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11 *Attorneys for Plaintiff*  
12 *SungKyunKwan University,*  
*Research and Business Foundation*

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 **SUNGKYUNKWAN UNIVERSITY,**  
16 **RESEARCH AND BUSINESS**  
17 **FOUNDATION,**

18 Plaintiff,

19 v.

20 **LMI TECHNOLOGIES (USA) INC.,**

21 Defendant.

Case No. 3:16-cv-6966

**ORIGINAL COMPLAINT**

22 **ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

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24 This is an action for patent infringement in which SungKyunKwan University, Research and Business  
25 Foundation (“SKK University”) makes the following allegations against LMI Technologies (USA) Inc.  
26 (“Defendant”):  
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**PARTIES**

1  
2 1. SKK University is a Korean Private Research University with a principle place of  
3 business located at 2066 Seobu-ro, Jangan-gu, Suwon, Gyeonggi-do 440-746, Republic of Korea. SKK  
4 University was initially founded in 1398. SKK University has two campuses in Seoul and Suwon,  
5 South Korea.  
6

7 2. Defendant is a corporation organized and existing under the laws of the State of  
8 Michigan with a principal place of business located at 29488 Woodward Avenue, Suite 331, Royal  
9 Oak, Michigan 48073. Defendant can be served via its registered agent for service of process: Michael  
10 J. Thomas, 1425 Ford Building, 615 Griswold, Detroit, Michigan 48226.  
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**JURISDICTION AND VENUE**

12 3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§  
13 271(a), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28 U.S.C.  
14 §1331 and §1338(a).  
15

16 4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon  
17 information and belief, Defendant has transacted business in this district, and has committed acts of  
18 patent infringement in this district. For example, Defendant sells, through its distributors, the infringing  
19 products. *See <http://lmi3d.com/distributors>*  
20

21 5. Defendant is subject to this Court's specific and general personal jurisdiction pursuant  
22 to due process and/or the California Long Arm Statute, due at least to Defendant's substantial business  
23 in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly  
24 doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial  
25 revenue from goods and services provided to individuals in California and in this district.  
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**U.S. PATENT NO. 7,957,639**

6. On June 7, 2011, United States Patent No. 7,957,639 (the “’639 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “Method and System for Determining Optimal Exposure of a Structured Light Based 3D Camera.” A true and correct copy of the ’639 patent is attached hereto as Exhibit A.

7. Sukhan Lee, Moon Wook Ryu, and Dae Sik Kim are the inventors of the ’639 patent. Professor Sukhan Lee is a director of the Intelligent Systems Research Institute at Sungkyunkwan University. He is a pioneer in the field of 3D scanning and has published numerous scholarly articles in the field. See [http://isrc.skku.ac.kr/people/people\\_detail.php?idx=82](http://isrc.skku.ac.kr/people/people_detail.php?idx=82)

8. SKK University is the owner of the ’639 Patent with all rights in and to that patent.

9. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, SKK University has complied with such requirements

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,957,639**

10. Defendant directly or through intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (i.e., the HDI 100 Series and HDI Advance (the “Accused Instrumentalities”)) that infringe claim 1 of the ’639 patent.

11. Upon information and belief, Defendant has been and is now infringing claim 1 of the ’639 Patent in the State of California, in this judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale three dimensional scanners, i.e., the Accused Instrumentalities, covered by one or more claims of the ’639 Patent to the injury of SKK University. Defendant is directly infringing, literally infringing, and/or infringing the ’639 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ’639 Patent pursuant to 35 U.S.C. § 271(a).

1           12.     The Accused Instrumentalities infringe claim 1 of the '639 Patent and perform a method  
2 for determining an optimal exposure of a structured light based three dimensional (3D) camera system  
3 including a projecting means for illuminating a predetermined pattern on a target object (e.g., a specific  
4 light pattern is projected onto the object to be scanned), an image capturing means for capturing an  
5 image of the target object with the pattern projected (e.g., a high resolution digital camera), and a  
6 processing means for reconstructing 3D data based on the captured image (i.e., a computer running  
7 Flexscan3D Software). See Exhibits B (Figs. 1-6) and C (Figs. 1-7).

9           13.     The Accused Instrumentalities obtain an image of a target object with a predetermined  
10 pattern projected thereon, which is illuminated from a projecting means, and an image of the target  
11 object without a predetermined pattern projected thereon (i.e., the Accused Instrumentalities capture  
12 an image with the projected pattern and an image without the projected pattern). See Exhibits B (Figs.  
13 5 and 6) and C Figs. 6 and 7).

15           14.     The Accused Instrumentalities automatically determine an optimal exposure level of the  
16 structured light based 3D camera system using said two kinds of images (e.g., the light levels are  
17 adjusted based on the images returned). See Exhibits B (Fig. 6) and C (Fig. 7).

19           15.     As a result of Defendant's infringement of the '639 Patent, SKK University has suffered  
20 monetary damages and are entitled to a money judgment in an amount adequate to compensate for  
21 Defendant's infringement, but in no event less than a reasonable royalty for the use made of the  
22 invention by Defendant, together with interest and costs as fixed by the court, and SKK University will  
23 continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this  
24 Court.  
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1 16. Unless a permanent injunction is issued enjoining Defendant and its agents, servants,  
2 employees, representatives, affiliates, and all others acting on in active concert therewith from  
3 infringing the '639 Patent, SKK University will be greatly and irreparably harmed.

4 **JURY DEMAND**

5 SKK University hereby requests a trial by jury on all issues so triable by right.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, SKK University requests that the Court find in their favor and against Defendant,  
8 and that the Court grant SKK University the following relief:

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10 a. Judgment that one or more claims of the '639 patent have been infringed, either literally  
11 and/or under the doctrine of equivalents, by Defendant;

12  
13 b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants,  
14 affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert  
15 therewith from infringement, inducing infringement of, or contributing to infringement of the '639  
16 patent;

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18 c. Judgment that Defendant account for and pay to SKK University all damages and costs  
19 incurred by SKK University, caused by Defendant's infringing activities and other conduct complained  
20 of herein;

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22 d. That SKK University be granted pre-judgment and post-judgment interest on the  
23 damages caused by Defendant's infringing activities and other conduct complained of herein;

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25 e. That SKK University be granted such other and further relief as the Court may deem  
26 just and proper under the circumstances.  
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1 Dated: December 4, 2016.

LOWE & ASSOCIATES, P.C.

2 */s/ Kris LeFan*

3 By: \_\_\_\_\_  
KRIS LEFAN

4 Attorney for Plaintiff  
5 SUNGKYUNKWAN UNIVERSITY,  
6 RESEARCH AND BUSINESS  
7 FOUNDATION  
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