58. Upon information and belief, Defendant has distributed in interstate commerce advertisements and/or promotions that contain false and/or misleading representations and/or omissions regarding its products and/or those of JLC, including that: (a) the OKT Lighting "LED Grid Light Linear Fixture" product offered for sale on Defendant's website is JLC's T-BAR LED™ product; and/or (b) the OKT Lighting "LED Grid Light Linear Fixture" is the same and/or substantially similar to JLC's T-BAR LED™ product.

59. These representations are actually false and/or misleading statements of fact.

60. These representations actually deceive, or are likely to deceive, a substantial segment of JLC's and/or Defendant's customers and/or potential customers.

61. This deception is material because the representations were actually false and/or because they relate to the nature, characteristics, and qualities of Defendant's and/or JLC's

products and are likely to influence the purchasing decision of customers and/or potential customers of both JLC and Defendant.

62. Defendant's false and misleading advertising representations and/or omissions injure both consumers, potential consumers, and JLC.

63. Defendant's false and/or misleading advertising representations and/or omissions violate Section 43(a) of the Lanham Act.

64. Defendant has caused, and will continue to cause, competitive and/or commercial injury to JLC, and immediate and irreparable injury to JLC, including injury to JLC's business, lost sales and sales opportunities, reputation, position as market leader, and goodwill for which there is no adequate remedy at law.

65. Plaintiff is entitled to injunctive relief under 15 U.S.C. § 1116 to restrain Defendant, its agents, servants, employees, representatives, and all persons acting in concert with it, from engaging in future acts of false and/or misleading advertising and/or promotion, and ordering the removal of all of Defendant's false and/or misleading advertisements and/or promotions.

66. Pursuant to 15 U.S.C. § 1117, JLC is entitled to recover from OKT Lighting the damages and/or injuries it has sustained, the gains and profits that OKT Lighting obtained as a result of its actions and/or violations, and its attorney's fees, costs, and expenses incurred.

67. Because Defendant's actions were, upon information and belief, willful and undertaken with the intention of causing confusion, mistake, or deception, this is an exceptional case entitling Plaintiff to treble damages, disgorgement of Defendant's profits, and its attorney's fees, costs, and expenses.

Request for Temporary, Preliminary, and Permanent Injunctive Relief

68. JLC has no adequate remedy at law available to stop Defendant's continuing unlawful conduct. Unless restrained, Defendant will continue to violate JLC's rights, abuse and dissipate JLC's goodwill, and unlawfully use, possess, and exploit JLC's intellectual property.

69. Likewise, the balance of the harm favors JLC and an injunction would be in the public's interest. Upon information and belief, Defendant has willfully engaged in, and continues to willfully engage in, the acts complained of in conscious disregard of JLC's rights.

PRAYER FOR RELIEF

WHEREFORE, JLC prays for judgment against Defendant as follows:

- A. Temporarily and permanently enjoin Defendant and any person acting in concert with it from:
- a. further infringement of JLC's copyright in JLC's Works;
 - b. further displaying any image of any JLC product in marketing materials for the "LED Grid Light Linear Fixture" product and/or related products; and,
 - c. assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (a) through (b) above or taking any action that contributes to any of the activities referred to in subparagraphs (a) and (b) above;
- B. Issue an Order prohibiting Defendant from violating JLC's copyrights in the United States;
- C. Require Defendant to remove all images copied and/or derived from the JLC Protected Works from its website(s) and/or any website(s) Defendant controls and/or has the right to control;

D. Require Defendant to impound and dispose of all materials copied and/or derived from the JLC Protected Works;

E. Issue an Order prohibiting Defendant from making false and/or misleading representations of fact about its “LED Grid Light Linear Fixture” product, related products, and product installations;

F. Award JLC actual and/or statutory damages for Defendant’s infringement of the JLC Protected Works pursuant to 17 U.S.C. § 504;

G. Find that Defendant’s infringement of the copyrights for the JLC Protected Works was willful, and award \$150,000 statutory damages per each of the two works, for a total of \$300,000, or as otherwise permitted under 17 U.S.C. § 504;

H. Order Defendant to impound and deliver up for destruction all goods, advertising, literature and other forms of promotional material containing JLC Protected Works and/or derived from JLC Protected Works;

I. Award JLC damages for Defendant’s false advertising pursuant to 15 U.S.C. § 1117(a);

J. Award JLC its reasonable attorney’s fees, costs, expenses, and pre- and post-judgment interest;

K. Order Defendant to report its compliance with the foregoing to this Court within thirty (30) days of judgment; and,

L. For such other and further relief that the Court deems just and proper under the circumstances.

Date: April 11, 2019

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/Darren A. Craig

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