

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

IN THE MATTER OF  
CERTAIN LIGHTING CONTROL DEVICES  
INCLUDING DIMMER SWITCHES AND  
PARTS THEREOF

Investigation No. 337-TA-\_\_\_\_\_

**COMPLAINT OF LUTRON ELECTRONICS CO., INC.  
UNDER SECTION 337 OF THE TARIFF ACT OF 1930**

**COMPLAINANT:**

Lutron Electronics Co., Inc.  
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Coopersburg, Pennsylvania 18036  
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**COUNSEL FOR COMPLAINANT:**

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**PROPOSED RESPONDENTS:**

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## **I. INTRODUCTION**

1. This Complaint, filed by Complainant Lutron Electronics Co., Inc. ("Lutron") pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, is based upon the unlawful importation into the United States, the sale for importation and/or the sale within the United States after importation of certain lighting control devices, including dimmer switches and parts thereof, by proposed respondent Neptun Light, Inc. ("Neptun"). The accused lighting control devices and parts thereof infringe claims 36, 38, 47, 58, 65, 67, 76, 87, 94, 96, 105, 116, 178, 180, 189 and 197 of United States Patent No. 5,637,930 ("the '930 patent").

2. Lutron seeks, as relief, a permanent exclusion order barring from entry into the United States infringing lighting control devices, including dimmer switches, and parts thereof manufactured by or on behalf of Neptun. Lutron also seeks, as relief, a cease and desist order prohibiting the importation, sale, offer for sale, advertising, packaging or the solicitation of any sale by Neptun of certain lighting control devices, including dimmer switches, and parts thereof encompassed by the asserted claims of the '930 patent.

## **II. THE PARTIES**

### **A. Complainant**

3. Complainant Lutron Electronics Co., Inc. ("Lutron") is a Pennsylvania corporation with its principal place of business located at 7200 Suter Road, Coopersburg, Pennsylvania 18036-1299.

4. Established in 1961, Lutron is the industry pioneer. Lutron's success is the result of its long history of innovation, beginning with its founder's invention of the world's first commercially successful solid-state dimmer switch used to dim lamps (a generic term for lights of many varieties). These dimmer switches replaced bulky rheostats and autotransformers that were

inefficient and unattractive. Lutron remains a leading innovator and manufacturer of dimmer switches and other lighting control devices worldwide.

5. Lutron manufactures and/or supplies more than 10,000 products to address the lighting control requirements of virtually any residential or commercial project. These products adjust the intensity of virtually every kind of lamp, and Lutron is a leading provider of integrated solutions for controlling both natural daylight (with its motorized shades and blinds) as well as electrical lighting (with its patented lighting control devices).

6. From its inception, Lutron has emphasized innovation, and typically makes a substantial investment of approximately 10% of its revenue to research and development.

**B. Proposed Respondents**

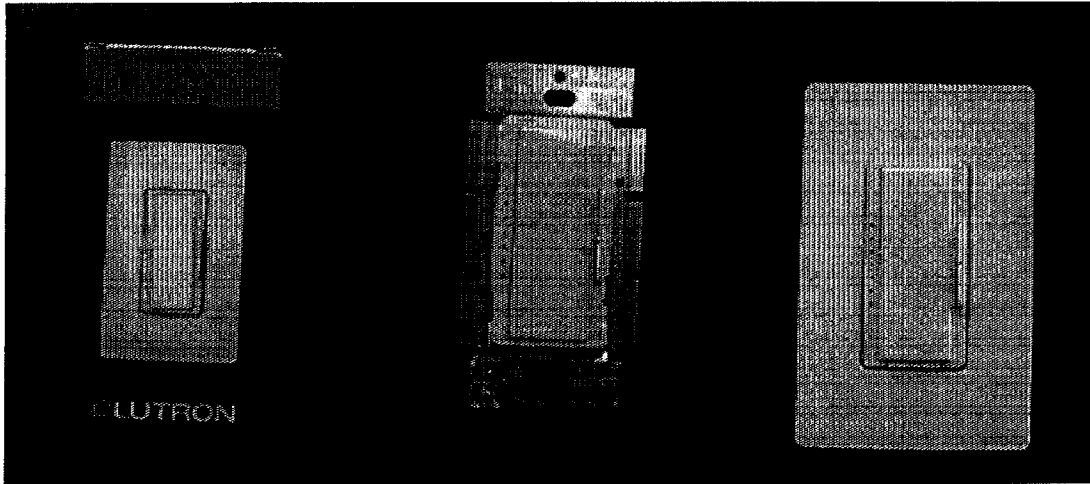
7. On information and belief, Respondent Neptun Light, Inc. ("Neptun") maintains its principal place of business in the United States at 960 North Shore Drive, Lake Bluff, Illinois, 60044. On information and belief, Neptun is a manufacturer of energy efficient lighting products, including lamps, fixtures, and lighting systems. Neptun is also an importer of electronic devices, including dimmer switches. Neptun manufactures and markets such dimmer switches under the product name, Apollo™.

**III. THE PRODUCTS-AT-ISSUE**

**A. Lutron's Innovative Maestro® and RadioRA® Products**

8. The products-at-issue include dimmer switches that fit in standard electrical wall boxes. The technology of the '930 patent is used in these lighting control products. Figure 1 below shows two Lutron Maestro® dimmer switches that incorporate the technology of the '930 patent. The product shown in the center of Figure 1 is a Maestro® dimmer switch prior to installation. On the right side of Figure 1 is the Maestro® dimmer with a Lutron faceplate attached (e.g., model

number CW-1-WH), which illustrates how the product appears after installation, and on the left side of Figure 1 is a Maestro® package.

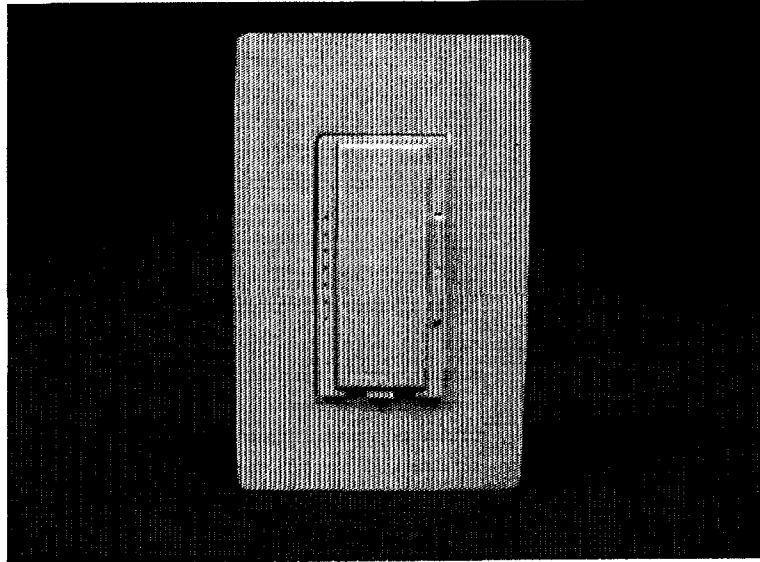


**Figure 1: Lutron Maestro® MALV-600 dimmer switches (center & right) and associated package (left)**

9. In Lutron Maestro® dimmer switches, the large white rectangle in the middle of the device is a control (tap button switch) used to turn a lamp on and off; the much thinner, shorter, segmented white rectangle on the right side of the device is a control (dimming rocker) to raise (by pressing the top segment) and lower (by pressing the bottom segment) the light intensity level of the lamp; and the circular apertures arranged vertically on the left side of the device are a column of openings through which seven LEDs illuminate to provide indication of the approximate light intensity level of the lamp.

10. The Lutron RadioRA® dimmer switches, an example is shown in Figure 2 below with a Lutron wallplate, have the same aesthetic appearance and similar functionality as the Maestro® dimmer switches. The RadioRA® dimmer switches, however, further include a two-way radio that enables the dimmer switches to receive wireless commands from at least one remote

control and also allows the dimmer switches to transmit status information wirelessly to at least one remote control (a patented technology not at issue).



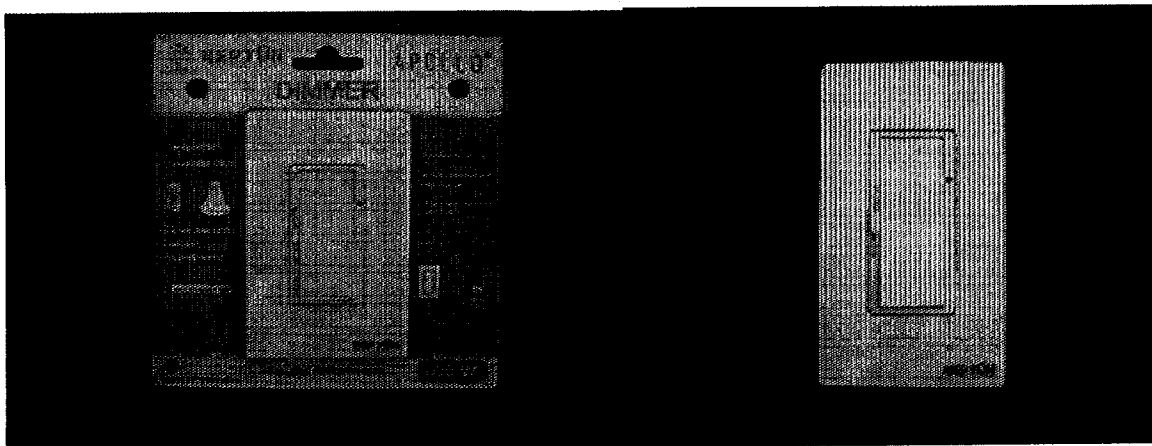
**Figure 2: Lutron RadioRA® RA-5NE**

**B. Neptun's Infringing Products**

11. The Neptun dimmer switches that infringe the '930 patent are marketed under the product name Apollo™ and include at least Neptun's Apollo™ dimmer switches (e.g., Model No. 80005). Neptun dimmer switches are labeled with a notice that reads "Assembled in China."

12. The product shown on the left side of Figure 3 is a Neptun dimmer switch in its package. The Neptun dimmer switch is packaged with a faceplate similar to the Lutron faceplate shown in Figures 1 (at right) and 2. The Neptun dimmer switch shown on the right side of Figure 3 illustrates how a Neptun dimmer switch appears after installation. In the Neptun dimmer switch (e.g., Model No. 80005), pictured below in Figure 3, the large white rectangle in the middle of the device is a control (paddle switch) used to turn a lamp on and off; the much thinner and shorter white rectangle on the left side of the device is a control (dimming slider) to raise (by moving the

dimming slider upward) and lower (by moving the dimming slider downward) the light intensity level of the lamp; and the circular aperture on the right side of the device is a locator light.



**Figure 3: Neptun Dimmer Switch 80005 - (right) and associated package (left)**

#### **IV. THE PATENT-AT-ISSUE**

##### **A. United States Patent No. 5,637,930**

13. The patent-at-issue herein is the '930 patent, entitled "Wall-Mountable Switch & Dimmer." An uncertified copy of the '930 patent is attached to the Complaint as Exhibit 1. The certified copy has been requested from the U.S. Patent and Trademark Office ("USPTO") and will be provided upon receipt.

14. The '930 patent was issued on June 10, 1997, based on a filing date of February 10, 1995, and a priority date of July 28, 1988. The '930 patent will expire on June 10, 2014. The history of the prosecution of the '930 patent, which is the result of a series of continuation applications, is as follows:

- (a) Application Serial No. 07/225,457, filed July 28, 1988 (abandoned);
- (b) Application Serial No. 07/871,876, filed April 21, 1992 (abandoned); and

- (c) Application Serial No. 08/386,850, filed February 10, 1995 (issued June 10, 1997 as the '930 patent).

15. The '930 patent was reexamined by the U.S.P.T.O. in light of a long list of prior art references submitted by then-accused-infringer Cooper Wiring Devices, Inc., as well as by Lutron itself. The two requests for Reexamination (No. 90/006,594 filed on April 8, 2003 and No. 90/007,153, filed on August 3, 2004) were subsequently merged. The *Ex Parte* Reexamination Certificate, in which 132 claims were affirmed as patentable as amended, issued on September 12, 2006. An uncertified copy of the Reexamination certificate is attached to the Complaint as Exhibit 2. The certified copy has been requested from the USPTO and will be provided upon receipt.

16. Michael J. Rowen, Joel S. Spira, Michael J. D'Aleo, Darryl W. Tucker, Russell J. Jacobs, and James R. Graybill are the named inventors on the '930 patent. Lutron is the owner of the '930 patent by assignment made on August 11, 1988 of the 07/225,457 application. An uncertified copy of the assignment of the 07/225,457 application is attached to the Complaint as Exhibit 3. The certified copy has been requested from the USPTO and will be provided upon receipt.

17. Lutron requested a certified copy of the prosecution history of the '930 patent (Application Serial No. 08/386,850), but the U.S.P.T.O. has been unable to locate the file. Complainant will provide a certified copy of the prosecution history of the '930 patent should it become available. In lieu of the certified copy, Complainant here submits four (4) uncertified copies of the prosecution history of the '930 patent as Appendix A. The prosecution history of the '930 patent includes the prosecution histories for two (2) abandoned parent applications (Application Serial Nos. 07/225,457 and 07/871,876) to the Complaint. Together with the Complaint, Lutron is filing four (4) uncertified copies of the prosecution histories of Application

Serial Nos. 07/225,457 and 07/871,876 as Appendices B and C<sup>1</sup>. Additionally, together with the Complaint, Lutron submits four (4) uncertified copies of each of the prosecution file histories resulting from Request for Reexamination No. 90/006,594 and Request for Reexamination No. 90/007,153 as Appendices D and E<sup>2</sup>. In addition, Complainant submits four (4) copies of each patent and technical reference identified in the prosecution histories of the applications leading to the issuance of the '930 patent, including reexaminations, as Appendix F to the Complaint.

**B. Foreign Counterpart Patents**

18. The foreign counterparts to the '930 patent are:

Country	Application Number	Status	Patent Number
Canada	606,248	Issued	1,331,769
Germany	P3923022.8	Issued	3923022
Great Britain	8915424.9	Issued	2221345
Great Britain Divisional	9127124.7	Issued	2251727
Japan	1-192475	Issued	3079477

19. There are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected relating to the '930 patent.

**C. Licenses Under the '930 Patent**

20. Lutron granted a license under the '930 patent to Cooper Wiring Devices and its parent company Cooper Industries, Ltd., on May 12, 2005, in conjunction with the settlement of *Lutron Electronics Co., Inc. v. Cooper Industries, Ltd., et al.*, Case No. 2:03-cv-03479-JKG in the United States District Court for the Eastern District of Pennsylvania, Philadelphia Division ("Cooper license").

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<sup>1</sup> Lutron has requested a certified copy of the prosecution history of the abandoned Application Serial Nos. 07/225,457 and 07/871,876, but this request is still being processed by the USPTO. Lutron will provide a certified copy thereof as soon as it becomes available.

<sup>2</sup> Lutron has requested a certified copy of the prosecution history resulting from the Request for Reexamination Nos. 90/006,594 and 90/007,153 as well, but this request is still being processed by the USPTO. Lutron will provide a certified copy thereof as soon as it becomes available.

21. Lutron granted a license under the '930 patent to Leviton Manufacturing Co., fully executed on September, 24, 2007, in conjunction with the settlement of *Lutron Electronics Co., Inc. v. Leviton Manufacturing Co., Inc.*, C. A. No. 9:07-CV-43 in the United States District Court for the Eastern District of Texas and the settlement of *Certain Lighting Control Devices Including Dimmer Switches and/or Switches and Parts Thereof*, Inv. No. 337-TA-599 before the U.S. International Trade Commission.

22. There are no other licenses to the '930 patent.

**D. Non-Technical Description of the Patented Technology of the '930 Patent**

23. Dimmer switches generally feature two distinct functions – a switching (or on/off) function and a dimming function. For many users, the switching function is used much more frequently than the dimming function. The dimming function may be used to adjust the preset light level to a low level for a party setting, or the light level may be adjusted just below full intensity for energy saving purposes. Typically, a user will then use the switching function to turn the lamps on or off to that preset level. An ideal dimmer switch is one that incorporates both functions (switching and dimming), taking into account the relative frequency with which each is used, and presents the user with a system that is intuitive and easy-to-use.

24. Historically, combining the switching and dimming functions in a single device suffered from two problems: (1) not allowing the switching function to be performed without disturbing the dimming function and (2) failing to convey to the user the particular function of each part of the product. Thus, there was a long-felt and unsupplied need in a highly competitive field for a unitary dimmer-switch combination in which the light intensity setting established through the use of the dimming function would remain undisturbed when the lamps were turned on or off, even when operated by a user previously unfamiliar with the control.

25. In the latter half of the 1980's, Lutron engineers set about to solve this problem. Lutron's invention, in the '930 patent, was a product arrangement that provided for, among other things, the switching control to be sized and arranged relative to the dimming control so that the switching function is emphasized over the dimming function from the perspective of the user.

26. Since its early Vareo® line of dimmer switches incorporating this technology, Lutron has continued to incorporate the invention of the '930 patent into its other dimmer switches, including its highly successful Maestro®, RadioRA®, Spacer®, and Diva® product lines, each of which is sold in the United States.

**V. UNLAWFUL ACTS OF THE RESPONDENT'S INFRINGEMENT OF THE '930 PATENT**

27. On information and belief, Neptun's dimmer switches that are sold for importation, imported, and/or sold after importation in the United States under at least the brand name Apollo, infringe claims 36, 38, 47, 58, 65, 67, 76, 87, 94, 96, 105, 116, 178, 180, 189, and 197. A claim chart that applies independent claims 36, 65, 94, and 178 of the '930 patent to the representative accused product, Neptun APOLLO – Dimmer 120 VAC – 60Hz – Model 80005 dimmer switch ("NEPTUN-80005 Dimmer Switch") is attached to the Complaint as Exhibit 4.

**VI. SPECIFIC INSTANCES OF IMPORTATION AND SALE**

28. On information and belief, Neptun imports, sells for importation, and/or sells within the United States after importation dimmer switches and parts thereof that infringe the asserted claims of the '930 patent.

29. On April 9, 2009, a representative of Lutron purchased a NEPTUN-80005 Dimmer Switch through a website of E3 Living, LLC ("E3 Living"), www.e3living.com, located in Ashburn, VA. The E3 Living website distributes the NEPTUN-80005 Dimmer Switch as Model No. 100-

1100. A copy of the proof of purchase is attached as Exhibit A to the Declaration of Don Smith. (Confidential Exhibit 5 attached hereto.)

30. The label for the NEPTUN-80005 Dimmer Switch bears country of origin markings indicating that it was "Assembled in China," and a photograph of the label is attached as Exhibit B to the Declaration of Don Smith.

31. The NEPTUN-80005 Dimmer Switch is also offered for sale in the United States on the Internet at such websites as

[http://quazarlighting.com/zencart/index.php?main\\_page=product\\_info&cPath=12&products\\_id=29&zenid=6men3iqg42t09t35f62au6dd66](http://quazarlighting.com/zencart/index.php?main_page=product_info&cPath=12&products_id=29&zenid=6men3iqg42t09t35f62au6dd66) (Exhibit 8 attached hereto) and

<http://www.cfluniversenew.com/servlet/the-134/APOLLO-CFL-UNIVERSAL-DIMMER/Detail> (Exhibit 9 attached hereto).

32. On information and belief, the infringing imported dimmer switches and related lighting control devices are classified under subheading 8536.50.90, Harmonized Tariff Schedule of the United States (HTSUS).

## **VII. RELATED LITIGATION**

33. On May 11, 2009, the U.S. International Trade Commission instituted an investigation (Inv. No. 337-TA-676) based on a Complaint filed by Lutron alleging violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 in the importation into the United States, sale for importation, or sale within the United States after importation of certain lighting control devices, including dimmer switches and parts thereof, by reason of infringement of the '930 patent as well as U.S. Patent Nos. 5,248,919 and U.S. Trademark Registration No. 3,061,804 (the latter two of which are not at issue in this action) by Universal Smart Electric Corp. (74 Fed. Reg. 21820.) That investigation is currently pending.

34. On March 2, 2007, Lutron brought an action against Leviton Manufacturing Co., Inc. ("Leviton") entitled *Lutron Electronics Co., Inc. v. Leviton Manufacturing Co., Inc.*, C. A. No. 9:07-CV-43 in the United States District Court for the Eastern District of Texas, seeking injunctive and monetary relief for Leviton's infringement of the '930 patent, as well as U.S. Patent Nos. 5,248,919, 5,982,103, 5,905,442, 4,797,599, U.S. Trademark Reg. Nos. 3,061,804, 2,709,806, Lutron's "Don't Forget the Dimmer" mark (Serial No. 78/866,757), and U.S. Copyright Reg. Nos. VA0001398392 and VAU000731574. This action was dismissed with prejudice on October 1, 2007, based on settlement.

35. On April 5, 2007, the U.S. International Trade Commission instituted an investigation (Inv. No. 337-TA-599) based on a Complaint filed by Lutron alleging violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 regarding the importation into the United States, sale for importation, or sale within the United States after importation of certain lighting control devices, including dimmer switches and/or switches and parts thereof, by reason of infringement of the '930 patent and additional U.S. Patent Nos. 5,248,919, 5,982,103 and 5,905,442 (not at issue in this action) by Leviton; and by reason of infringement of U.S. Patent Nos. 5,982,103 and 5,905,442 by Control4 Corporation ("Control4"). The investigation was terminated in its entirety based on settlement with Leviton and withdrawal of the Complaint as to Control4. (73 Fed. Reg. 3483-4.)

36. On June 4, 2003, Lutron brought an action for infringement of the '930 patent, as well as U.S. Patent Nos. 5,248,919 and 5,017,837 (the latter two of which are not at issue in this action) against Cooper Industries, Ltd. entitled *Lutron Electronics Co., Inc. v. Cooper Industries, Ltd.*, Case No. 2:03 CV 03479 in the United States District Court for the Eastern District of

Pennsylvania, seeking injunctive and monetary relief. This action was dismissed with prejudice on June 14, 2005, based on settlement.

37. The '930 patent has not been the subject of any other court or agency litigation, foreign or domestic.

#### **VIII. DOMESTIC INDUSTRY**

38. A domestic industry as defined by 19 U.S.C. § 1337(a)(3) exists with respect to Lutron's activities in the United States that exploit the '930 patent and that relate to products that employ the patented technology by reason of Lutron's significant investment in plant and equipment, significant employment of labor and capital and substantial investment in the exploitation of the '930 patent through engineering, and research and development.

##### **A. Technical Prong**

39. The Maestro® and RadioRA® dimmer switches sold by Lutron were designed, developed, and manufactured by Lutron for the purpose of enabling the practice of the '930 patent and they are marked with that patent. For example, Lutron's Maestro® and RadioRA® dimmer switches embody at least claim 65 of the '930 patent. A claim chart demonstrating how Complainant's Maestro® dimmer practices claim 65 of the '930 patent is attached hereto as Exhibit 6.

##### **B. Economic Prong**

###### **1. Significant Investment in Plant and Equipment**

40. A domestic industry exists in the United States by virtue of Lutron's significant investments in plant and equipment devoted to developing, manufacturing and testing of lighting control devices, including dimmer switches and parts thereof (collectively referred to below as "Lighting Control Devices") that employ and exploit the technology covered by one or more of the claims of the '930 patent.

41. Lutron has production facilities in the United States that manufacture (at least in part) Lighting Control Devices that exploit the '930 patent. Confidential Exhibit 7 sets forth further details regarding these facilities.

42. Lutron also has facilities in the United States at which such Lighting Control Devices may be finished and/or packaged. Confidential Exhibit 7 sets forth further details regarding these facilities.

43. A broad range of activities related at least in part to the domestic manufacture of Lighting Control Devices is performed at Lutron's facility in Coopersburg, Pennsylvania. Confidential Exhibit 7 sets forth further details regarding this facility.

44. Lutron has made substantial investments in the facilities in the United States used for the manufacture of its Lighting Control Devices as well as in the various facilities dedicated to activities directly related to the manufacture of its Lighting Control Devices. Confidential Exhibit 7 sets forth further details regarding these investments.

45. Lutron has also made substantial investments in equipment in the United States used to manufacture its Lighting Control Devices or for activities directly related to the manufacture of its Lighting Control Devices. Confidential Exhibit 7 sets forth further details regarding these investments.

## **2. Significant Employment of Labor and Capital**

46. Lutron currently employs in the United States a significant number of persons involved in the domestic production of Lighting Control Devices that exploit the '930 patent. These employees include full time equivalent (FTE) personnel dedicated to the manufacture of the patented products or trademarked products as well as engineers and engineering technicians either partially or fully dedicated to research and development and technical support of the patented products. Confidential Exhibit 7 sets forth further details regarding these employees.

**3. Substantial Investment in Exploiting the Patent-at-Issue Through Engineering and Research and Development**

47. Lutron has made, and will continue to make, substantial investments in the United States in engineering and research and development related to existing and future Lighting Control Devices that exploit the '930 patent. Confidential Exhibit 7 sets forth further details regarding these expenditures.

48. Lutron is a recognized leader in the research and development of Lighting Control Devices. It has made, and continues to make, very substantial investments in research and development, and that financial commitment has established Lutron as a leader in the design, development and manufacture of state-of-the-art Lighting Control Devices.

**IX. RELIEF**

**WHEREFORE**, by reason of the foregoing, Complainants request that the United States International Trade Commission:

(a) institute an immediate investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, with respect to violations of that section based upon the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation by Neptun of lighting control devices including dimmer switches and parts thereof that infringe Lutron's valid and enforceable U.S. Patent No. 5,637,930 patent;

(b) schedule and conduct a hearing on said unlawful acts and, following said hearing;

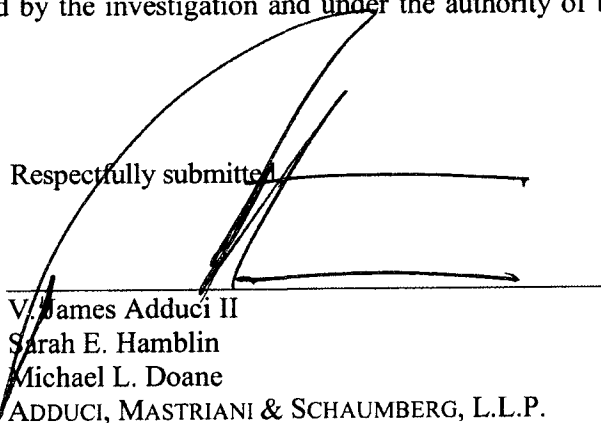
(c) issue a permanent exclusion order, pursuant to 19 U.S.C. § 1337(d), forbidding entry into the United States of all lighting control devices including dimmer switches and parts thereof that infringe the '930 patent that are manufactured by or on behalf of Neptun;

(d) issue a permanent cease and desist order, pursuant to 19 U.S.C. § 1337(f), prohibiting Neptun from importing, selling, offering for sale (including via the Internet or electronic mail), advertising (including via the Internet or electronic mail), distributing, or soliciting any lighting control devices including dimmer switches encompassed by the claims of the '930 patent; and

(e) issue such other orders and further relief as the Commission deems just and proper based upon the facts determined by the investigation and under the authority of the Commission.

Dated: June 23<sup>rd</sup>, 2009

Respectfully submitted,

  
V. James Adduci II  
Sarah E. Hamblin  
Michael L. Doane  
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*Counsel for Lutron Electronics Co., Inc.*

LUTRON700409-3.doc

**VERIFICATION OF COMPLAINT**

I, Walter S. Peake, declare, in accordance with 19 CFR §§ 210.4 and 210.12(a), under penalty of perjury that the following statements are true:

1. I am General Counsel for Lutron Electronics Co., Inc. am duly authorized to sign this complaint on behalf of Complainants;
2. I have read the complaint and am aware of its contents;
3. The complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
4. To the best of my knowledge, information and belief founded upon reasonable inquiry, the claims and legal contentions of this complaint are warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;
5. The allegations and other factual contentions in the complaint have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 6/22, 2009.

  
WALTER S. PEAKE

## EXHIBITS TO COMPLAINT

- Exhibit 1.** A copy of the 5,637,930 Patent.
- Exhibit 2.** Reexamination Certificate for the '930 Patent.
- Exhibit 3.** A copy of the assignment of the 07/224,457 application ('930 Patent).
- Exhibit 4.** Claim charts for the independent claims 36, 65, 94 and 178 of the '930 Patent.
- 4-A. NEPTUN 80005 Insert;
- 4-B. NEPTUN 80005 Packaging;
- 4-C. Sketch 2.
- Exhibit 5.** Declaration of Don Smith (CONFIDENTIAL).
- Exhibit 6.** Claim chart for the independent claim 65 of the '930 Patent.
- 6-A. Lutron Maestro® MALV-600-WH Dimmer (MALV-600 Dimmer) Insert;
- 6-B. Sketch 1.
- Exhibit 7.** Declaration of Donald Powers (CONFIDENTIAL).
- Exhibit 8.** Web page of the NEPTUN-80005 Dimmer Switch offered for sale in the United States on the Internet at website as [http://quazarlighting.com/zencart/index.php?main\\_page=product\\_info&cPath=12&products\\_id=29&zenid=6men3iqg42t09t35f62au6dd66](http://quazarlighting.com/zencart/index.php?main_page=product_info&cPath=12&products_id=29&zenid=6men3iqg42t09t35f62au6dd66).
- Exhibit 9.** Web page of the NEPTUN-80005 Dimmer Switch offered for sale in the United States on the Internet at website as <http://www.cfluniversenew.com/servlet/the-134/APOLLO-CFL-UNIVERSAL-DIMMER/Detail>.

## APPENDICES TO COMPLAINT

### United States Patent No. 5,637,930

- A. Four (4) uncertified copies of the Application Serial No. 08/386,850.
- B. One (1) uncertified and three (3) additional copies of the prosecution file history for the abandoned application, Application Serial No. 07/225,457.
- C. One (1) uncertified and three (3) additional copies of the prosecution file history for the abandoned application, Application Serial No. 07/871,876.
- D. One (1) uncertified and three (3) additional copies of the prosecution history files resulting from Request for Reexamination No. 90/006,594.
- E. One (1) uncertified and three (3) additional uncertified copies of Request for Reexamination No. 90/007,153.
- F. Four (4) copies of each reference document identified in the prosecution histories of the applications leading to the issuance of the '930 Patent, including reexaminations.