

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

THE LITEBOOK COMPANY LTD., Plaintiff v. ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD., Defendant	Case No. 6:22-cv-00371 JURY TRIAL DEMANDED
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff The Litebook Company Ltd. (“Litebook”) files this Complaint against OnePlus Technology (Shenzhen) Co., Ltd., (“OnePlus”) for infringement of U.S. Patent No. 7,678,140.

THE PARTIES

1. Litebook is a Canadian company with its headquarters and principal place of business in Medicine Hat, Alberta, Canada.

2. OnePlus Technology (Shenzhen) Co., Ltd., is a corporation organized under the laws of the People’s Republic of China, with its principal place of business located at 18F, Tairan Building, Block C, Tairan 8th Road, Chegongmiao Futian District Shenzhen, Guangdong, 518040, China. OnePlus was founded in the People’s Republic

of China in 2013. OnePlus Technology (Shenzhen) Co., Ltd., does business in the States of Texas and in the Western District of Texas.

3. OnePlus offers for sale and sells the accused products to customers and potential customers in Texas, including in this judicial district.

JURISDICTION AND VENUE

4. This patent infringement suit is brought under the United States Patent Act, namely 35 U.S.C. §§ 271, 281, and 284-285, among other laws. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) because OnePlus markets, sells, makes, tests, uses, and delivers accused products in this district, directs and instructs customers and end users how to use the accused products in this district, and has committed acts of infringement in this district.

6. OnePlus offers for sale and sells products within the State of Texas and within the Western District of Texas that directly or indirectly infringe the Asserted Patent. OnePlus purposefully and voluntarily places its infringing products into the stream of commerce with both the expectation and the knowledge that those products will be purchased and used by consumers in the Western District of Texas.

7. For example, while OnePlus is a Chinese entity, it operates a United States-focused website (<https://www.oneplus.com/>), including website pages that advertise the Accused Products.

8. Venue is proper as to OnePlus in this District under 28 U.S.C. § 1391(c)

because OnePlus is a foreign corporation.

LITEBOOK'S BRAINARD PATENTS

9. Dr. George Brainard and Dr. Gena Glickman invented the subject matter claimed in the asserted patent, which are owned by their company, Progressive Lighting and Radiometrics, LLC, in New Jersey.

10. Glickman and Brainard exclusively licensed the patents to Litebook, which has been in operation since 1999 developing and marketing light therapy products.

11. As the exclusive licensee of the '140 Patent, Litebook holds all substantial rights in and to the patent including the exclusive right to sue for infringement and all rights to recover damages past and future for OnePlus' infringement. The '140 Patent is attached as Exhibit A.

12. OnePlus has been on notice of the '140 Patent at least as early as the date it received service of this complaint.

ONEPLUS' INFRINGING PRODUCTS

13. Recognizing the practical importance of Brainard's and Glickman's groundbreaking research-driven inventions, OnePlus introduced Night Mode, a feature available on its phone products that selectively reduces blue light and manages light energy at the source and shifts colors on the display for stimulating or regulating neuroendocrine, circadian, and photoneural systems in users and intended to cause a response in users for regulating melatonin production.

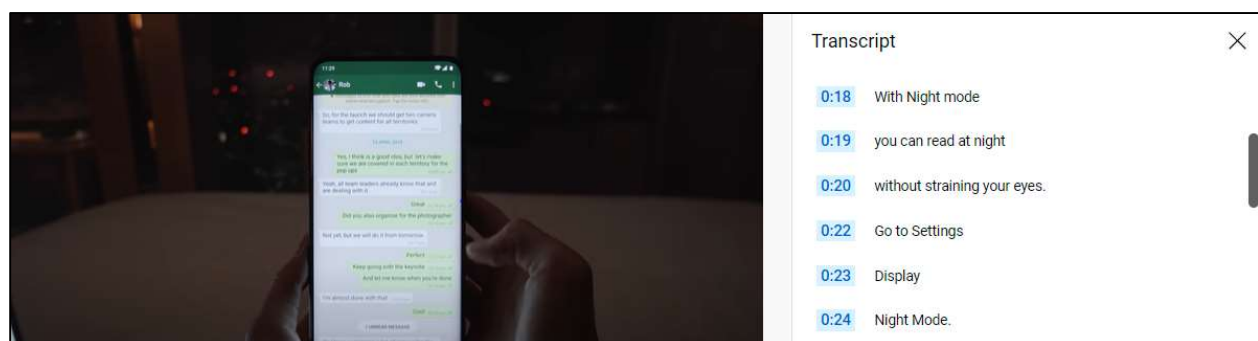
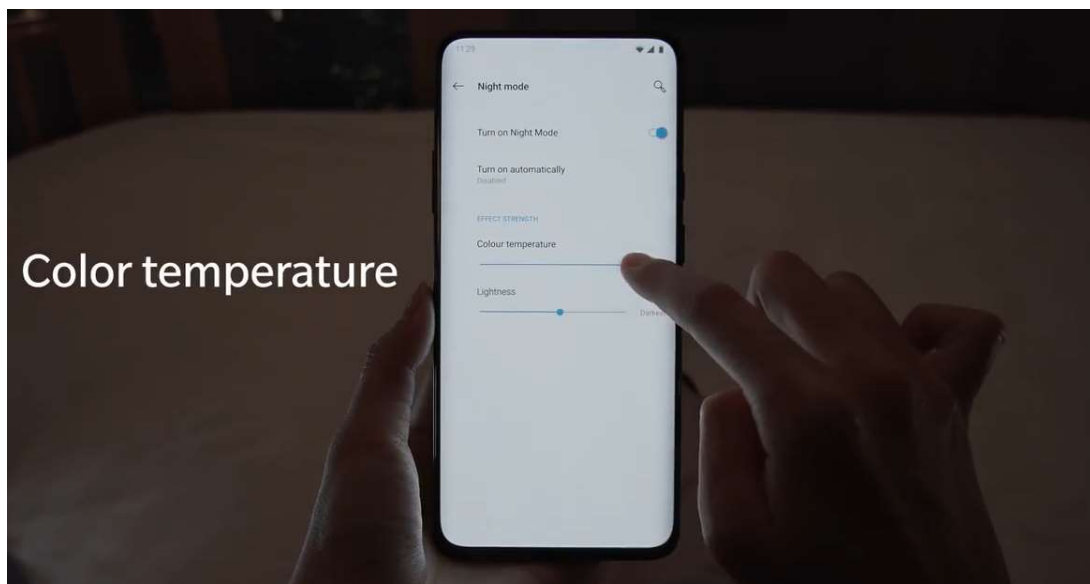
14. Blue light filters are designed to change the color balance of the display

to reduce the amount of blue light output by the display, which can affect how well users sleep afterwards.

15. OnePlus markets and promotes its blue light filter mode as “Night Mode.”

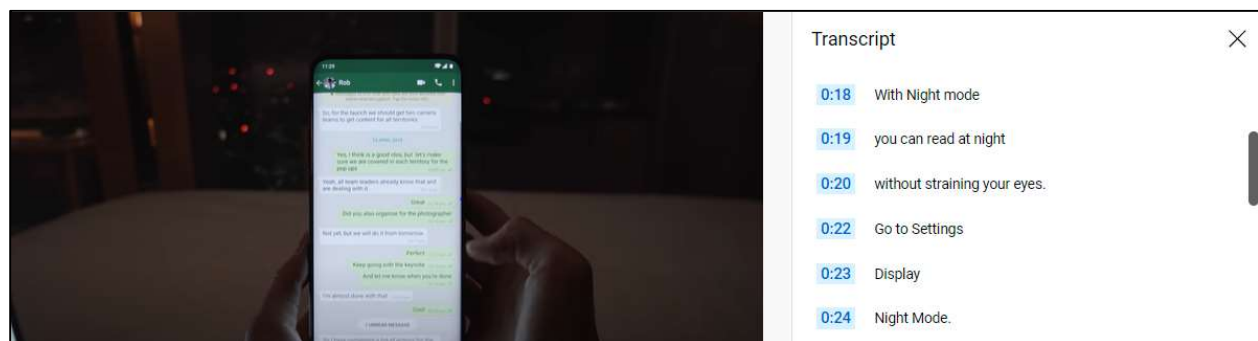
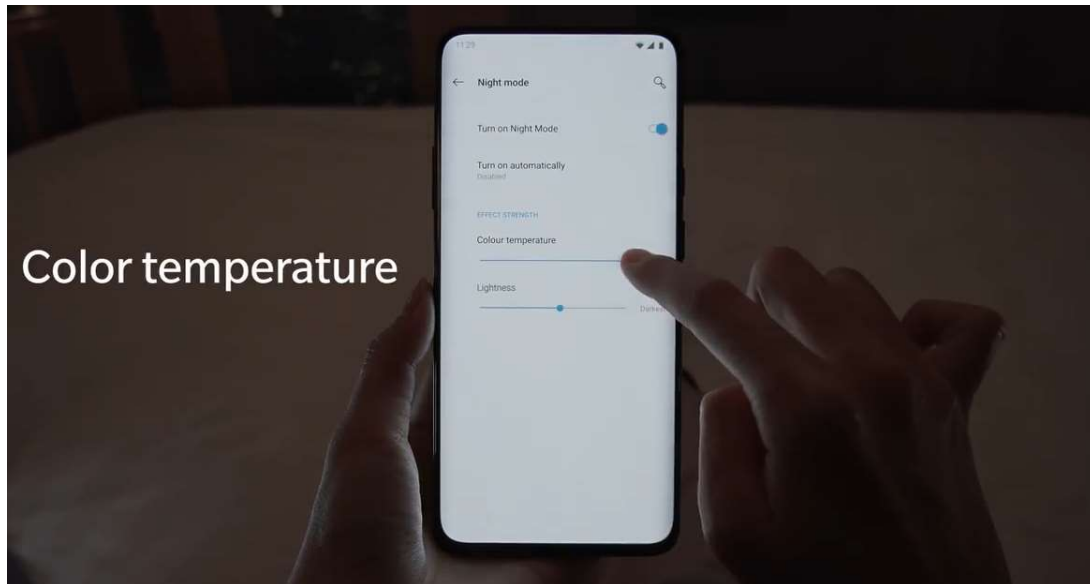
16. OnePlus’ Accused Products have Night Mode built-in, and users have the option to turn it on or off or set it to activate each day on a customized schedule.

17. OnePlus provides instructional videos on how to activate and use Night Mode and advertises that Night mode will adjust the color temperature of your display to reduce eye strain.



<https://www.youtube.com/watch?v=TjMZ8FijEI>

18. OnePlus directs users how to turn on the Night Mode feature and set up automatic activation and advises users to activate Night Mode at night to minimize eye fatigue.



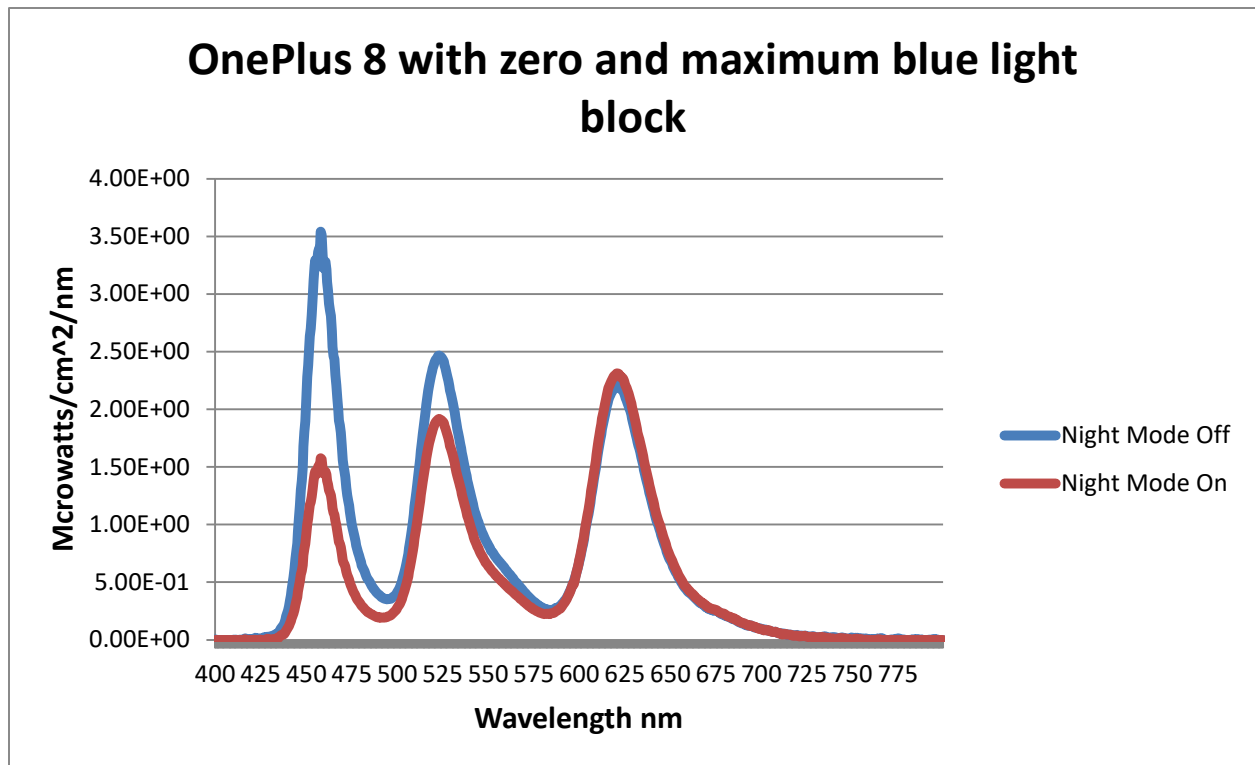
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- **Night mode:** When enabled, the device will adjust to the color temperature you have set for minimizing eye fatigue.

OnePlus 8 Pro User manual

19. OnePlus' Night Mode reduces harmful blue light, protecting a user's

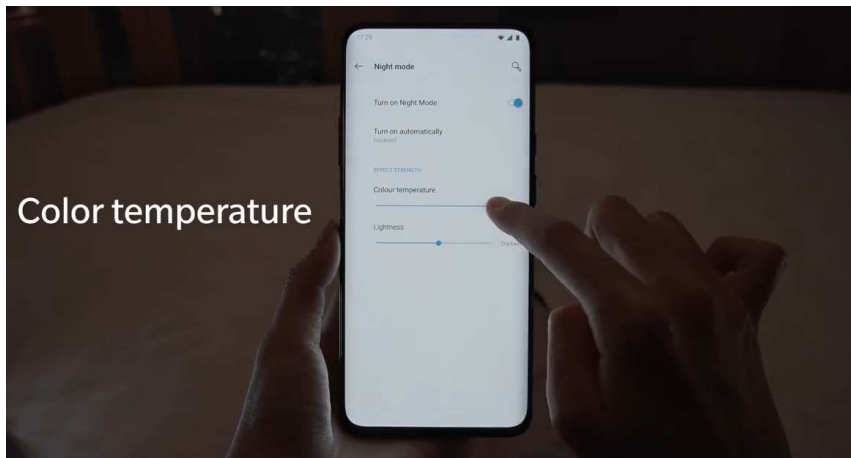
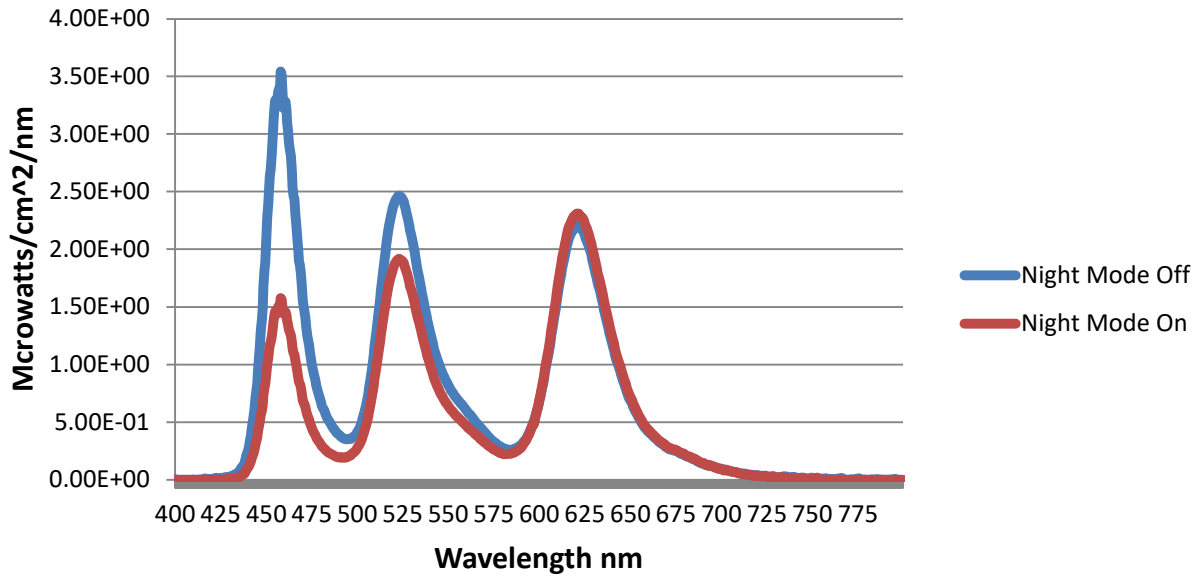
vision and sleep cycle.



<https://www.oneplus.com/global/9-pro>

20. OnePlus' Night Mode reduces blue light and adjusts the color temperature to reduce eye strain during extended screen time.

OnePlus 8 with zero and maximum blue light block



Transcript

0:18 With Night mode

0:19 you can read at night

0:20 without straining your eyes.

0:22 Go to Settings

0:23 Display

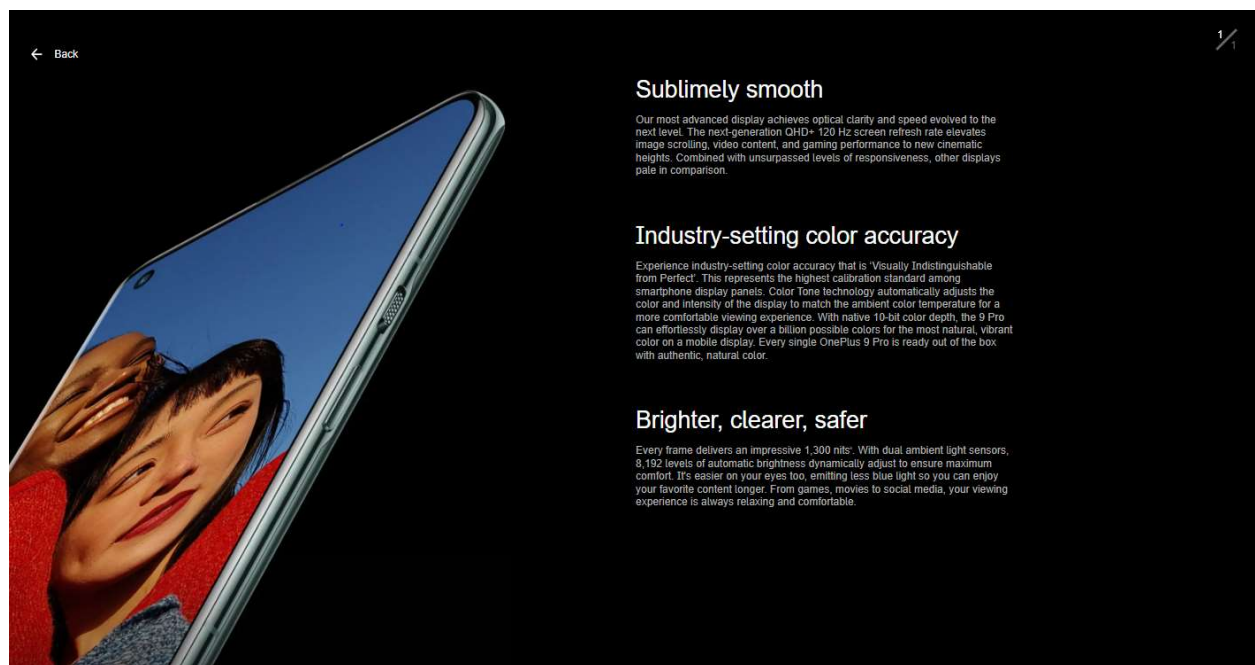
0:24 Night Mode.

<https://www.youtube.com/watch?v=TjMZc8FijEI>



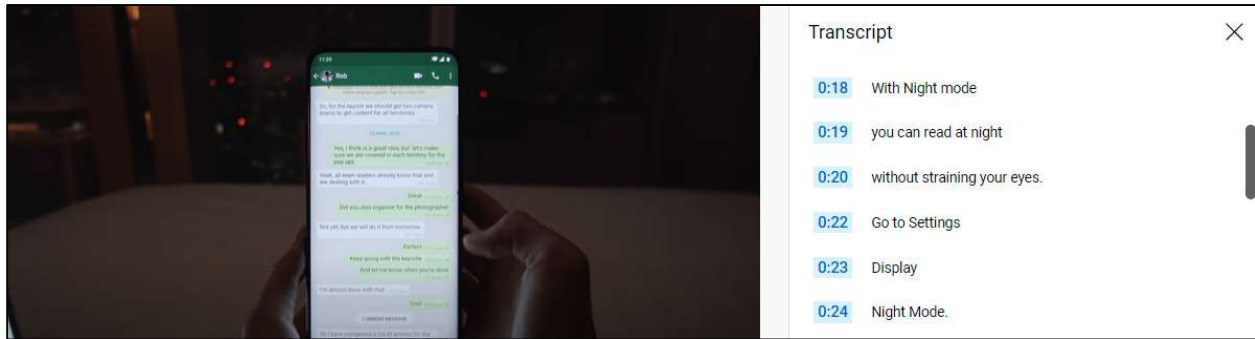
<https://www.oneplus.com/global/9-pro>

21. OnePlus promotes its eye protection features in its product marketing for its mobile phones.



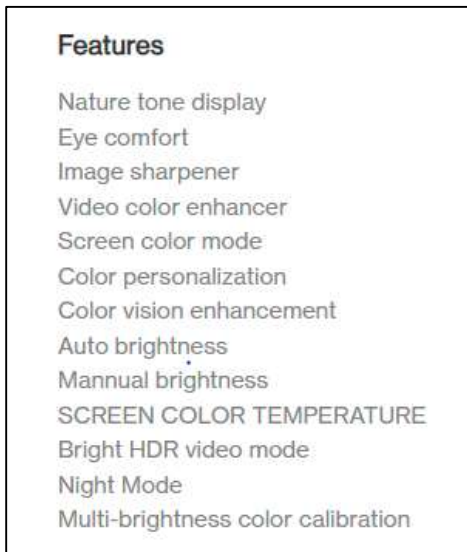
<https://www.oneplus.com/global/9-pro>

22. OnePlus instructs users how to activate and operate Night Mode.

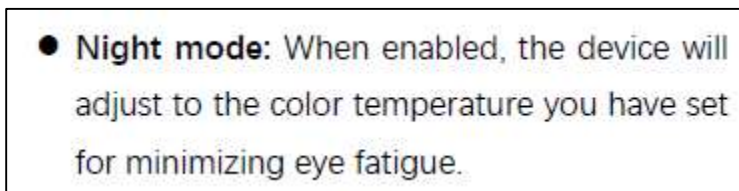


<https://www.youtube.com/watch?v=TjMZc8FijEI>

23. OnePlus encourages users to operate Night Mode. OnePlus includes references to Night Mode in its user guides and publishes advertisements on its U.S. website for the Accused Products promoting Night Mode.

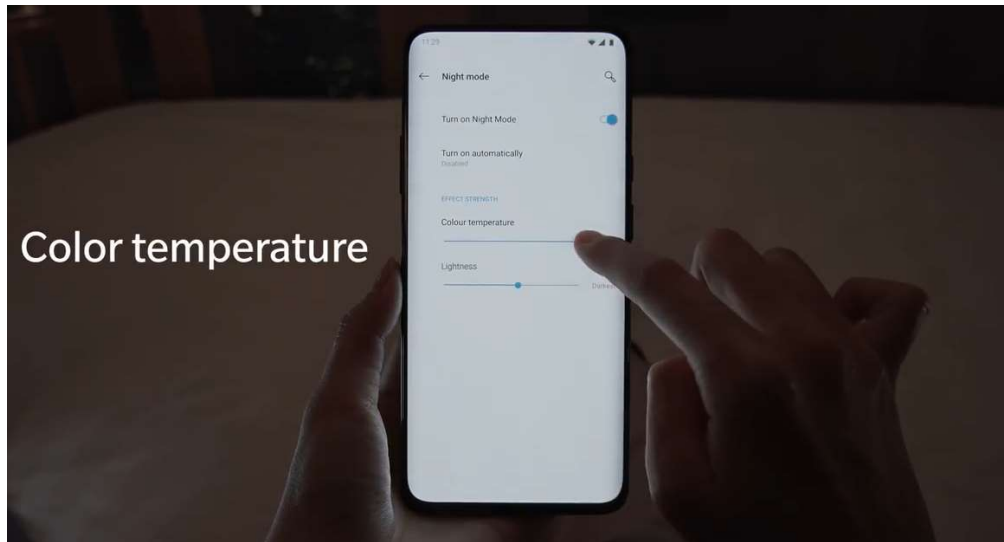


<https://www.oneplus.com/10-pro/specs>



OnePlus 8 Pro User Manual

24. OnePlus encourages users to use Night Mode by having it on the phones and encouraging users to set a schedule for the feature.



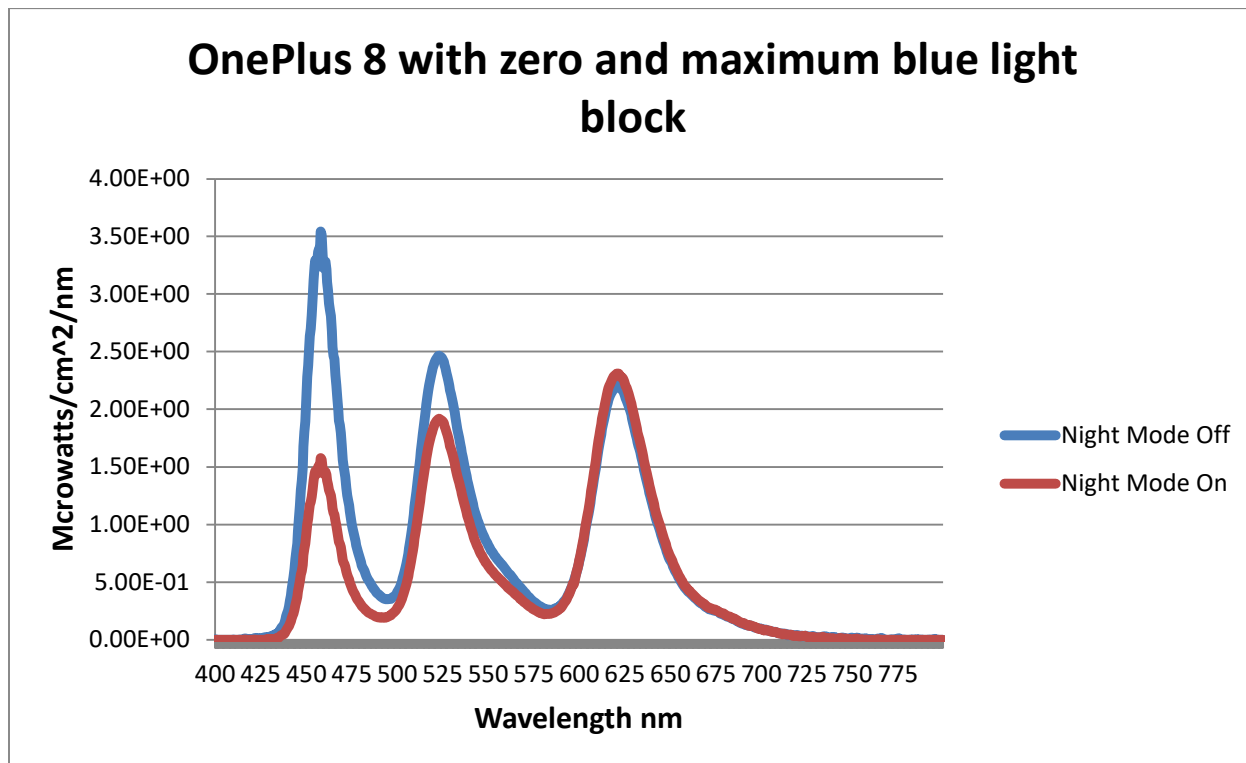
<https://www.youtube.com/watch?v=TjMZc8FijEI>

25. OnePlus' phones use HDR and IPS LCD display technology that has emitting optical radiation.

26. OnePlus products featuring Night Mode infringe the asserted patent.

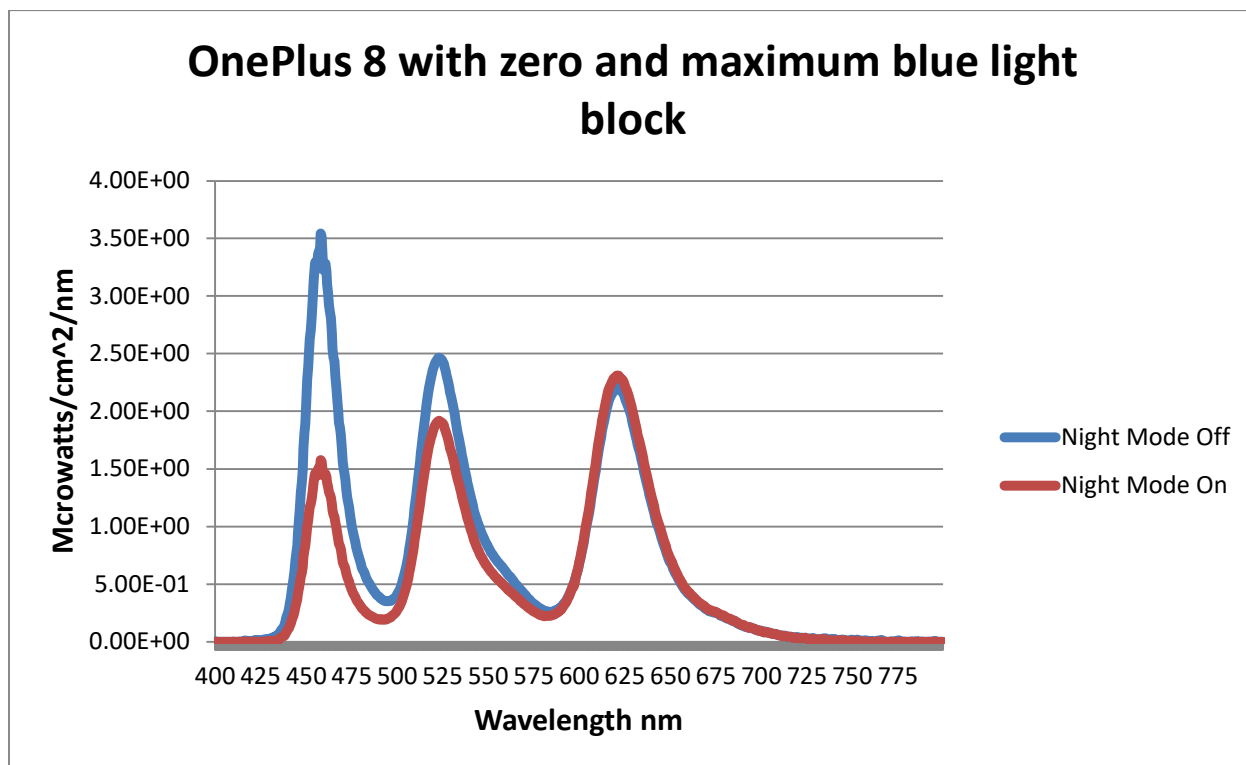
27. OnePlus makes, imports, sells, offers to sell, distributes, licenses, markets and/or uses mobile phones such as the OnePlus 10 Pro 5G, Nord CE 2 5G, 9RT 5G, Nord 2 5G, Nord N200 5G, Nord CE 5G, 9 Pro, 9, 9R, Nord N10 5G, Nord N100, 8T, 8T + 5G, Nord, 8 Pro, 8, 8 5G UW, 8 5G, 7T Pro 5G McLaren, 7T Pro, 7T, 7 Pro 5G, 7 Pro, and 7, among other OnePlus products.

28. The spectral profile of the optical output displayed by the OnePlus Accused Products includes wavelengths with a spectral peak in the optical region between 435-488 nm with a strong emission peak near 450 nm.

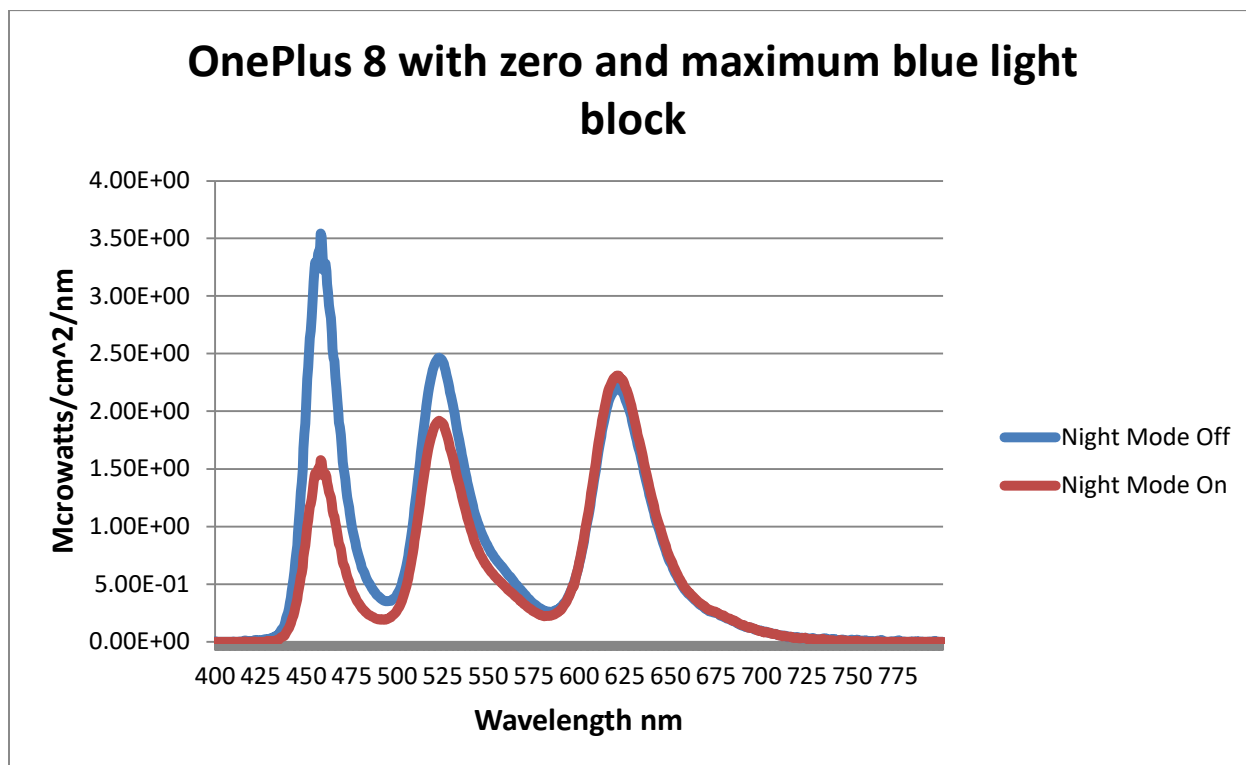


29. The optical output of the OnePlus Accused Products peaks around 450 nm in its output spectrum. Illuminating the retina of the human eye with this wavelength stimulates melanopsin pigments in intrinsically photosensitive retinal ganglion cells (ipRGCs), triggering signal phototransduction that suppress or regulates the output of melatonin.

30. OnePlus designs Night Mode to shift the display spectrum of the Accused Products colors to attenuate the wavelengths of light in the range of 435-488 nm to reduce the strain on users' eyes and improve the circadian rhythm of the users of its Accused Products.



31. OnePlus designs its Night Mode to change the spectral color balance of the output display, reducing the amount of blue light emitted by the display to affect how well a user sleeps after viewing the Accused Products. With Night Mode, the on-screen images take on an increasingly yellowish tint as the amount of blue light emitted by the display decreases. Night Mode filters blue light and adjusts the color temperature (or output spectrum) of the display to reduce eye strain.



COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,768,140

32. Plaintiff incorporates the above paragraphs herein by reference.

33. The '140 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

34. The Accused Products are designed to reduce the output of the intensity of blue light during certain times of the day and enhance the output of the intensity of blue light during other times of the day to regulate the human circadian rhythm.

35. OnePlus has infringed and continue to infringe one or more claims, including Claims 1 and 2 of the '140 Patent by making, using, importing, selling, and/or, offering for sale the Accused Products in the United States without authority.

36. OnePlus has infringed and continues to infringe the '140 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271.

37. OnePlus encourages others, including their customers, to use the Accused Products in the United States without authority.

38. OnePlus markets and encourages its users to use the Night Mode to reduce the amount of spectral output in the wavelength range of 435-488 nm emitted by the Accused Products during certain times of the day to regulate the circadian rhythm, photoneural or neuroendocrine systems of the user.

39. Claim 1 of the '140 Patent recites:

1. A method of at least treating or preventing at least one light responsive disorder in at least one mammal, said method comprising the steps of utilizing at least one light source, said at least one light source emitting optical radiation; causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of at least one of the human circadian, photoneural, or neuroendocrine systems, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm;

exposing at least a portion of the retina of at least one eye of at least one mammal to said pre-established spectral composition of optical radiation such that said light source is not mounted on the body of said at least one mammal;

stimulating the photoreceptor system for at least one of the circadian, photoneural or neuroendocrine systems of said at least one mammal; and

enabling at least the treatment or the prevention of at least one light responsive disorder in said at least one mammal.

40. As exemplified in the above paragraphs, the use of one or more of the Accused Products performs a method of at least treating or preventing at least one light responsive disorder in at least one mammal, said method comprising the steps of utilizing at least one light source, said at least one light source emitting optical radiation; causing said optical radiation to be commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of at least one of the human circadian, photoneural, or neuroendocrine systems, said pre-established spectral composition comprising at least one enhanced spectral region comprising at least one peak of emitted light within the range of 435-488 nm.

41. Use of the Accused Products is designed to treat or prevent at least one

light responsive disorder in at least one mammal. The Accused Products utilize at least one light source that emits optical radiation that is commonly therapeutically effective in humans by employing a pre-established spectral composition that has been pre-identified as a maximally potent spectral composition in the regulation of at least one of the human circadian, photoneural, or neuroendocrine systems.

42. The pre-established spectral composition includes at least one enhanced spectral region with a peak in the range of 435-488 nm. The Night mode reduces or attenuates the light in the range of 435-488 nm during certain times of the day compared to the light emitted in that range during other times of the day. By reducing and enhancing the relative emissions of the light in the range of 435-488 nm, the Accused Products emit optical radiation that is commonly therapeutically effective in humans and maximally potent in the regulation of human circadian, photoneural, or neuroendocrine systems.

43. Use of the Accused Products exposes at least a portion of the retina of at least one eye of at least one mammal to said pre-established spectral composition of optical radiation such that said light source is not mounted on the body of said at least one mammal.

44. The OnePlus Accused Products include a display screen for viewing and thereby exposing a portion of the retina of a user's eyes to the pre-established spectral composition of optical radiation emitted by the display screen.

45. Use of the Accused Products stimulates the photoreceptor system for at least one of the circadian, photoneural or neuroendocrine systems of said at least one mammal. OnePlus' Accused Products are designed to affect the circadian rhythm and/or photoneural or neuroendocrine systems of a human.

46. Use of the Accused Products enable at least the treatment or the prevention of at least one light responsive disorder in said at least one mammal.

47. Litebook has been damaged by OnePlus' infringement of the '140 Patent.

COUNT II
INDUCED PATENT INFRINGEMENT OF U.S. PATENT NO 7,768,140

48. Plaintiff realleges and incorporated the above paragraphs herein by reference.

49. OnePlus is liable for indirect infringement under 35 U.S.C. § 271(b) of at least Claim 1, of the '140 Patent at least as early as service of the Complaint because it knowingly encourages, aids, and directs others (e.g., end users and customers) to use and operate the Accused Products in an infringing manner.

50. As of the date of the service of the Complaint, OnePlus had knowledge of the '140 Patent and OnePlus' instruction, encouragement and directions to its users and customers. Since that time, OnePlus specifically intended, and continues to specifically intend, for persons who acquire and use the Accused Products, including OnePlus' customers (e.g. individual users, etc.), to use the Accused Products in a manner that infringes the '140 Patent. This is evident when OnePlus encourages and instructs

customers and other end users in the use and operation of the Accused Products via advertisement, technical material, instructional material, instructional videos, and otherwise.

51. OnePlus specifically intends the Accused Products to be used and operated to infringe one or more claims, including Claim 1 of the '140 Patent.

52. OnePlus encourages, directs, aids and abets the use, configuration of the Accused Products.

53. As detailed above, OnePlus has instructed its customer to use the accused methods and Accused Products in an infringing manner.

54. OnePlus' knowledge of the '140 Patent and Plaintiff's infringement allegations against OnePlus combined with its knowledge of the Accused Products and how they are used to infringe the '140 Patent, consistent with OnePlus' promotions and instructions, demonstrate OnePlus' specific intent to induce its users to infringe the '140 Patent.

55. Plaintiff is entitled to recover from OnePlus compensation in the form of monetary damages suffered as a result of OnePlus' infringement in an amount that cannot be less than a reasonable royalty together with interest and costs as fixed by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment in favor of Litebook and against OnePlus declaring that OnePlus has infringed the asserted patent;

1. awarding Plaintiff its damages suffered as a result of OnePlus' direct and induced infringement;
2. awarding Plaintiff its costs, attorneys' fees, expenses, and prejudgment and post-judgment interest; and
3. granting Plaintiff such further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: April 13, 2022

Respectfully Submitted,

By: /s/ Cabrach J. Connor

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