

**THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**AVISION ELECTRONICS DESIGN LLC,**

Plaintiff,

v.

**DELTA TECHNOLOGY  
CORPORATION,**

Defendant.

**Civil Action No. 4:16-cv-2279**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Avision Electronics Design LLC (“Plaintiff”) makes the following allegations against Delta Technology Corporation (“Defendant”):

**PARTIES**

1. Plaintiff is a Texas limited liability company, having a principal place of business of 31 Ava Rd., Underwood, WA 98651.
2. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 1602 Townhurst Drive, Houston, Texas 77043. Defendant may be served via its registered agent: Irwin Eduardo Libin at the above address.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District; and (iii) having a principle place of business in this forum.

**U.S. PATENT NO. 5,813,542**

6. Plaintiff is the owner of United States Patent No. 5,813,542 (the "'542 Patent") entitled "Color Sorting Method." The '542 Patent issued on September 29, 1998. A true and correct copy of the '542 Patent is attached as Exhibit A.

7. Mr. Avi P. Cohn is the inventor of the '542 Patent.

8. The '542 Patent is directed towards methods of classifying objects by sensing a multiple color image of a portion of an object and producing color signals indicating a plurality of colors sensed in the multiple color image. The color signals are then transformed into a hue signal and a saturation signal, which are then used to classify the object in response to the hue and saturation signals.

9. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, predecessors in interest to the '542 Patent complied with such requirements.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 5,813,542**

10. Upon information and belief, Defendant has been and is now infringing at least Claims 1, 2, 3, 5, 8, 10, 15, 16, 17, 18, and 19 of the '542 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, selling, and/or offering for sale Delta TCS Color Sorters (including, without limitation TCS-2, TCS-3, TCS-4, and TCS-5 (the "Accused Instrumentality")) covered by one or more claims of the '542 Patent to the injury of Plaintiff. *See* Declaration of Avi P. Cohn, attached hereto as Exhibit B ¶ 4-8; *see also* Delta TCS Brochure, attached here to as Exhibit B-1, *see also* Taiho Belt Color Sorter, attached hereto as Exhibit B-2. Defendant is directly infringing, literally infringing, and/or infringing the '542 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '542 Patent pursuant to 35 U.S.C. § 271(a).

11. Plaintiff has caused the inspection of the Taiho Belt Color Sorter on June 12, 2012. Ex. B, ¶ 4. A representative of Defendant confirmed that Defendant is the exclusive U.S. Distributor for Taihe Optoelectronic Technology Co., who makes and sells the Taiho Color Sorters. *Id.* at ¶ 8. Upon information and belief, the Accused Instrumentalities and the Taiho Belt Color Sorter are identical, and both use a HSV-changed color space sorting method. *Id.* at ¶ 6-9.

12. The Accused Instrumentality infringes at least claim 1 of the '542 Patent by performing a method of sensing a multiple color image of at least a portion of said object while said object is moving; producing color signals from said multiple color image indicative of a plurality of colors in response to sensing said multiple color image; transforming said color signals from said multiple color image sensed while said object is moving to a hue signal and a saturation signal; and variably classifying said object depending upon said hue signal and said saturation signal. *See* Exs. B-1 and B-2.

13. The Accused Instrumentality infringes at least claim 2 of the '542 Patent further including providing a memory containing data representative of hue and saturation values; and classifying said object by comparing both said hue signal and said saturation signal to said data. *See Exs. B-1 and B-2.*

14. The Accused Instrumentality infringes at least claim 3 of the '542 Patent further sensing said multiple color image with a plurality of camera. *Ex. B-1.*

15. The Accused Instrumentality infringes at least claim 5 of the '542 Patent by producing color signals substantially indicative of at least red, blue, and green. *See Exs. B-1 and B-2.*

16. The Accused Instrumentality infringes at least claim 8 of the '542 Patent by sensing respective multiple color images of respective portions of a plurality of objects. *See Exs. B-1 and B-2.*

17. The Accused Instrumentality infringes at least claim 10 of the '542 Patent by classifying said object as either acceptable or rejected. *See Exs. B-1 and B-2.*

18. The Accused Instrumentality infringes at least claim 15 of the '542 Patent by (a) randomly positioning said object at any location across a major portion of the width of a tray where said major portion is a continuous region of potential locations for said object; (b) sensing a multiple color image of at least a portion of said object while said object is moving and randomly positioned; (c) producing color signals from said multiple color image indicative of a plurality of colors in response to sensing said multiple color image; (d) transforming said color signals from said multiple color image sensed while said object is moving to a hue signal; and (e) variably classifying said object depending upon said hue signal. *See Exs. B-1 and B-2.*

19. The Accused Instrumentality infringes at least claim 16 of the '542 Patent by (a) providing a memory containing data representative of hue values; and (b) variably classifying said object by comparing said hue signal to said data. *See Exs. B-1 and B-2.*

20. The Accused Instrumentality infringes at least claim 17 of the '542 Patent by (a) transforming said color signals to a saturation signal; and (b) variably classifying said object depending upon said hue signal and said saturation signal. *See Exs. B-1 and B-2.*

21. The Accused Instrumentality infringes at least claim 18 of the '542 Patent by (a) providing a memory containing data representative of saturation and hue values; and (b) variably classifying said object by comparing both said hue signal and said saturation signal to said data. *See Exs. A-1 and A-2.*

22. The Accused Instrumentality infringes at least claim 19 of the '542 Patent by producing color signals substantially indicative of at least red, blue, and green. *See Exs. A-1 and A-2.*

23. As a result of Defendant's infringement of the '542 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

24. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '542 Patent, Plaintiff will be greatly and irreparably harmed.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '542 Patent;
2. A permanent injunction enjoining Defendant and its officers, directors, agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the '542 Patent, or such other equitable relief the Court determines is warranted;
3. A judgment and order requiring Defendant pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '542 and '228 Patents as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and
4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

DATED July 29, 2016.

Respectfully submitted,

By: /s/ Neal Massand  
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