

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

HS Asset and Technology, LLC
700 Lavaca STE 1401,
Austin TX 78701
United States

Plaintiff,

v.

Sony Corporation of America
550 Madison Avenue
33rd Floor
New York, NY 10022-3211
United States

and

Sony Corporation
1-7-1 Konan Minato-ku
Tokyo, 108-0075
Japan

Defendants.

Civil Action No.:

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, HS Asset and Technology, LLC (“HSAT”), through his counsel, brings this Complaint for patent infringement against Defendants Sony Corporation of America (SCA) and Sony Corporation (collectively “Sony”) as follows.

JURISDICTION AND VENUE

1. This is an action for patent infringement under Title 35 of the United States Code §§281 and 271 (a) (b) and/or (c) for infringement of US Patent 9,264,614 (the '614 patent).
2. This Court has jurisdiction over patent claims under 35 U.S.C. §281 and 28 U.S.C. §§1331, 1338(a) providing for federal question jurisdiction of actions relating to patents

and trademarks.

3. Defendants are currently engaged in making, importing, using, offering for sale and/or selling, products which infringe claims of the '614 patent throughout the United States, including sales within this judicial district. Defendants are also inducing others to sell and use and contributing to the sale and use of infringing products.

4. Jurisdiction and Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (c) and §1400(a) and (b). Plaintiff HSAT is a Texas corporation, Defendant Sony Corporation of America is a domestic corporation with principal place of business in New York (New York County) and has facilities within this judicial district, and Defendant Sony Corporation is a foreign corporation located in Japan. Defendants manufacture, import and sell accused products in this Judicial District and throughout the United States.

THE PARTIES AND GENERAL ALLEGATIONS

5. Plaintiff, HS is a Texas Corporation and is the owner by assignment of the entire interests in and to United States Letters Patent Numbers 9,264,614 (the '614 patent), issued on February 16, 2016, naming Mr. Hidehiko Nakajima as the sole inventor.

6. Defendant, Sony Corporation of America, upon information and belief, is a Delaware corporation with its principal place of business in New York. Defendant Sony Corporation is a Japanese corporation with its principal place of business in Tokyo Japan.

7. Sony Corporation manufactures accused products, imports and distributes nationwide into the United States. Sony Corporation of America imports, uses, sells and offers to sell Accused Products within the United States. Accused Products include digital cameras which include a rotary switch, a state changing switch, and a restricting member which interact to

control the functional settings of the camera in a manner claimed in the '614 Patent. Sony cameras which infringe include cameras known as Sony Cyber-Shot DSC-RX10, Sony Cyber-Shot DSC-RX10 II, and Sony Cyber-shot RX10M II.

THE 9,264,614 PATENT IN SUIT

8. U. S. Patent 9,264,614 is entitled "*Digital Camera with Rotary Switch*".
9. U.S. Patent 9,264,614 includes exemplary independent system claim 1:

Claim 1. A digital camera, comprising:

a rotary switch,
a state changing switch, and
a restricting member, wherein:

the rotary switch has a surface with a plurality of depressed portions or trough portions, and the restricting member engages with the depressed portion or the trough portion of the rotary switch in a case where a restricted state is set by the state changing switch so as to restrict rotation of the rotary switch, such that engagement and disengagement of the restricting member with the depressed portion or the trough portion of the rotary switch mechanically generate a clicking feel;

a rotating operation of the rotary switch causes a control corresponding to first and second functions respectively assigned to two states selected by the state changing switch;

the state changing switch is configured to switch between two states, independently of a third function other than the first and second functions assigned to the respective states of the rotary switch, the two states including the restricted state and a non-restricted state;

in the restricted state,

the rotation of the rotary switch is restricted with the clicking feel,
and

a function of at least one of a shutter speed and an aperture as the first function with discrete output values is related to the rotating operation of the rotary switch;

in the non-restricted state,

the rotation of the rotary switch is not restricted and does not generate the clicking feel, and

a function of at least one of focusing, and a zoom magnification of a lens, as the second function with continuous output values, is related to the rotating operation of the rotary switch; and

the restricting member comprises a mechanical structure that restricts rotation of the rotary switch in a case where the restricted state is set by the state changing switch.

THE ACCUSED PRODUCTS

10. Sony manufactures, maintains, sells and distributes nationwide, digital cameras which include a rotary switch, a state changing switch and a restricting member which interact to control the functional settings of the camera in a manner claimed in the '614 Patent. Camera models, including the (1) Sony Cyber-Shot DSC-RX10, (2) Sony Cyber-Shot DSC-RX10 II, and (3) Sony Cyber-shot RX10M II, are Accused Products. Plaintiff has identified Sony cameras, which provide a digital camera including a rotary switch, a state changing switch unit, and a restricting member, additional cameras and model identifiers are also known and are currently being introduced into the market.

**COUNT I - SONY CAMERAS, INCLUDING THE CYBER-SHOT
DSC-RX10, RX10 II AND RX10M II
PATENT INFRINGEMENT OF 9,264,614 PATENT**

11. Sony has infringed and continues to infringe one or more of the claims of the '614 patent by: making, importing, using, selling and/or offering for sale, devices which infringe one or more claims of the '614 Patent, through the activities of Sony in connection with the manufacture and sale of digital cameras which include a rotary switch, a state changing switch and a restricting member which interact to control the functional settings of the camera in a manner claimed in the '614 patent, including models identified as Sony Cyber-Shot DSC-RX10, DSC-RX10II and DSC-RX10M II, including the Accused Products described above.

12. Plaintiff is the owner of all rights, title and interest in and to and has had standing to sue for infringement of United States Letters Patent 9,264,614.

13. Upon information and belief, Defendants (Sony) currently infringe and have infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as

described above.

14. The infringement by Sony is direct.

15. Plaintiff is entitled to recover damages from Sony including reasonable royalties and lost profits, sustained as a result of Sony's infringing acts under 35 U.S.C. §271 and §284.

16. Defendants have been aware of Plaintiff's rights in the patents in suit and of Plaintiff's intent to enforce those rights. Defendants have, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

**COUNT II - SONY CAMERAS, INCLUDING THE CYBER-SHOT
DSC-RX10, RX10 II AND RX10M II
CONTRIBUTORY PATENT INFRINGEMENT OF 9,264,614 PATENT**

17. Sony has infringed and continues to infringe one or more of the claims of the '614 patent by: contributing to the manufacture, use and/or sale of devices which infringe the claims of the '614 Patent, through the activities of Sony in connection with the manufacture and sale of digital cameras which include a rotary switch, a state changing switch and a restricting member which interact to control the functional settings of the camera in a manner claimed in the '614 patent, including models identified as Sony Cyber-Shot DSC-RX10, DSC-RX10II and DSC-RX10M II including the Accused Products described above.

18. Sony has contributed to the infringement of the '614 patent through its activities which contribute parts and components of Accused Products which infringe claims of the of the '614 patent

19. Plaintiff is the owner of all rights, title and interest in and to and has had standing to sue for infringement of United States Letters Patent 9,264,614.

20. Upon information and belief, Defendants (Sony) currently infringe and have infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

21. The infringement by Sony is direct and indirect, contributory and by inducement.

22. Plaintiff is entitled to recover damages from Sony including reasonable royalties and lost profits, sustained as a result of Sony's infringing acts under 35 U.S.C. §271 and §284.

23. Defendants have been aware of Plaintiff's rights in the patents in suit and of Plaintiff's intent to enforce those rights. Defendants have, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

**COUNT III - SONY CAMERAS, INCLUDING THE CYBER-SHOT
DSC-RX10, RX10 II AND RX10M II
INDUCING PATENT INFRINGEMENT OF 9,264,614 PATENT**

24. Sony has infringed and continues to infringe one or more of the claims of the '614 patent by: inducing the use and/or sale of devices which infringe the claims of the '614 Patent, through the activities of Sony in connection with the manufacture and sale of digital cameras which include a rotary switch, a state changing switch and a restricting member which interact to control the functional settings of the camera in a manner claimed in the '614 patent, including models identified as Sony Cyber-Shot DSC-RX10, DSC-RX10II and DSC-RX10M II including the Accused Products described above.

25. Sony has induced and continues to induce others to infringe one or more of the claims of the '614 patent, through sales of accused products which are resold and through the sale of Accused Products which are used in an infringing manner to infringe one or more of the

claims of the '614 patent.

26. Plaintiff is the owner of all rights, title and interest in and to and has had standing to sue for infringement of United States Letters Patent 9,264,614.

27. Upon information and belief, Defendants (Sony) currently infringe and have infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

28. The infringement by Olympus is direct and indirect, contributory and by inducement.

29. Plaintiff is entitled to recover damages from Sony including reasonable royalties and lost profits, sustained as a result of Sony's infringing acts under 35 U.S.C. §271 and §284.

30. Defendants have been aware of Plaintiff's rights in the patents in suit and of Plaintiff's intent to enforce those rights. Defendants have, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

A. That Defendants Sony Corporation of America and Sony Corporation be held to have infringed U.S. Patent No. 9,264,614 under 35 U.S.C. §271.

B. That Defendants have acted with knowledge of the '614 patent in suit.

C. That judgment be entered for Plaintiff against Defendants, for Plaintiff's actual damages according to proof, and for any additional damages attributable to infringements of Plaintiff's patent rights, in accordance with proof and for enhanced damages under 35 U.S.C.

§284 and §285.

D. That judgment be entered for Plaintiff against Defendants, adequate to compensate Plaintiff, for reasonable royalties and/or other statutory damages based upon Defendants' acts of patent infringement and for its other violations of law under 35 U.S.C. §271, §284 and §285.

E. That Defendants be required to account for all gains, profits, and advantages derived from its acts of infringement and for its other violations of law and that Plaintiff be awarded damages in the amount of such profits under 35 U.S.C. §284 and §285.

F. That the actions of Defendants be found willful.

G. That judgment be entered for Plaintiff and against Defendants, for enhancement of the damages awarded for patent infringement under 35 U.S.C. §284 and §285.

H. That the actions of Defendants be found exceptional under 35 U.S.C. §285.

I. That Plaintiff be granted judgment against the Defendant for Plaintiff's costs and attorney's fees under 35 U.S.C. §285 and/or the inherent powers of the Court.

J. That the Court grant such other, further, and different relief as the Court deems proper under the circumstances.

DEMAND FOR JURY TRIAL

K. Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by jury on all issues raised by the complaint which are properly triable to a jury.

DATED: November 17, 2016

Respectfully submitted,

/s/ Luiz Felipe Oliveira
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