

Jury Says Chinese Lighting Co. Owes \$14M In IP Suit

By Britain Eakin

Law360 (November 5, 2021, 4:59 PM EDT) -- A Texas federal jury has awarded Chinese company Jiaxing Super Lighting nearly \$14.2 million in damages after finding that rival Chinese lighting company CH Lighting willfully infringed three of its patents on LED tube lamps.

The jury handed down its verdict Thursday, delivering a complete win to Jiaxing Super Lighting Electric Appliance Co. Ltd. by finding that U.S. Patent Nos. 9,939,140 and 10,352,540 are valid and that CH Lighting Technology Co. Ltd., its Chinese subsidiary Shaoxing Ruising Lighting Co. Ltd. and Texas-based reseller Elliott Electric Supply Inc. had infringed them. Jiaxing got all the damages it sought in the case, putting CH Lighting and Shaoxing Ruising on the hook for \$13.8 million and Elliott Electric for \$298,000.

Before trial, CH Lighting and the other defendants stipulated to infringing the '540 patent, along with the third asserted patent in the suit, U.S. Patent No. 10,295,125. They also stipulated to infringing certain claims of the '140 patent. On Wednesday during trial, Jiaxing won judgment as a matter of law that the '125 patent is valid.

That left the jury to decide only whether the asserted claims in the '540 and '140 patents were valid and whether the six remaining asserted claims in the '140 patent were infringed, and if so whether the infringement was willful. The jury found that the claims were valid and that CH Lighting and Shaoxing Ruising had willfully infringed the '140 patent but cleared Elliott Electric of willful infringement.

Jiaxing attorney Matthew Bernstein of Perkins Coie LLP told Law360 his client was "very pleased" with the outcome, "where the jury found all three asserted patents valid and willfully infringed, and where the jury awarded Super Lighting its full requested damages."

Counsel for CH Lighting and the other defendants did not immediately return a request for comment Friday.

Jiaxing and its U.S. affiliate Obert Inc. sued CH Lighting in January 2020, claiming it and Shaoxing Ruising's LED tube lamp products they imported for sale in the U.S. were infringing their patents, and that Elliott Electric was infringing by selling the products.

The suit claimed CH Lighting ignored repeated warnings from Jiaxing about infringement that asked them to stop infringing.

"CH Lighting's conduct of intentionally and deliberately ignoring all three of Super Lighting's attempts to

discuss the patents-in-suit, along with CH Lighting's continued, deliberate, and systematic infringement of the patents-in-suit was and continues to be egregious," the suit said.

CH Lighting and the other defendants responded to the suit by lodging counterclaims seeking declarations of noninfringement and invalidity. They also said the patents were unenforceable because of "unethical business conduct in the procurement of a patent" on the part of Jiaxing, and claimed there was litigation misconduct, but those counterclaims were dropped before trial. According to the heavily redacted counterclaims, the alleged misconduct included "shifting inventorship claims" and "failure to comply with various discovery obligations."

Jiaxing said in its suit that the company is focused on making environmentally friendly products, including energy-efficient tube lighting products, which it supplies to brand name companies in the U.S.

The patents-in-suit are U.S. Patent Nos. 9,939,140; 10,352,540; and 10,295,125.

Jiaxing is represented by Matthew C. Bernstein, Joseph P. Reid, Miguel J. Bombach, Wendy C. Wang, Evan S. Day and Abigail A. Gardner of Perkins Coie LLP and Scott Cole of Quinn Emanuel Urquhart & Sullivan LLP.

CH Lighting and the other defendants are represented by Allison M. Lucier, Robert S. Hill, Sara S. Staha, David C. Schulte, Morgan Kleoppel, Stacey H. Wang, William E. Sterling, Leonie Huang and Sophie X. Jin of Holland & Knight LLP.

The case is Jiaxing Super Lighting Electric Appliance Co. Ltd. et al. v. CH Lighting Technology Co. Ltd. et al., case number 6:20-cv-00018, in the U.S. District Court for the Western District of Texas.

--Editing by Adam LoBelia.