

LED Co. Must Pony Up For Bulb Maker In IP Row, Judge Says

By **Adam Lidgett**

Law360 (December 14, 2022, 6:32 PM EST) -- A California federal judge has held that South Korean LED manufacturer Seoul Semiconductor Co. Ltd. must compensate light bulb company Feit Electric Co. Inc. for costs it incurred in defending now-dropped claims in a patent infringement lawsuit.

U.S. District Judge David O. Carter on Tuesday granted Feit's motion for summary judgment on its claims that SSC failed to indemnify and defend California-based Feit in a patent infringement suit against Feit that was launched by Nichia Corp.

The judge said Feit and SSC had a deal where "SSC's duty to defend was triggered when Feit notified SSC that Nichia had filed patent infringement claims against Feit."

"Notwithstanding that SSC disputes Nichia's rightful claims of infringement against its products, SSC was under a duty to defend Feit against any 'groundless, false or fraudulent' claim," the judge said.

LED package maker Nichia filed the patent infringement lawsuit in 2016 over Feit's light bulbs, which use LED chips and packages, according to court records.

Feit said it doesn't actually make any LED packages, but gets them from other parties to put in its bulbs, according to court documents. That prompted Feit to file its own third-party plaintiff claims against SSC, according to court records.

In the middle of litigation, Nichia agreed to drop its claims involving any SSC products, meaning claims against Feit were axed, court records showed.

But the issues of defense and breach of contract remained between Feit and SSC, according to court documents.

The judge said in the Tuesday decision that "SSC consented to the terms of [an] indemnity agreement by accepting Feit's purchase orders and shipping the LED packages to Feit."

Additionally, the judge said "the express terms of the indemnity provision require SSC to cover the costs, attorneys' fees, and other litigation expenses of litigating claims related to patent infringement."

Counsel for Feit and SSC did not immediately respond to requests for comment Wednesday.

Feit is represented by Kal K. Shah, Michael S. Weinstein and Vincent J. Michalec of Benesch Friedlander Coplan & Aronoff LLP and Brian D. Ledahl of Russ August & Kabat.

SSC is represented by Michael B. Eisenberg and Robyn C. Crowther of Steptoe & Johnson LLP.

The case is Nichia Corp. v. Feit Electric Co. Inc., case number 2:18-cv-01390, in the U.S. District Court for the Central District of California.

--Editing by Andrew Cohen.

