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

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

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

18 Plaintiff,

19 v.

20 **CARL ZEISS, INC.,**

21 Defendant.
22

Case No. 3:16-cv-6965

ORIGINAL COMPLAINT

23 **ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

24 This is an action for patent infringement in which SungKyunKwan University, Research and
25 Business Foundation (“SKK University”) makes the following allegations against Carl Zeiss, Inc.
26 (“Defendant”):
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28

PARTIES

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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.
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7 2. Defendant is a New York corporation organized and existing under the laws of the State
8 of New York with a principal place of business located at 1 Zeiss Drive, Thornwood, New York, 10594-
9 1996. Defendant can be served via its registered agent for service of process: Corporation Service
10 Company, 80 State Street Albany, New York, 12207-2543.
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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://optotechnik.zeiss.com/en/company/distributors>*
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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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1 12. The Accused Instrumentalities infringe claim 1 of the '639 Patent and performs a
2 method for determining an optimal exposure of a structured light based three dimensional (3D) camera
3 system including a projecting means for illuminating a predetermined pattern on a target object (*e.g.*, a
4 specific light pattern is projected onto the object to be scanned), an image capturing means for capturing
5 an 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 OPTOCAT). *See* Exs. B, C, D, and E, Figs. 1-6.
8

9 13. The Accused Instrumentality obtains 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 Instrumentality captures an
12 image with the projected pattern and an image without the projected pattern). *See* Exs. B, C, D, and E,
13 Fig. 2
14

15 14. The Accused Instrumentality automatically determines 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* Ex. B Figs. 5-6. *See* Exs. C, D, and E Figs. 5-8.
18

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 Dated: December 4, 2016.

LOWE & ASSOCIATES, P.C.

2 */s/ Kris LeFan*

3 By: _____
KRIS LEFAN

4 Attorney for Plaintiff
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6 RESEARCH AND BUSINESS
7 FOUNDATION
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