

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

LUMETIQUE, INC.,)	
)	
Plaintiff,)	
)	Case No.: 3:15-cv-1325
v.)	
)	JURY TRIAL DEMANDED
BLYTH, INC.,)	
PARTYLITE GIFTS, INC.,)	
)	
Defendants.)	
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lumetique, Inc. (“Lumetique”) hereby files this Complaint against Defendants Blyth, Inc. and PartyLite Gifts, Inc. (collectively, “Defendants”) for infringement of U.S. Patent Nos. 8,961,171 (the “171 Patent”); 9,039,409 (the “409 Patent”); D643,554 (the “554 Patent”); and D644,359 (the “359 Patent”) (collectively, “Patents-In-Suit”).

PARTIES

1. Lumetique, Inc. is a Delaware corporation with its principal place of business at 18475 Bandilier Circle, Fountain Valley, California 92708.

2. Upon information and belief, Defendant Blyth, Inc. is a corporation organized under the laws of Connecticut with its principal place of business at One East Weaver Street, Greenwich, Connecticut 06831.

3. Upon information and belief, Defendant PartyLite Gifts, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 59 Armstrong Road, Plymouth, Massachusetts 02360.

JURISDICTION AND VENUE

4. This lawsuit is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

5. Upon information and belief, Defendants are subject to personal jurisdiction in this Court because they are currently doing and have done substantial business in this judicial district, including committing acts of patent infringement in this judicial district and elsewhere in the United States and regularly doing business or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from products and/or services provided to individuals in this judicial district and in this State.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Defendants regularly conduct business in this judicial district,

has regular and established places of business in this judicial district, and/or because certain of the acts complained of herein occurred in this judicial district.

PATENTS-IN-SUIT

7. Lumetique is the owner by assignment of U.S. Patent No. 8,961,171, entitled “Candle Having a Planar Wick and Method of and Equipment for Making Same,” duly and legally issued on February 24, 2015. The ’171 Patent is appended hereto as Exhibit A.

8. Lumetique is the owner by assignment of U.S. Patent No. 9,039,409, entitled “Candle Having a Planar Wick and Method of and Equipment for Making Same,” duly and legally issued on May 26, 2015. The ’409 Patent is appended hereto as Exhibit B.

9. Lumetique is the owner by assignment of U.S. Design Patent No. D643,554, entitled “Candle Having a Planar Wick,” duly and legally issued on August 16, 2011. The ’554 Patent is appended hereto as Exhibit C.

10. Lumetique is the owner by assignment of U.S. Design Patent No. D644,359, entitled “Candle Having a Planar Wick,” duly and legally issued on August 30, 2011. The ’359 Patent is appended hereto as Exhibit D.

FIRST CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 8,961,171)

11. Upon information and belief, Defendants manufacture, import, offer

for sale, and sell certain candle products that infringe the '171 Patent. For example, upon information and belief Defendants manufacture, import, offer for sale, and sell certain candle products, including the Nature's Light series of candles.

12. Defendants have been provided notice of their infringement of the '171 Patent upon service of this complaint.

13. Lumetique has been irreparably damaged by such infringement and will continue to be irreparably damaged by such infringement unless enjoined by the Court.

SECOND CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 9,039,409)

14. Upon information and belief, Defendants manufacture, import, offer for sale, and sell certain candle products that infringe the '409 patent. For example, upon information and belief Defendants manufacture, import, offer for sale, and sell certain candle products, including the Nature's Light series of candles.

15. Defendants have been provided notice of their infringement of the '409 Patent upon service of this complaint.

16. Lumetique has been irreparably damaged by such infringement and will continue to be irreparably damaged by such infringement unless enjoined by the Court.

THIRD CLAIM FOR RELIEF

(Infringement of U.S. Design Patent No. D643,554)

17. Upon information and belief, Defendants manufacture, import, offer for sale, and sell certain candle products that infringe the '554 patent. For example, upon information and belief Defendants manufacture, import, offer for sale, and sell certain candle products, including the Nature's Light series of candles.

18. Defendants will be provided notice of their infringement of the '554 Patent upon service of this complaint.

19. Lumetique has been irreparably damaged by such infringement and will continue to be irreparably damaged by such infringement unless enjoined by the Court.

FOURTH CLAIM FOR RELIEF

(Infringement of U.S. Design Patent No. D644,359)

20. Upon information and belief, Defendants manufacture, import, offer for sale, and sell certain candle products that infringe the '359 patent. For example, upon information and belief Defendants manufacture, import, offer for

sale, and sell certain candle products, including the Nature's Light series of candles.

21. Defendants have been provided notice of their infringement of the '359 Patent upon service of this complaint.

22. Lumetique has been irreparably damaged by such infringement and will continue to be irreparably damaged by such infringement unless enjoined by the Court.

REQUEST FOR A JURY TRIAL

23. Lumetique requests a jury trial of all issues in this action so triable.

PRAYER FOR RELIEF

WHEREFORE, Lumetique prays for the following relief:

(a) That Defendants be ordered to pay damages adequate to compensate Lumetique for Defendants' infringement of each of the Patents-In-Suit pursuant to 35 U.S.C. § 284;

(b) That Defendants be ordered to pay attorneys' fees pursuant to 35 U.S.C. § 285 for each of the Patents-In-Suit;

(c) That Defendants, its officers, agents, servants, employees, and those persons acting in active concert or in participation with it be enjoined from further infringement of each of the Patents-In-Suit pursuant to 35 U.S.C. § 283;

(d) That Defendants be ordered to pay prejudgment interest;

(e) That Defendants be ordered to pay all costs associated with this action;
and

(f) That Lumetique be granted such other and additional relief as the Court
deems just and proper.

RESPECTFULLY SUBMITTED,

Dated: September 4, 2015

/s/Eric E. Grondahl
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