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12 Attorneys for Plaintiff Diamond Coating Technologies, LLC

13
14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **WESTERN DIVISION**

17 DIAMOND COATING TECHNOLOGIES,
18 LLC,

19 Plaintiff,

20 vs.

21
22 NISSAN NORTH AMERICA, INC. AND
23 NISSAN MOTOR CO., LTD.,

24 Defendants.

Case No.

COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL DEMANDED

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Diamond Coating Technologies, LLC (“DCT”) files this Complaint
3 for patent infringement against Nissan Motor Co., Ltd. and Nissan North America,
4 Inc. (collectively, “Defendants”).

5 **PROCEDURAL HISTORY**

6 DCT previously filed patent infringement claims against Defendants in this
7 Court. The prior case was Case No. 8:13-cv-01481-GHK (DFMx). This Court
8 dismissed that case without prejudice because it ruled that DCT lacked prudential
9 standing. DCT believes strongly that it never had standing problems with respect to
10 this litigation, but in any event it has resolved any arguable standing issues by
11 entering into amended assignment agreements with the original owner of the
12 patents.

13 DCT has filed an appeal of the dismissal order in the United States Court of
14 Appeals for the Federal Circuit. That appeal is currently pending as consolidated
15 Case No. 15-1844. Should the Federal Circuit reverse this Court’s order dismissing
16 Case No. 8:13-cv-01481-GHK (DFMx) and remand for further proceedings, DCT
17 will move to voluntarily dismiss this case.

18 On September 26, 2014 Defendants filed petitions for *inter partes* review
19 (“IPR”) of the patents DCT asserts in this Complaint. The United States Patent and
20 Trademark Office initiated *inter partes* review on April 21, 2015. The IPRs are
21 currently pending before the USPTO as IPR2014-01546 and IPR2014-01548. DCT
22 is willing to voluntarily agree to a stay of this case pending resolution of the IPRs.

23 Plaintiff Diamond Coating Technologies, LLC alleges:

24 **THE PARTIES**

25 1. Plaintiff Diamond Coating Technologies, LLC (“DCT”) is a limited
26 liability company duly organized and existing under the laws of Delaware with its
27 principal place of business in 3945 Freedom Circle, Suite 900, Santa Clara, CA
28 95054-1226.

1 Film and Method of Forming the Same.” DCT was later assigned the ’399 patent
2 and continues to hold all rights and interest in the ’399 patent. A true and correct
3 copy of the ’399 patent is attached hereto as Exhibit A.

4 9. Defendants have infringed and continue to infringe the ’399 patent.
5 Defendants manufacture, sell, import and/or offer for sale Nissan and Infinity
6 vehicles utilizing parts coated with infringing hard carbon films. For example,
7 defendants sell vehicles with engines containing parts, including, but not limited to,
8 valve lifters and pistons, with infringing hard carbon film coatings. The use of hard
9 carbon film coatings allows for a reduction of engine friction, wear reduction, and
10 improved engine fuel efficiency. DCT is informed and believes, and on that basis
11 alleges, that Nissan engine models containing parts with infringing hard carbon film
12 coatings include, but are not limited to, HR16DE, MR16DDT, MRA8DE,
13 QR25DE, VQ35DE, VQ37VHR, VR48DETT. DCT expressly also accuses all
14 Nissan engine models not identified above that use the infringing hard carbon film
15 coating. DCT is informed, and on that basis alleges, that all Nissan valve lifters
16 that have a hard carbon film coatings use the infringing hard carbon film coating.
17 Defendants’ vehicles with engines and other components containing parts with hard
18 carbon film coating infringe the ’399 patent under 35 U.S.C. § 271.

19 10. Defendants’ acts of infringement have caused damage to DCT, and
20 DCT is entitled to recover from Defendants the damages sustained by DCT as a
21 result of Defendants’ wrongful acts in an amount subject to proof at trial.
22 Defendants’ infringement of DCT’s exclusive rights under the ’399 patent will
23 continue to damage DCT, causing irreparable harm for which there is no adequate
24 remedy at law, unless enjoined by this Court.

25 **INFRINGEMENT OF U.S. PATENT NO. 6,354,008**

26 11. On March 12, 2002, United States Patent No. 6,354,008 (the “’008
27 patent”) was duly and legally issued for an invention entitled “Sliding Member,
28 Inner and Outer Blades of an Electronic Shaver and Film-Forming Method.” DCT

1 was assigned the '008 patent and continues to hold all rights and interest in the '008
2 patent. A true and correct copy of the '008 patent is attached hereto as Exhibit B.

3 12. Defendants have infringed and continue to infringe the '008 patent.
4 Defendants manufacture, sell, import and/or offer for sale Nissan and Infinity
5 vehicles utilizing parts coated with infringing hard carbon films. For example,
6 defendants sell vehicles with engines containing parts, including, but not limited to,
7 valve lifters and pistons, with infringing hard carbon film coatings. The use of hard
8 carbon film coatings allows for a reduction of engine friction, wear reduction, and
9 improved engine fuel efficiency. DCT is informed and believes, and on that basis
10 alleges, that Nissan engine models containing parts with infringing hard carbon film
11 coatings include, but are not limited to, HR16DE, MR16DDT, MRA8DE,
12 QR25DE, VQ35DE, VQ37VHR, VR48DETT. DCT expressly also accuses all
13 Nissan engine models not identified above that use the infringing hard carbon film
14 coating. DCT is informed, and on that basis alleges, that all Nissan valve lifters
15 that have a hard carbon film coatings use the infringing hard carbon film coating.
16 Defendants' vehicles with engines and other components containing parts with hard
17 carbon film coating infringe the '008 patent under 35 U.S.C. § 271.

18 13. Defendants' acts of infringement have caused damage to DCT, and
19 DCT is entitled to recover from Defendants the damages sustained by DCT as a
20 result of Defendants' wrongful acts in an amount subject to proof at trial.
21 Defendants' infringement of DCT's exclusive rights under the '008 patent will
22 continue to damage DCT, causing irreparable harm for which there is no adequate
23 remedy at law, unless enjoined by this Court.

24 **WILLFUL INFRINGEMENT**

25 14. Upon information and belief, the Defendants' infringement of any or
26 all of the above-named patents is willful and deliberate, entitling DCT to increased
27 damages under 35 U.S.C. § 284 and to attorney's fees and costs incurred in
28 prosecuting this action under 35 U.S.C. § 285.

1 15. Defendants had prior knowledge of the patented technology because
2 DCT provided notice of the patents to Defendants in 2008 and 2011. Moreover,
3 DCT met with Defendants and attempted unsuccessfully to negotiate a license with
4 them.

5 **JURY DEMAND**

6 16. DCT demands a trial by jury on all issues.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff DCT requests entry of judgment in its favor and
9 against Defendants as follows:

10 a) Declaration that Defendants have infringed directly, and/or indirectly,
11 U.S. Patent Nos. 6,066,399 and 6,354,008;

12 b) Permanently enjoining Defendants and their respective officers,
13 agents, employees, and those acting in privity with them, from further infringement,
14 contributory infringement and/or inducing infringement of U.S. Patent Nos.
15 6,066,399 and 6,354,008;

16 c) Awarding the damages arising out of Defendants' infringement of U.S.
17 Patent Nos. 6,066,399, and 6,354,008, including enhanced damages pursuant to 35
18 U.S.C. § 284 together with prejudgment and post-judgment interest, in an amount
19 according to proof;

20 d) An award of attorney's fees pursuant to 35 U.S.C. § 285 or as
21 otherwise permitted by law; and

22 e) For such other costs and further relief as the Court may deem just and
23 proper.

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Dated: October 29, 2015

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