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11 **Dallmeier electronic USA Inc.**

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 DALLMEIER ELECTRONIC USA INC.,

15 Plaintiff,

16 v.

17 HAWK TECHNOLOGY SYSTEMS, LLC,

18 Defendant.

Case No. 5:15-cv-02504

**COMPLAINT FOR DECLARATORY
JUDGMENT OF NON-INFRINGEMENT,
INVALIDITY AND INTERVENING
RIGHTS**

DEMAND FOR JURY TRIAL

19
20 **COMPLAINT FOR DECLARATORY JUDGMENT**

21 Plaintiff Dallmeier electronic USA Inc. (“Dallmeier”) brings this action for
22 declaratory judgment against Hawk Technology Systems, LLC (“Hawk”). Dallmeier seeks,
23 among other things, declaratory judgment of non-infringement of U.S. Patent No. RE43,462
24 (the “462 patent”), that certain claims of the ‘462 patent are invalid, and that Dallmeier has
25 intervening rights with respect to the ‘462 patent. Dallmeier alleges as follows:

26 **NATURE OF ACTION**

27 1. This is a civil action arising under the Patent Laws of the United States, 35
28 U.S.C. §§101, et seq., seeking declaratory judgment of non-infringement and invalidity of,

1 and intervening rights with respect to, the '462 patent, which is entitled "Video Monitoring
2 and Conferencing System". A copy of the '462 patent is attached hereto as Exhibit 1.

3 **THE PARTIES**

4 2. Plaintiff Dallmeier electronic USA Inc. is a Delaware corporation that maintains
5 its principal place of business at 2960 Meade Avenue, Las Vegas, Nevada 89102. Dallmeier
6 electronic GmbH & Co. KG, the parent company of Plaintiff Dallmeier electronic USA Inc.
7 is a limited liability company organized under the laws of Germany and has its principal
8 place of business at Bahnhofstrasse 16, 93047 Regensburg, Germany. Dallmeier electronic
9 GmbH & Co.KG is a leading manufacturer of digital video systems whose video
10 management, digital matrix and recording systems are among the strongest integrated
11 security and surveillance platforms in the world. Several of the world's largest and highest
12 revenue producing casinos and other high security installations have standardized on
13 Dallmeier's video platform. Dallmeier electronic GmbH & Co.KG has more than thirty
14 years of experience in video surveillance systems and has been active in North America for
15 over ten years. Dallmeier electronic USA Inc. sells products in the United States that are
16 manufactured by Dallmeier electronic GmbH & Co. KG.

17 3. On information and belief, Defendant Hawk is a Florida limited liability
18 company with a principal place of business at 2 South Biscayne Blvd., Suite 3800, Miami,
19 Florida 33131.

20 4. On information and belief, Defendant Hawk was formed in 2012, and its
21 business is directed to owning and enforcing the '462 patent in litigation.

22 5. On information and belief, Defendant Hawk became the owner of the '462
23 patent, including the right to sue for damages for past and future infringement, by virtue of an
24 assignment executed on August 7, 2012, from Multi-Format, Inc., a New Jersey corporation.

25 **THE PATENT AT ISSUE**

26 6. The '462 patent has expired. The '462 patent is a reissue of U.S. Patent No.
27 5,625,410 (the "'410 patent"), which issued on April 29, 1997 from patent application serial
28 number 08/418,823, which was filed on April 7, 1995.

1 Club, Inc. in the Central District of California (case no. 2:15-cv-03580) alleging that Player's
2 Poker has infringed claims of the '462 patent by using a video surveillance and security
3 system to display and store video images. Hawk has also sought to enforce the '462 patent in
4 this judicial district by bringing other lawsuits, such as against Pacific Yogurt Partners, LLC
5 on April 14, 2015, in the Central District of California (case no. 8:15-cv-00589), La Jolla
6 Beach & Tennis Club, Inc. on December 31, 2014 in the Southern District of California (case
7 no. 3:2014cv03033), Kimpton Hotel & Restaurant Group, LLC on October 29, 2014, in the
8 Central District of California (case no. 5:2014-cv-02217), California Cinema Investments
9 Inc. on May 20, 2014, in the Central District of California (case no. 2:2014-cv-03879), and
10 Macerich Management Company on February 14, 2014, in the Central District of California
11 (case no. 2:2014-cv-01181).

12 13. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and 1391(c) because,
13 among other reasons, Hawk is subject to personal jurisdiction in this judicial district, Hawk
14 has conducted business in this judicial district, Dallmeier products alleged by Hawk to
15 infringe the '462 patent are being used in this judicial district, Dallmeier wishes freely to
16 exploit those non-infringing products without restraint in this judicial district, and because a
17 substantial part of the events giving rise to an alleged infringement have occurred in this
18 judicial district. Other factors that weigh in favor of proper venue being in the Northern
19 District of California (the Northern District) include: (i) the Northern District is the plaintiff's
20 choice of forum, (ii) Dallmeier has an obligation to indemnify purchasers in the Northern
21 District of products delivered by Dallmeier against patent infringement claims, (iii) the
22 operative facts occurred in the Northern District in an instance of infringement through the
23 offer for sale of Dallmeier products alleged by Hawk in another lawsuit to infringe claims of
24 the '462 patent, (iv) the Northern District is the location of the documents of the recipient of
25 that offer for sale, which uses Dallmeier products alleged by Hawk to infringe claims of the
26 '462 patent, (v) the Northern District is the location of the potential witnesses of the recipient
27 of the offer for sale and user of the allegedly infringing Dallmeier products, (vi) Dallmeier's
28 principal place of business is in Las Vegas, which is a relatively short and inexpensive plane

1 trip from the Northern District, (vii) Hawk has already demonstrated a willingness to enforce
2 the '462 patent in the Central District of California, and litigating in the Northern District of
3 California is just as convenient considering that Hawk's principal place of business is in
4 Florida, (viii) more witnesses of Dallmeier and its allegedly infringing customer are closer to
5 this Court than the few possible witnesses from Hawk, which is not an operating company
6 and does not have a significant number of employees, and (ix) Dallmeier's attorneys reside in
7 the Northern District and can most efficiently litigate in the Northern District.

8 **INTRADISTRICT ASSIGNMENT**

9 14. In accordance with Civil L.R. 3-2(c), this Intellectual Property Action is subject
10 to district-wide assignment.

11 **THE SUBSTANTIAL CONTROVERSY BETWEEN THE PARTIES**

12 15. Hawk is a non-practicing entity that owns the '462 patent. One of the inventors,
13 Barry H. Schwab, assigned all of his rights in the '410 patent to the other inventor Kinya
14 Washino. Then Kinya Washino assigned the entire right, title and interest in the '410 patent
15 to Multi-Format, Inc. Kinya Washino was president of Multi-Format, Inc. Then Hawk
16 acquired the '462 patent from Multi-Format, Inc.

17 16. On information and belief, Multi-Format, Inc. and Hawk have attempted to
18 profit from their ownership of the '410 and '462 patents solely through litigation and seeking
19 settlement or licensing fees from other entities. Multi-Format, Inc. asserted the '410 patent
20 in several patent infringement suits. One suit against Harrah's Entertainment, Inc. was even
21 brought during the prosecution of the reissue application for the '462 patent. (case no. 2:08-
22 cv-4410, D.N.J.)

23 17. To date, Hawk has brought over ninety suits for infringement of the '462 patent.
24 Hawk has filed these suits in districts throughout the United States. On information and
25 belief, Hawk has followed each filing with a demand for a quick settlement at a price far
26 lower than the cost to defend the litigation.

27 18. On December 1, 2014, Hawk filed suit against First-Citizens Bank & Trust
28 Company (case no. 0:14-cv-62716, S.D. Fla.) alleging that First-Citizens Bank had infringed

1 claims of the '462 patent. Hawk followed the filing with a demand of \$25,000 to settle the
2 lawsuit.

3 19. In an amended complaint, Hawk alleged that First-Citizens Bank had infringed
4 claims of the '462 patent by using a video storage and display system obtained from
5 Dallmeier. A copy of the amended complaint against First-Citizens Bank is attached hereto
6 as Exhibit 3. A claim chart attached to the amended complaint describes Hawk's allegations
7 of infringement of independent claims 1, 12, and 15 of the '462 patent.

8 20. The claim chart is broken down into four columns: "Independent Claim No. X";
9 "Hawk USP RE43,462 E"; "Product Disclosure"; and "Comments & Reference." Each row
10 under "Independent Claim No. X" lists a claim element of the three independent claims.
11 Every claim element is described in the "Product Disclosure" and "Comments and
12 Reference" columns as being a product of Dallmeier. The claim chart alleges that some of
13 the claim elements read on the following Dallmeier products: Cam_inPIX, DIS-2/M UTP,
14 DMS 240, SeMSy III video management system, SeMSyIII PGuard 7 server software,
15 SeMSyIII PGuard 7 server hardware and PView software. For every claim element, a URL
16 is provided to Dallmeier's website. Screenshots from Dallmeier's website and documents
17 describing the functionality of Dallmeier products are also included within the "Product
18 Disclosure" column. (*See* Exhibit 3.) No other company's products are mentioned by name
19 or reference in the chart. No other company's brochures, information or websites are
20 referenced in the claim chart. The alleged claim infringement is established exclusively by
21 using Dallmeier products.

22 21. First-Citizens Bank purchased the Dallmeier products through a reseller,
23 Diversified Systems, Inc., which installed the video surveillance and security system. First-
24 Citizens Bank, through Diversified Systems, Inc., has demanded indemnification from
25 Dallmeier for all costs resulting from Hawk's legal claims against Dallmeier products.
26 Dallmeier first learned of the '462 patent in a letter from Diversified Systems, Inc. dated
27 March 19, 2013, demanding indemnification.

28 22. On information and belief, Hawk did not notify either plaintiff Dallmeier

1 electronic USA Inc. or plaintiff's parent company Dallmeier electronic GmbH & Co. KG of
2 the alleged infringement of Dallmeier products before suit was filed against First-Citizens
3 Bank.

4 23. First-Citizens Bank has chosen to pay off Hawk a settlement amount instead of
5 devoting time and money to prove that the bank's use of Dallmeier products does not
6 infringe any claim of the '462 patent and/or to prove that claims of the '462 patent are invalid
7 and/or to prove that the bank had intervening rights to use the Dallmeier products, which
8 were all purchased prior to the reissue date of the '462 patent.

9 24. Hawk's exclusive identification of Dallmeier products for the alleged
10 infringement of the '462 patent indicates that Hawk also considers Dallmeier to have induced
11 and/or contributed to the alleged infringement of the '462 patent through the sale of
12 Dallmeier products.

13 25. Hawk has employed an aggressive and persistent litigation strategy with respect
14 to the enforcement of the '462 patent against perceived infringers, including a customer of
15 Dallmeier. On information and belief, Hawk will continue to initiate suits for patent
16 infringement against users of Dallmeier's products.

17 26. Dallmeier has about fifty customers in the United States.

18 27. Dallmeier has existing customers in the Northern District of California,
19 including but not limited to Artichoke Joe's Casino, located at 659 Huntington Ave., San
20 Bruno, California 94066. Artichoke Joe's Casino is a card club and gambling establishment
21 that uses a video surveillance and security system in a manner similar to that of Player's
22 Poker Club, Inc., which Hawk recently sued on May 13, 2015, in the Central District of
23 California for allegedly infringing claims of the '462 patent by using a video surveillance and
24 security system. Dallmeier wishes not to be restrained from the free exploitation of its non-
25 infringing goods, which have been sold to and are being used by Artichoke Joe's Casino and
26 other customers in the Northern District of California.

27 28. Artichoke Joe's Casino is currently using some of the Dallmeier products that
28 Hawk has alleged infringe the '462 patent. In addition, Dallmeier has offered to sell

1 Artichoke Joe's Casino the same products that Hawk alleged infringe the '462 patent in the
2 lawsuit against First-Citizens Bank. The products offered for sale to Artichoke Joe's Casino
3 include, but are not limited to: Cam_inPIX, DIS-2/M UTP, DMS 240, SeMSy III video
4 management system, SeMSyIII PGuard 7 server software, SeMSyIII PGuard 7 server
5 hardware and PView software. A copy of the offer for sale is attached hereto as Exhibit 4.

6 29. Dallmeier wishes to obtain a judicial declaration that the Dallmeier products
7 used by Dallmeier's customers such as Artichoke Joe's Casino do not infringe any claim of
8 the '462 patent before Hawk sues the next customer and obtains another payoff in an amount
9 less than the cost of proving non-infringement, invalidity or intervening rights and for which
10 Dallmeier bears the indemnification liability.

11 30. Judicial resources will be conserved by determining in a single lawsuit the
12 extent of Hawk's rights under the '462 patent with respect to Dallmeier's products instead of
13 allowing Hawk to file multiple lawsuits against Dallmeier customers so as to obtain
14 settlement payoffs without having decided the merits of Hawk's allegedly enforceable patent
15 rights against users of Dallmeier's products.

16 31. Based on the foregoing, there is a substantial and justiciable controversy
17 between Dallmeier and Hawk that warrants declaratory judgment. There exists an actual
18 controversy within the jurisdiction of this Court under 28 U.S.C. §§2201 and 2202.

19 **COUNT ONE**

20 (Declaratory Judgment of Non-Infringement)

21 32. Dallmeier hereby restates and realleges the allegations set forth in paragraphs 1
22 through 31 above and incorporates them by reference.

23 33. This is an action for declaratory judgment of non-infringement of any and all
24 valid claims of the '462 patent.

25 34. Dallmeier has an objectively reasonable apprehension that Hawk will bring a
26 patent infringement action against Dallmeier and/or Dallmeier's customers.

27 35. Hawk claims to be the owner of all legal rights, title, and interest in the '462
28 patent, including the right to enforce the '462 patent.

1 36. Hawk has alleged that Dallmeier's products infringe the '462 Patent. Hawk
2 provided an infringement claim chart to at least one customer of Dallmeier that it has sued
3 for patent infringement. The claim chart alleges that use of Dallmeier's products, including
4 Cam_inPIX, DIS-2/M UTP, DMS 240, SeMSy III video management system, SeMSyIII
5 PGuard 7 server software, SeMSyIII PGuard 7 server hardware and PView software,
6 infringes the '462 patent. Hawk reinforces its infringement allegations through repeated
7 references to Dallmeier's website and documents.

8 37. Hawk's allegations in its claim chart indicate that Hawk believes Dallmeier is
9 liable for infringing the '462 patent by selling and/or offering for sale the products listed in
10 the claim chart, as well as for induced and/or contributory infringement through Dallmeier's
11 customers' use of the listed products.

12 38. Neither Dallmeier nor the products that are provided by Dallmeier to its
13 customers and utilized by its customers, including Cam_inPIX, DIS-2/M UTP, DMS 240,
14 SeMSy III video management system, SeMSyIII PGuard 7 server software, SeMSyIII
15 PGuard 7 server hardware and PView software, infringe, either directly or indirectly, any
16 valid claim of the '462 patent.

17 39. As a result of the acts described in the foregoing paragraphs, there exists a
18 substantial controversy of sufficient immediacy and reality to warrant the issuance of a
19 declaratory judgment.

20 40. An actual and justiciable controversy exists between Dallmeier and Hawk as to
21 whether Dallmeier or Dallmeier's products infringe the '462 patent. A judicial declaration is
22 necessary and appropriate so that Dallmeier may ascertain its rights regarding the '462
23 patent.

24 41. Dallmeier is entitled to further necessary or proper relief based on the Court's
25 declaratory judgment or decree.

26 42. Dallmeier requests a judicial determination and declaration (pursuant to 28
27 U.S.C. §§2201 and 2202) that Dallmeier's products do not infringe and that Dallmeier has
28 not infringed, either directly or indirectly, contributorily or otherwise, any valid claim of the

1 '462 patent.

2 **COUNT TWO**

3 (Declaratory Judgment of Invalidity)

4 43. Dallmeier hereby restates and realleges the allegations set forth in paragraphs 1
5 through 42 above and incorporates them by reference.

6 44. This is an action for declaratory judgment of invalidity of any and all claims of
7 the '462 patent.

8 45. Dallmeier has an objectively reasonable apprehension that Hawk will bring a
9 patent infringement action against Dallmeier and/or Dallmeier's customers.

10 46. One or more claims of the '462 patent are invalid and/or unenforceable for
11 failure to meet the conditions of patentability and/or otherwise comply with the requirements
12 of 35 U.S.C. § 1, et seq., including but not limited to §§ 101, 102, 103, 112, and/or 251.

13 47. As one example, at least claims 1, 12, and 15 of the '462 patent are invalid
14 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,375,068 to Palmer et al.,
15 filed June 3, 1992.

16 48. As another example, at least claims 1 and 15 of the '462 patent are invalid under
17 35 U.S.C. § 112, second paragraph, for indefiniteness because they each recite at least one
18 means-plus-function claim element for which no corresponding structure is sufficiently
19 disclosed in the '462 patent specification as required by 35 U.S.C. § 112, sixth paragraph.

20 49. As yet another example, at least claims 1, 12 and 15 of the '462 patent are
21 invalid under 35 U.S.C. § 112, first paragraph, as failing to be supported by an adequate
22 written description of the claim terms "spatial parameters and temporal parameters," for
23 which there is no disclosure in the specification. The inventors of the '410 patent were not in
24 possession of the inventions of claims 1, 12 and 15 of the '462 patent as of the filing date of
25 the '410 patent. In addition, the inventions of claims 1, 12 and 15 lack enablement pursuant
26 to 35 U.S.C. § 112, first paragraph, due to the lack of disclosure and written description of
27 the claim terms "spatial parameters and temporal parameters."

28 50. Accordingly, there exists an actual, justiciable controversy between Dallmeier

1 and Hawk relating to whether the claims of the '462 patent are invalid. The controversy is of
2 sufficient immediacy and reality to warrant the issuance of a declaratory judgment. Such a
3 judicial declaration is necessary and appropriate so that Dallmeier may ascertain the extent to
4 which it may freely sell its goods in this judicial district without restraint from any rights of
5 Hawk under the '462 patent.

6 51. Dallmeier requests a judicial determination and declaration (pursuant to 28
7 U.S.C. §§2201 and 2202) that all claims of the '462 patent are invalid.

8 52. Dallmeier is entitled to further necessary or proper relief based on the Court's
9 declaratory judgment or decree.

10 **COUNT THREE**

11 (Declaratory Judgment of Intervening Rights)

12 53. Dallmeier hereby restates and realleges the allegations set forth in paragraphs 1
13 through 52 above and incorporates them by reference.

14 54. As of June 12, 2012, when the '462 patent reissued, Dallmeier electronic GmbH
15 & Co. KG had invested more than twenty years of effort to develop its video surveillance
16 products.

17 55. As of June 12, 2012, when the '462 patent reissued, Dallmeier was already
18 selling its video surveillance products in the Northern District of California, including
19 Dallmeier products listed in the claim chart attached to the amended complaint (Exhibit 3) in
20 the suit by Hawk against First-Citizens Bank.

21 56. Each of the original independent claims of the '462 patent was amended during
22 reissue, and therefore the scope of each of the claims of the '462 patent was broadened
23 during reissue.

24 57. Each of the amended and new claims of the '462 patent is not substantially
25 identical to any of the claims of the '410 patent as originally issued.

26 58. Dallmeier is entitled to absolute and equitable intervening rights pursuant to 35
27 U.S.C. § 252.

28 59. As a result of the acts described in the foregoing paragraphs, there exists a

1 substantial controversy of sufficient immediacy and reality to warrant the issuance of a
2 declaratory judgment.

3 60. An actual and justiciable controversy exists between Dallmeier and Hawk with
4 respect to whether Dallmeier has absolute and/or equitable intervening rights. A judicial
5 declaration is necessary and appropriate so that Dallmeier may ascertain its rights.

6 61. Dallmeier is entitled to further necessary or proper relief based on the Court's
7 declaratory judgment or decree.

8 **COUNT FOUR**

9 (Declaratory Judgment of Unenforceability Due to Laches)

10 62. Dallmeier hereby restates and realleges the allegations set forth in paragraphs 1
11 through 61 above and incorporates them by reference.

12 63. On information and belief, Hawk and the prior owners of the '462 and '410
13 patents have been, or should have been, aware of Dallmeier's website, products and services
14 for many years.

15 64. On information and belief, Hawk and the prior owners of the '462 and '410
16 patents delayed bringing a patent infringement lawsuit against Dallmeier and user's of
17 Dallmeier's products.

18 65. On information and belief, this delay is unreasonable and unexcused.

19 66. Hawk's delay has caused at least one of economic and evidentiary prejudice to
20 Dallmeier.

21 67. Hawk is barred in whole or in part from enforcing the '462 patent, or otherwise
22 barred from obtaining damages for any alleged infringement of the '462 patent under the
23 doctrine of laches.

24 68. As a result of the acts described in the foregoing paragraphs, a substantial
25 controversy exists of sufficient immediacy and reality to warrant the issuance of a
26 declaratory judgment.

27 69. A judicial declaration is necessary and appropriate so that Dallmeier may
28 ascertain its rights regarding Hawk's ability to enforce the '462 patent or otherwise recover

1 for any alleged infringement of the '462 patent.

2 **COUNT FIVE**

3 (Declaratory Judgment of Damage Limitation for Failure to Mark)

4 70. Dallmeier hereby restates and realleges the allegations set forth in paragraphs 1
5 through 69 above and incorporates them by reference.

6 71. On information and belief, neither Hawk nor the prior owner of the '462 patent,
7 Multi-Format, Inc., properly marked all relevant products covered by the '462 patent as
8 required by 35 U.S.C. § 287.

9 72. On information and belief, all licensees of the '462 patent have not properly
10 marked their relevant products as required by 35 U.S.C. § 287. In the prosecution of the
11 parent '410 patent, the prior owner of the '462 patent, Multi-Format, Inc., stated that it was
12 no longer entitled to small entity status as of May 1998. On information and belief, Multi-
13 Format, Inc. never became a large entity, but rather lost small entity status because it licensed
14 the '410 patent and any continuations and/or reissues thereof to a large entity. In the
15 prosecution of the reissue application, the prior owner of the '462 patent, Multi-Format, Inc.,
16 stated on September 3, 2002, that the reissue application was no longer entitled to small
17 entity status. On information and belief, Multi-Format, Inc. never became a large entity, but
18 rather lost small entity status because it licensed the reissue application 09/301,656 to a large
19 entity on or around September 3, 2002. On information and belief, the large entity or entities
20 to which the '410 and '462 patents were licensed did not mark all relevant products covered
21 by the '462 patent as required by 35 U.S.C. § 287.

22 73. On information and belief, no customer of Dallmeier or user of Dallmeier
23 products, with the exception of First-Citizens Bank, has received actual notice that they are
24 or were allegedly infringing claims of the '462 patent.

25 74. Consequently, Hawk is barred from recovering damages for any alleged
26 infringement of the '462 patent by all Dallmeier customers and users of Dallmeier products,
27 with the exception of First-Citizens Bank, who did not receive actual notice of the '462
28 patent before the term of the '462 patent expired no later than April 7, 2015.

1 75. A judicial declaration is appropriate so that Dallmeier, Dallmeier's customers
2 and users of Dallmeier's products may ascertain that damages for practicing the inventions of
3 the '462 patent are limited to zero for failure to mark pursuant to 35 U.S.C. § 287 because the
4 '462 patent expired before proper notice of alleged infringement was given.

5
6 **PRAYER FOR RELIEF**

7 **WHEREFORE**, Dallmeier respectfully requests the following relief:

8 A. A declaration (pursuant to 28 U.S.C. §§2201 and 2202) that the use or sale of
9 Dallmeier products does not infringe and that Dallmeier has not and is not infringing, directly
10 or indirectly via inducement or contribution, any valid claim of the '462 patent;

11 B. A declaration (pursuant to 28 U.S.C. §§2201 and 2202) that each claim of the
12 '462 patent is invalid and unenforceable;

13 C. A declaration (pursuant to 35 U.S.C. § 252) that Dallmeier has intervening
14 rights with respect to the '462 patent;

15 D. A declaration that any damages Hawk claims are barred in whole or in part by
16 the doctrine of laches;

17 E. An order enjoining Hawk, its officers, directors, agents, counsel, servants and
18 employees, and all persons in active concert or participation with any of them, from charging
19 infringement or instituting any action for infringement of the '462 patent against Dallmeier
20 and/or any of Dallmeier's customers or downstream users of Dallmeier's products;

21 F. An order declaring that Dallmeier is the prevailing party and that this is an
22 exceptional case under 35 U.S.C. § 285 and awarding Dallmeier its costs, including
23 attorneys' fees, in connection with this action; and

24 G. Such other and further relief as the Court deems just, reasonable and proper.

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1 Dated: June 5, 2015

IMPERIUM PATENT WORKS LLP

2
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DEMAND FOR JURY TRIAL

Plaintiff Dallmeier hereby demands a trial by jury as to all issues and causes of action so triable herein, pursuant to Federal Rule of Civil Procedure 38.

Dated: June 5, 2015

IMPERIUM PATENT WORKS LLP

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