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8 *Attorneys for Plaintiff Document Security Systems, Inc.*

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11 DOCUMENT SECURITY SYSTEMS,
12 INC.,

13 Plaintiff,

14 v.

15 CREE, INC.,

16 Defendant.
17

Civil Action No. 2:17-cv-04263

JURY TRIAL DEMANDED

18 **COMPLAINT FOR PATENT INFRINGEMENT**

19 This is an action for patent infringement arising under the Patent Laws of the
20 United States of America, 35 U.S.C. § 1 *et seq.* in which Document Security Systems,
21 Inc. (“DSS” or “Plaintiff”) makes the following allegations against Defendant Cree,
22 Inc. (“Cree” or “Defendant”).

23 **PARTIES**

24 1. Document Security Systems, Inc. is a publicly-traded New York
25 corporation. Founded in 1984, DSS is a global leader in brand protection, digital
26 security solutions and anti-counterfeiting technologies.

27 2. In November 2016, DSS acquired a portfolio of patents covering
28 technologies used in Light-Emitting Diode (“LED”) lighting products, including the

1 patents-in-suit. The patents in this portfolio were originally assigned to Agilent
2 Technologies, Inc. and/or the successors of its LED business. Since its recent
3 acquisition of these patents, DSS has worked to expand its business efforts regarding
4 LED technology. DSS is pursuing both licensing and commercialization of this
5 technology acquisition, and is establishing those activities within its Plano location.

6 3. On information and belief, Cree, Inc. is a North Carolina corporation with its
7 principal place of business at 4600 Silicon Drive, Durham, North Carolina 27703-
8 8475. Defendant Cree, Inc. can be served through its registered agent, CT
9 Corporation System, 818 W 7th St. Suite 930, Los Angeles, CA 90017.

10 **JURISDICTION AND VENUE**

11 4. This action arises under the patent laws of the United States, Title 35 of the
12 United States Code. Accordingly, this Court has subject matter jurisdiction under 28
13 U.S.C. §§ 1331 and 1338(a).

14 5. This Court has personal jurisdiction over Defendant in this action because,
15 among other reasons, Defendant has committed acts within the Central District of
16 California giving rise to this action and has established minimum contacts with the
17 forum state of California. Defendant directly and/or through subsidiaries or
18 intermediaries (including distributors, retailers, and others), has committed and
19 continues to commit acts of infringement in this District by, among other things,
20 making, using, importing, offering for sale, and/or selling products and/or services
21 that infringe the patents-in-suit. Thus, Defendant purposefully availed itself of the
22 benefits of doing business in the State of California and the exercise of jurisdiction
23 over Defendant would not offend traditional notions of fair play and substantial
24 justice. Cree is registered to do business in the State of California, and has an office
25 and regular and established place of business at 340 Storke Road, Goleta, California
26 93117.

27 6. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(c) and 1400(b)
28 because Defendant has a regular and established place of business in this District and

1 has committed acts of patent infringement in this District. Defendant, for example,
2 has a regular and established place of business at 340 Storke Road, Goleta, California
3 93117.

4 **BACKGROUND**

5 7. DSS is the owner by assignment of United States Patent No. 6,949,771 (“the
6 ’771 Patent”) entitled “Light Source.” The ’771 Patent was duly and legally issued by
7 the United States Patent and Trademark Office on September 27, 2005. A true and
8 correct copy of the ’771 Patent is included as Exhibit A.

9 8. DSS is the owner by assignment of United States Patent No. 7,256,486 (“the
10 ’486 Patent”) entitled “Packing Device for Semiconductor Die, Semiconductor Device
11 Incorporating Same and Method of Making Same.” The ’486 Patent was duly and
12 legally issued by the United States Patent and Trademark Office on August 14, 2007.
13 A true and correct copy of the ’486 Patent is included as Exhibit B.

14 9. DSS is the owner by assignment of United States Patent No. 7,279,355 (“the
15 ’355 Patent”) entitled “Method for Fabricating a Packing Device for Semiconductor
16 Die and Semiconductor Device Incorporating Same.” The ’355 Patent was duly and
17 legally issued by the United States Patent and Trademark Office on October 9, 2007.
18 A true and correct copy of the ’355 Patent is included as Exhibit C.

19 10. DSS is the owner by assignment of United States Patent No. 7,524,087
20 (“the ’087 Patent”) entitled “Optical Device.” The ’087 Patent was duly and legally
21 issued by the United States Patent and Trademark Office on April 28, 2009. A true
22 and correct copy of the ’087 Patent is included as Exhibit D.

23 11. DSS is the owner by assignment of United States Patent No. 7,919,787
24 (“the ’787 Patent”) entitled “Semiconductor Device with a Light Emitting
25 Semiconductor Die.” The ’787 Patent was duly and legally issued by the United
26 States Patent and Trademark Office on April 5, 2011. A true and correct copy of the
27 ’787 Patent is included as Exhibit E.

28 12. DSS owns all rights, title, and interest in and to the ’771, ’486, ’355,

1 '087, and '787 Patents (collectively, “asserted patents” or “patents-in-suit”), including
2 all rights to sue and recover for past and future infringement.

3 **COUNT I**

4 **INFRINGEMENT OF THE '771 PATENT**

5 13. DSS references and incorporates by reference paragraphs 1 through 11 of
6 this Complaint.

7 14. On information and belief, Defendant makes, uses, offers for sale, sells,
8 and/or imports in the United States products and/or services that infringe various
9 claims of the '771 Patent, and continues to do so. By way of illustrative example,
10 Defendant’s infringing products include without limitation, all versions and variations,
11 including predecessor and successor models, of its XLamp ML-B, XLamp ML-C,
12 XLamp ML-E, Xlamp MX-3S, XLamp XR-C, XLamp XR-E, XLamp MC-E, CLM1
13 Series Color, CLM2 Series, CLM3 Series Color, CLM4 Series, CLP6 Series White,
14 CLP6 Series Color, SMD Full Color, SMD Full Color Side-View, XLamp CX
15 Family, and XLamp XB-D Family LED products. Defendant’s infringing products
16 also include products, e.g., light bulbs, displays and fixtures that contain at least one
17 infringing LED product. Defendant’s infringing products are collectively referred to
18 hereinafter as “’771 Accused Instrumentalities.”

19 15. On information and belief, Defendant has directly infringed and
20 continues to directly infringe the '771 Patent by, among other things, making, using,
21 offering for sale, selling, and/or importing the '771 Accused Instrumentalities. On
22 information and belief, such products and/or services are covered by one or more
23 claims of the '771 Patent’s including at least claims 1 through 8 because they contain
24 each element of those claims.

25 16. By making, using, offering for sale, selling, and/or importing the '771
26 Accused Instrumentalities infringing the '771 Patent, Defendant has injured DSS and
27 is liable to DSS for infringement of the '771 Patent pursuant to 35 U.S.C. § 271(a)
28 directly and/or under the doctrine of equivalents.

1 17. In addition, Defendant is actively inducing others, such as its affiliates,
2 customers, and end users of Accused Instrumentalities, services based thereupon, and
3 related products and/or processes, to directly infringe—and/or to combine outside of
4 the United States in a manner that would infringe if such combination occurred within
5 the United States—each and every claim limitation, including without limitation
6 claims 1 through 8 of the '771 Patent, in violation of 35 U.S.C. §§ 271(b) and/or
7 271(f). Upon information and belief, Defendant's customers and/or end users have
8 directly infringed and are directly infringing—and/or combining outside of the United
9 States in a manner that would infringe if such combination occurred within the United
10 States—each and every claim limitation, including without limitation claims 1 through
11 8 of the '771 Patent. Defendant has had actual knowledge of the '771 Patent at least
12 as of service of this Complaint. Defendant is knowingly inducing its customers and/or
13 end users to directly infringe—and/or to combine outside of the United States in a
14 manner that would infringe if such combination occurred within the United States—
15 the '771 Patent, with the specific intent to encourage such infringement, and knowing
16 that the induced acts constitute patent infringement. Defendant's inducement
17 includes, for example, providing technical guides, product data sheets,
18 demonstrations, software and hardware specifications, installation guides, and other
19 forms of support that induce its customers and/or end users to directly infringe—
20 and/or to combine outside of the United States in a manner that would infringe if such
21 combination occurred within the United States—the '771 Patent. The '771 Accused
22 Instrumentalities are designed in such a way that when they are used for their intended
23 purpose, the user infringes the '771 Patent. Defendant knows and intends that
24 customers that purchase the '771 Accused Instrumentalities will use those products for
25 their intended purpose.

26 18. Defendant has been aware of the '771 Patent and of its infringement as of
27 a date no later than the date it was served with this Complaint in this action. To the
28 extent facts learned in discovery show that Defendant's infringement of the '771

1 Patent is or has been willful, or to the extent that Defendant's actions subsequent to
2 the filing of this Complaint—such as its behavior as a litigant or its failure to take
3 remedial actions—render its infringement egregious, DSS reserves the right to request
4 such a finding at time of trial.

5 19. As a result of Defendant's infringement of the '771 Patent, DSS has
6 suffered monetary damages in an amount adequate to compensate for Defendant's
7 infringement, but in no event less than a reasonable royalty for the use made of the
8 invention by Defendant, together with interest and costs as fixed by the Court.

9 COUNT II

10 INFRINGEMENT OF THE '486 PATENT

11 20. DSS references and incorporates by reference paragraphs 1 through 19 of
12 this Complaint.

13 21. On information and belief, Defendant makes, uses, offers for sale, sells,
14 and/or imports in the United States products and/or services that infringe various
15 claims of the '486 Patent, and continues to do so. By way of illustrative example,
16 Defendant's infringing products include without limitation, all versions and variations,
17 including predecessor and successor models, of its "XLamp" line of LEDs, including
18 the XP-G2, XB-D, XB-H, XH-B, XH-G, XHP35, XHP35 HI, XM-L, XM-L HV, XM-
19 L2, XP-C, XP-E, XP-E HE, XP-E2, XP-E2 Torch, XP-G, XP-G2, XP-G3, XP-L, XP-
20 L HI, XP-l2, XQ-A, XQ-B, XQ-D, XQ-E, XQ-E HI, XR-C, XR-E, XT-E HV, XT-E
21 Royal Blue, XT-E White, MHB-A, MHB-B, MHD-E, MHD-G, MK-R, MK-R2, MT-
22 G EasyWhite, MT-G2 EasyWhite, XHP50, XHP50.2, XHP70, XHP70.2, XM-L
23 Color, XM-L EasyWhite, XM-L2 EasyWhite LED products and Daylight bulbs.
24 Defendant's infringing products also include products, e.g., light bulbs, displays and
25 fixtures that contain at least one infringing LED product. Defendant's infringing
26 products are collectively referred to hereinafter as "'486 Accused Instrumentalities."

27 22. On information and belief, Defendant has directly infringed and
28 continues to directly infringe the '486 Patent by, among other things, making, using,

1 offering for sale, selling, and/or importing the '486 Accused Instrumentalities. On
2 information and belief, such products are covered by one or more claims of the '486
3 Patent including at least claim 1 because they contain each element of that claim.

4 23. By making, using, offering for sale, selling, and/or importing the '486
5 Accused Instrumentalities infringing the '486 Patent, Defendant has injured DSS and
6 is liable to DSS for infringement of the '486 Patent pursuant to 35 U.S.C. § 271(a)
7 directly and/or under the doctrine of equivalents.

8 24. In addition, Defendant is actively inducing others, such as its affiliates,
9 customers, and end users of Accused Instrumentalities, services based thereupon, and
10 related products and/or processes, to directly infringe—and/or to combine outside of
11 the United States in a manner that would infringe if such combination occurred within
12 the United States—each and every claim limitation, including without limitation claim
13 1 of the '486 Patent, in violation of 35 U.S.C. §§ 271(b) and/or 271(f). Upon
14 information and belief, Defendant's customers and/or end users have directly
15 infringed and are directly infringing—and/or combining outside of the United States
16 in a manner that would infringe if such combination occurred within the United
17 States—each and every claim limitation, including without limitation claim 1 of the
18 '486 Patent. Defendant has had actual knowledge of the '486 Patent at least as of
19 service of this Complaint. Defendant is knowingly inducing its customers and/or end
20 users to directly infringe—and/or to combine outside of the United States in a manner
21 that would infringe if such combination occurred within the United States—the '486
22 Patent, with the specific intent to encourage such infringement, and knowing that the
23 induced acts constitute patent infringement. Defendant's inducement includes, for
24 example, providing technical guides, product data sheets, demonstrations, software
25 and hardware specifications, installation guides, and other forms of support that
26 induce its customers and/or end users to directly infringe—and/or to combine outside
27 of the United States in a manner that would infringe if such combination occurred
28 within the United States—the '486 Patent. The '486 Accused Instrumentalities are

1 designed in such a way that when they are used for their intended purpose, the user
2 infringes the '486 Patent. Defendant knows and intends that customers that purchase
3 the '486 Accused Instrumentalities will use those products for their intended purpose.

4 25. Defendant has been aware of the '486 Patent and of its infringement as of
5 a date no later than the date it was served with this Complaint in this action. To the
6 extent facts learned in discovery show that Defendant's infringement of the '486
7 Patent is or has been willful, or to the extent that Defendant's actions subsequent to
8 the filing of this Complaint—such as its behavior as a litigant or its failure to take
9 remedial actions—render its infringement egregious, DSS reserves the right to request
10 such a finding at time of trial.

11 26. As a result of Defendant's infringement of the '486 Patent, DSS has
12 suffered monetary damages in an amount adequate to compensate for Defendant's
13 infringement, but in no event less than a reasonable royalty for the use made of the
14 invention by Defendant, together with interest and costs as fixed by the Court.

15 COUNT III

16 INFRINGEMENT OF THE '355 PATENT

17 27. DSS references and incorporates by reference paragraphs 1 through 26 of
18 this Complaint.

19 28. On information and belief, Defendant makes, uses, offers for sale, sells,
20 and/or imports in the United States products made by processes that infringe various
21 claims of the '355 Patent, and continues to do so. Defendant also performs the
22 patented processes of various claims of the '355 Patent in the United States. By way
23 of illustrative example, Defendant's infringing products include without limitation, all
24 versions and variations, including predecessor and successor models, of its XLamp
25 line of LEDs, including its XB-D, XP-G2, XB-H, XH-B, XH-G, XHP35, XHP35 HI,
26 XM-L, XM-L HV, XM-L2, XP-C, XP-E, XP-E HE, XP-E2, XP-E2 Torch, XP-G, XP-
27 G2, XP-G3, XP-L, XP-L HI, XP-L2, XQ-A, XQ-B, XQ-D, XQ-E, XQ-E HI, XR-C,
28 XR-E, XT-E HV, XT-E Royal Blue, XT-E White, MHB-A, MHB-B, MHD-E, MHD-

1 G, MK-R, MK-R2, MT-G EasyWhite, MT-G2 EasyWhite, XHP50, XHP50.2,
2 XHP70, XHP70.2, XM-L Color, XM-L EasyWhite, XM-L2 EasyWhite LED
3 products. These products were made either in the United States or abroad, using
4 processes claimed in the '355 Patent. Defendant's infringing products also include
5 products, e.g., light bulbs, displays and fixtures that contain at least one infringing
6 LED product. Defendant's infringing products and processes are collectively referred
7 to hereinafter as "'355 Accused Instrumentalities."

8 29. On information and belief, Defendant has directly infringed and
9 continues to directly infringe the '355 Patent by, among other things, making, using,
10 offering for sale, selling, and/or importing the '355 Accused Instrumentalities. On
11 information and belief, such products and/or methods are covered by one or more
12 claims of the '355 Patent's including at least claim 1 because they contain each
13 element of that claim.

14 30. By making, using, offering for sale, selling, and/or importing the '355
15 Accused Instrumentalities infringing the '355 Patent, Defendant has injured DSS and
16 is liable to DSS for infringement of the '355 Patent pursuant to 35 U.S.C. § 271(a)
17 directly and/or under the doctrine of equivalents.

18 31. Defendant also infringes the '355 patent pursuant to 35 U.S.C. 271(g)
19 because it imports into the United States or offers to sell, sells, or uses within the
20 United States a product which is made by a process patented in the United States,
21 which has not been materially changed by subsequent processes and does not become
22 a trivial and nonessential component of another product. For example, Defendant
23 imports, offers to sell, sells, and/or uses in the United States the '355 Accused
24 Instrumentalities, which are final products that are not materially changed by
25 subsequent processes and do not become trivial and nonessential components of other
26 lighting products.

27 32. In addition, Defendant is actively inducing others, such as its affiliates,
28 customers, and end users of Accused Instrumentalities, services based thereupon, and

1 related products and/or processes, to directly infringe—and/or to combine outside of
2 the United States in a manner that would infringe if such combination occurred within
3 the United States—each and every claim limitation, including without limitation claim
4 1 of the '355 Patent, in violation of 35 U.S.C. §§ 271(b) and/or 271(f). Upon
5 information and belief, Defendant's customers and/or end users have directly
6 infringed and are directly infringing—and/or combining outside of the United States
7 in a manner that would infringe if such combination occurred within the United
8 States—each and every claim limitation, including without limitation claim 1 of the
9 '355 Patent. Defendant has had actual knowledge of the '355 Patent at least as of
10 service of this Complaint. Defendant is knowingly inducing its customers and/or end
11 users to directly infringe—and/or to combine outside of the United States in a manner
12 that would infringe if such combination occurred within the United States—the '355
13 Patent, with the specific intent to encourage such infringement, and knowing that the
14 induced acts constitute patent infringement. Defendant's inducement includes, for
15 example, providing technical guides, product data sheets, demonstrations, software
16 and hardware specifications, installation guides, and other forms of support that
17 induce its customers and/or end users to directly infringe—and/or to combine outside
18 of the United States in a manner that would infringe if such combination occurred
19 within the United States—the '355 Patent. The '355 Accused Instrumentalities are
20 designed in such a way that when they are used for their intended purpose, the user
21 infringes the '355 Patent. Defendant knows and intends that customers that purchase
22 the '355 Accused Instrumentalities will use those products for their intended purpose.

23 33. Defendant has been aware of the '355 Patent and of its infringement as of
24 a date no later than the date it was served with this Complaint in this action. To the
25 extent facts learned in discovery show that Defendant's infringement of the '355
26 Patent is or has been willful, or to the extent that Defendant's actions subsequent to
27 the filing of this Complaint—such as its behavior as a litigant or its failure to take
28

1 remedial actions—render its infringement egregious, DSS reserves the right to request
2 such a finding at time of trial.

3 34. As a result of Defendant’s infringement of the ’355 Patent, DSS has
4 suffered monetary damages in an amount adequate to compensate for Defendant’s
5 infringement, but in no event less than a reasonable royalty for the use made of the
6 invention by Defendant, together with interest and costs as fixed by the Court.

7 **COUNT IV**

8 **INFRINGEMENT OF THE ’087 PATENT**

9 35. DSS references and incorporates by reference paragraphs 1 through 33 of
10 this Complaint.

11 36. On information and belief, Defendant makes, uses, offers for sale, sells,
12 and/or imports in the United States products and/or services that infringe various
13 claims of the ’087 Patent, and continues to do so. By way of illustrative example,
14 Defendant’s infringing products include without limitation, all versions and variations,
15 including predecessor and successor models of its LED products including its CLA2
16 Series White, CLA2 Series Color, CLM1 Series White, CLM1 Series Color, CLM2
17 Series White, CLM2 Series Color, CLM3 Series Color, CLM3 Series White, CLM4
18 Series White, CLM4 Series Color, CLP6 Series White, CLP6 Series Color, CLX6
19 Series White, CLX6 Series Color, XLamp ML-B, XLamp ML-C, and XLamp ML-E
20 models. Defendant’s infringing products also include products, e.g., light bulbs,
21 displays and fixtures that contain at least one infringing LED product. Defendant’s
22 infringing products are collectively referred to hereinafter as “’087 Accused
23 Instrumentalities.”

24 37. On information and belief, Defendant has directly infringed and
25 continues to directly infringe the ’087 Patent by, among other things, making, using,
26 offering for sale, selling, and/or importing the ’087 Accused Instrumentalities. On
27 information and belief, such products and/or services are covered by one or more
28

1 claims of the '087 Patent's including at least claim 1 because they contain each
2 element of that claim.

3 38. By making, using, offering for sale, selling, and/or importing the '087
4 Accused Instrumentalities infringing the '087 Patent, Defendant has injured DSS and
5 is liable to DSS for infringement of the '087 Patent pursuant to 35 U.S.C. § 271(a)
6 directly and/or under the doctrine of equivalents.

7 39. In addition, Defendant is actively inducing others, such as its affiliates,
8 customers, and end users of Accused Instrumentalities, services based thereupon, and
9 related products and/or processes, to directly infringe—and/or to combine outside of
10 the United States in a manner that would infringe if such combination occurred within
11 the United States—each and every claim limitation, including without limitation claim
12 1 of the '087 Patent, in violation of 35 U.S.C. §§ 271(b) and/or 271(f). Upon
13 information and belief, Defendant's customers and/or end users have directly
14 infringed and are directly infringing—and/or combining outside of the United States
15 in a manner that would infringe if such combination occurred within the United
16 States—each and every claim limitation, including without limitation claim 1 of the
17 '087 Patent. Defendant has had actual knowledge of the '087 Patent at least as of
18 service of this Complaint. Defendant is knowingly inducing its customers and/or end
19 users to directly infringe—and/or to combine outside of the United States in a manner
20 that would infringe if such combination occurred within the United States—the '087
21 Patent, with the specific intent to encourage such infringement, and knowing that the
22 induced acts constitute patent infringement. Defendant's inducement includes, for
23 example, providing technical guides, product data sheets, demonstrations, software
24 and hardware specifications, installation guides, and other forms of support that
25 induce its customers and/or end users to directly infringe—and/or to combine outside
26 of the United States in a manner that would infringe if such combination occurred
27 within the United States—the '087 Patent. The '087 Accused Instrumentalities are
28 designed in such a way that when they are used for their intended purpose, the user

1 infringes the '087 Patent. Defendant knows and intends that customers that purchase
2 the '087 Accused Instrumentalities will use those products for their intended purpose.

3 40. Defendant has been aware of the '087 Patent and of its infringement as of
4 a date no later than the date it was served with this Complaint in this action. To the
5 extent facts learned in discovery show that Defendant's infringement of the '087
6 Patent is or has been willful, or to the extent that Defendant's actions subsequent to
7 the filing of this Complaint—such as its behavior as a litigant or its failure to take
8 remedial actions—render its infringement egregious, DSS reserves the right to request
9 such a finding at time of trial.

10 41. As a result of Defendant's infringement of the '087 Patent, DSS has
11 suffered monetary damages in an amount adequate to compensate for Defendant's
12 infringement, but in no event less than a reasonable royalty for the use made of the
13 invention by Defendant, together with interest and costs as fixed by the Court.

14 COUNT V

15 INFRINGEMENT OF THE '787 PATENT

16 42. DSS references and incorporates by reference paragraphs 1 through 40 of
17 this Complaint.

18 43. On information and belief, Defendant makes, uses, offers for sale, sells,
19 and/or imports in the United States products and/or services that infringe various
20 claims of the '787 Patent, and continues to do so. By way of illustrative example,
21 Defendant's infringing products include without limitation, all versions and variations,
22 including predecessor and successor models, of its XLamp line of LEDs, that include
23 "Direct Attach," "SC3" and/or "SC5 Technology," including but not limited to its
24 XB-D, XP-G2, XHP35, XHP35 HI, XT-E, XT-E HV, XT-E Royal Blue, XT-E White,
25 XHP50, XHP50.2, XHP70, XHP70.2 LED products, as well as Daylight bulbs.
26 Defendant's infringing products also include products, e.g., light bulbs, displays and
27 fixtures that contain at least one infringing LED product. Defendant's infringing
28 products are collectively referred to hereinafter as "'787 Accused Instrumentalities."

1 44. On information and belief, Defendant has directly infringed and
2 continues to directly infringe the '787 Patent by, among other things, making, using,
3 offering for sale, selling, and/or importing the '787 Accused Instrumentalities. On
4 information and belief, such products and/or services are covered by one or more
5 claims of the '787 Patent's including at least claims 1 and 7 because they contain each
6 element of those claims.

7 45. By making, using, offering for sale, selling, and/or importing the '787
8 Accused Instrumentalities infringing the '787 Patent, Defendant has injured DSS and
9 is liable to DSS for infringement of the '787 Patent pursuant to 35 U.S.C. § 271(a)
10 directly and/or under the doctrine of equivalents.

11 46. In addition, Defendant is actively inducing others, such as its affiliates,
12 customers, and end users of Accused Instrumentalities, services based thereupon, and
13 related products and/or processes, to directly infringe—and/or to combine outside of
14 the United States in a manner that would infringe if such combination occurred within
15 the United States—each and every claim limitation, including without limitation
16 claims 1 and 7 of the '787 Patent, in violation of 35 U.S.C. §§ 271(b) and/or 271(f).
17 Upon information and belief, Defendant's customers and/or end users have directly
18 infringed and are directly infringing—and/or combining outside of the United States
19 in a manner that would infringe if such combination occurred within the United
20 States—each and every claim limitation, including without limitation claim 7 of the
21 '787 Patent. Defendant has had actual knowledge of the '787 Patent at least as of
22 service of this Complaint. Defendant is knowingly inducing its customers and/or end
23 users to directly infringe—and/or to combine outside of the United States in a manner
24 that would infringe if such combination occurred within the United States—the '787
25 Patent, with the specific intent to encourage such infringement, and knowing that the
26 induced acts constitute patent infringement. Defendant's inducement includes, for
27 example, providing technical guides, product data sheets, demonstrations, software
28 and hardware specifications, installation guides, and other forms of support that

1 induce its customers and/or end users to directly infringe—and/or to combine outside
2 of the United States in a manner that would infringe if such combination occurred
3 within the United States—the '787 Patent. The '787 Accused Instrumentalities are
4 designed in such a way that when they are used for their intended purpose, the user
5 infringes the '787 Patent. Defendant knows and intends that customers that purchase
6 the '787 Accused Instrumentalities will use those products for their intended purpose.

7 47. Defendant has been aware of the '787 Patent and of its infringement as of
8 a date no later than the date it was served with this Complaint in this action. To the
9 extent facts learned in discovery show that Defendant's infringement of the '787
10 Patent is or has been willful, or to the extent that Defendant's actions subsequent to
11 the filing of this Complaint—such as its behavior as a litigant or its failure to take
12 remedial actions—render its infringement egregious, DSS reserves the right to request
13 such a finding at time of trial.

14 48. As a result of Defendant's infringement of the '787 Patent, DSS has
15 suffered monetary damages in an amount adequate to compensate for Defendant's
16 infringement, but in no event less than a reasonable royalty for the use made of the
17 invention by Defendant, together with interest and costs as fixed by the Court.

18 **PRAYER FOR RELIEF**

19 Plaintiff respectfully requests the following relief from this Court:

20 A. A judgment that Defendant has infringed one or more claims of the '771,
21 '486, '355, '087, and/or '787 Patents;

22 B. A judgment and order requiring Defendant to pay DSS its damages,
23 costs, expenses, and prejudgment and post-judgment interest for Defendant's acts of
24 infringement in accordance with 35 U.S.C. § 284;

25 C. A judgment and order requiring Defendant to provide accountings and to
26 pay supplemental damages to DSS, including, without limitation, prejudgment and
27 post-judgment interest;

28 D. A judgment and order finding that this is an exceptional case within the

1 meaning of 35 U.S.C. § 285 and awarding to DSS its reasonable attorneys' fees
2 against Defendant; and

3 E. Any and all other relief to which DSS may show itself to be entitled.

4 **JURY TRIAL DEMANDED**

5 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, DSS requests a
6 trial by jury of any issues so triable by right.

7
8 Dated: June 8, 2017

By: Brian Ledahl

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