

**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.

CANON U.S.A., INC.  
One Canon Park  
Melville, NY 11747  
United States

and

CANON, INC  
30-2, Shimomaruko 3-chome  
Ohta-ku, Tokyo 146-8501  
Japan

Defendants,

Civil Action No.: 1:16-cv-6339-WFK-CLP

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, HS Asset and Technology, LLC (“HSAT”), through his counsel, brings this Amended Complaint for patent infringement against Defendants Canon U.S.A., Inc. and Canon, Inc. (collectively “Canon”) 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. Defendant Canon USA is currently engaged in importing, manufacturing, 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. Defendant Canon is currently engaged in manufacturing and selling into the United States products which infringe claims of the '614 patent, including sales of products 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 Canon U.S.A. is domestic corporation with principal place on business in New York (Suffolk county) within this judicial district, and Defendant Cannon, Inc. is a foreign corporation located in Japan. Defendants 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, Canon U.S.A., upon information and belief, is a Delaware corporation with its principal place of business in New York. Defendant Canon, Inc. is a Japanese corporation with its principle place of business in Tokyo Japan.

7. Upon information and belief, both Canon USA and Canon manufacture accused products, import accused products and distribute accused products nationwide in the United States. Canon USA uses, sells and offers to sell Accused Products within the United States. Both Defendants induce and contribute to the sale and use by others 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. Canon cameras which infringe include cameras known as Canon PowerShot G7 X Mark II.

8. Details of the specific correspondence between the elements of the claims of the patents-in-suit and the presently identified Accused Products is detailed in the Claim Charts attached hereto and incorporated fully by reference into this Amended Complaint.

**THE 9,264,614 PATENT IN SUIT**

9. U. S. Patent 9,264,614 is entitled "*Digital Camera with Rotary Switch*".

10. 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 PRODUCT**

11. Canon and Canon USA manufacture, maintain, sell and distribute 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 presently known to Plaintiff, including the Canon PowerShot G7 X Mark II, are Accused products. Plaintiff has identified Canon cameras, including the Canon PowerShot G7 X Mark II, 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. Plaintiff anticipates identification of additional infringing models during discovery. The details of infringement of the presently identified accused products are found in the claim charts attached hereto and incorporated fully by reference into this Amended Complaint.

12. Details of the specific correspondence between the elements of the claims of the patents-in-suit and the presently identified Accused Products is detailed in the Claim Charts attached hereto and incorporated fully by reference into this Amended Complaint.

**COUNT I**  
**DIRECT INFRINGEMENT OF 9,264,614 BY CANON USA**

13. Canon USA has directly infringed and continues to directly infringe one or more of the claims of the '614 patent under 35 U.S.C. 271(a) 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 Canon USA 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 Canon PowerShot G7 X Mark II, including the Accused Products described above.

14. 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.

15. 35 U.S.C. §271(a) states:

"(a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent."

16. The '614 patent, as set forth in the claims, protects: "Digital Cameras." Canon USA makes, imports, uses, sells and offers to sell digital cameras. Certain models of Canon USA's cameras have been accused of infringement herein. Thus Canon USA is a direct infringer of the '614 patent.

17. Upon information and belief, Defendant Canon USA currently directly infringes and has directly infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

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

19. 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.

20. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.

**COUNT II**  
**INDUCING INFRINGEMENT OF 9,264,614 BY CANON USA**

21. Canon USA has infringed and continues to infringe one or more of the claims of the '614 patent under 35 U.S.C. 271(b) by inducing others to infringe one or more of the claims of the '614 patent, through sale of devices which infringe the claims of the '614 Patent, which are resold (an induced act of infringement) and through the sale of infringing products which are used (an induced act of infringement), through the activities of Canon USA in connection with the importation, manufacture and/or 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 the Accused Products described above.

22. Canon USA 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.

23. 35 U.S.C. §271(b) states:

"Whoever actively induces infringement of a patent shall be liable as an infringer."

24. 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.

25. The '614 patent, as set forth in the claims, protects: "Digital Cameras." Canon USA imports, uses, sells and offers to sell digital cameras. Certain models of Canon USA's cameras have been accused of infringement herein. Canon USA provides instructional material that instructs purchasers and users of its cameras on how to use the cameras in an infringing manner. The instructions include a description of the infringing components and the manner of use of the components. Canon USA's instructions induce and encourage infringing use. Thus Canon USA induces infringement when others re-sell or use the accused products which have been provided by Canon USA, with Canon USA's knowledge that such products infringe the '614 patent.

26. Upon information and belief, Defendant Canon USA currently infringes and has infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

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

28. 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.

29. Plaintiff is entitled to damages for induced infringement as set forth in 35 USC §284 and §285.

**COUNT III  
CONTRIBUTORY INFRINGEMENT OF 9,264,614 BY CANON USA**

30. Canon USA has contributed to the infringement and continues to contribute to the infringement of one or more of the claims of the '614 patent under 35 USC 271(c) by contributing components to the use and/or sale of devices which infringe the claims of the '614 Patent, such components constituting a material part of the invention, and Canon USA knowing the components to be especially made and adapted for use in an infringement of the '614 patent. The components are not staple articles or commodities of commerce suitable for substantial noninfringing use. Canon USA's contribution of components includes importation and sale of components. Canon USA's importation and sale of components is in connection with the use and sale of components for 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 the Accused Products described above.

31. 35 U.S.C. §271(c) states:

"(c) Whoever offers to sell or sells within the United States or imports into the United States a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer."

32. The '614 patent, as set forth in the claims, protects: "Digital Cameras." Canon USA imports, uses, sells and offers to sell digital cameras and digital camera components. Certain models of Canon USA's cameras have been accused of infringement herein. Thus when



Canon USA sells parts, which constitute a material part of the invention, knowing the components to be especially made and adapted for use in an infringement of the '614 patent and the components are not a staple articles or commodities of commerce suitable for substantial noninfringing use, to others who combine them with other parts to create an accused device, Canon USA is a contributory infringer of the '614 patent.

33. Canon USA has contributed to the infringement of the '614 patent through its activities which import, sell and contribute parts and components of Accused Products which infringe claims of the '614 patent

34. 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.

35. Upon information and belief, Defendant Canon USA currently contributes to the infringement and has contributed to the infringement of one or more of the claims of the '614 Patent under 35 U.S.C. §271(c) by the activities as described above.

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

37. 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.

38. Plaintiff is entitled to damages for contributory infringement as set forth in 35 USC 285 and 285.

**COUNT IV  
DIRECT INFRINGEMENT OF 9,264,614 BY CANON**

39. Canon has directly infringed and continues to directly infringe one or more of the claims of the '614 patent under 35 U.S.C. 271(a) 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 Canon 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 Canon Powershot G7 X Mark II, including the Accused Products described above.

40. 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.

41. 35 U.S.C. §271(a) states:

"(a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent."

42. The '614 patent, as set forth in the claims, protects: "Digital Cameras." Canon makes, imports, uses, sells and offers to sell digital cameras. Certain models of Canon's cameras have been accused of infringement herein. Thus Canon is a direct infringer of the '614 patent.

43. Upon information and belief, Defendant Canon currently directly infringes and has directly infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

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

45. 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.

46. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.

**COUNT V**  
**INDUCING INFRINGEMENT OF 9,264,614 BY CANON**

47. Canon has infringed and continues to infringe one or more of the claims of the '614 patent under 35 U.S.C. 271(b) by inducing others to infringe one or more of the claims of the '614 patent, through sale of devices which infringe the claims of the '614 Patent, which are resold (an induced act of infringement) and through the sale of infringing products which are used (an induced act of infringement), through the activities of Canon in connection with the importation, manufacture and/or 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 the Accused Products described above.

48. Canon 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.

49. 35 U.S.C. §271(b) states:

"Whoever actively induces infringement of a patent shall be liable as an infringer."

50. 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.

51. The '614 patent, as set forth in the claims, protects: "Digital Cameras." Canon imports, uses, sells and offers to sell digital cameras. Certain models of Canon's cameras have been accused of infringement herein. Canon provides instructional material that instructs purchasers and users of its cameras on how to use the cameras in an infringing manner. The instructions include a description of the infringing components and the manner of use of the components. Canon's instructions induce and encourage infringing use. Thus Canon induces infringement when others re-sell or use the accused products which have been provided by Canon, with Canon's knowledge that such products infringe the '614 patent.

52. Upon information and belief, Defendant Canon currently infringes and has infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

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

54. 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.

55. Plaintiff is entitled to damages for induced infringement as set forth in 35 USC §284 and §285.

**COUNT VI**  
**CONTRIBUTORY INFRINGEMENT OF 9,264,614 BY CANON**

56. Canon has contributed to the infringement and continues to contribute to the infringement of one or more of the claims of the '614 patent under 35 USC 271(c) by contributing components to the use and/or sale of devices which infringe the claims of the '614 Patent, such components constituting a material part of the invention, and Canon knowing the components to be especially made and adapted for use in an infringement of the '614 patent. The components are not staple articles or commodities of commerce suitable for substantial noninfringing use. Canon's contribution of components includes importation and sale of components. Canon's importation and sale of components is in connection with the use and sale of components for 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 the Accused Products described above.

57. 35 U.S.C. §271(c) states:

"(c) Whoever offers to sell or sells within the United States or imports into the United States a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer."

58. The '614 patent, as set forth in the claims, protects: "Digital Cameras." Canon imports, uses, sells and offers to sell digital cameras and digital camera components. Certain models of Canon's cameras have been accused of infringement herein. Thus when Canon sells parts, which constitute a material part of the invention, knowing the components to be especially made and adapted for use in an infringement of the '614 patent and the components are not a

staple articles or commodities of commerce suitable for substantial noninfringing use, to others who combine them with other parts to create an accused device, Canon is a contributory infringer of the '614 patent.

59. Canon has contributed to the infringement of the '614 patent through its activities which import, sell and contribute parts and components of Accused Products which infringe claims of the '614 patent

60. 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.

61. Upon information and belief, Defendant Canon currently contributes to the infringement and has contributed to the infringement of one or more of the claims of the '614 Patent under 35 U.S.C. §271(c) by the activities as described above.

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

63. 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.

64. Plaintiff is entitled to damages for contributory infringement as set forth in 35 USC 285 and 285.

**COUNT VII**  
**INDUCING IMPORTATION INFRINGEMENT OF 9,264,614**

65. Canon has infringed and continues to infringe one or more of the claims of the '614 patent under 35 U.S.C. 271(b) by inducing Canon USA to infringe one or more of the

claims of the '614 patent by importation of Accused Products sold to Canon USA by Canon outside of the United States, which infringe the claims of the '614 Patent, which are then imported into the United States by Canon USA (an induced act of infringement).

66. 35 U.S.C. §271(a) states:

"(a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent."

67. Importation is an act of infringement.

68. 35 U.S.C. §271(b) states:

"Whoever actively induces infringement of a patent shall be liable as an infringer."

69. Inducing someone to import is an act of inducing infringement.

70. 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.

71. The '614 patent, as set forth in the claims, protects: "Digital Cameras." Canon manufactures accused digital cameras outside of the United States. Canon sells cameras to Canon USA outside of the United States and induces Canon USA to import those cameras into the United States, for resale. Thus Canon induces infringement when Canon USA imports accused products into the United States, with Canon's knowledge that such products infringe the '614 patent.

72. Upon information and belief, Defendant Canon currently infringes and has infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

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

74. 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.

75. Plaintiff is entitled to damages for induced infringement as set forth in 35 USC §284 and §285.

**COUNT VIII**  
**INDUCING IMPORTATION INFRINGEMENT OF 9,264,614**

76. Canon USA has infringed and continues to infringe one or more of the claims of the '614 patent under 35 U.S.C. 271(b) by inducing Canon to import Accused Products into the United States which infringe one or more of the claims of the '614 patent. Accused Products purchased by Canon USA made by Canon outside of the United States, which infringe the claims of the '614 Patent, are then imported into the United States by Canon (an induced act of infringement).

77. 35 U.S.C. §271(a) states:

"(a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent."

78. Importation is an act of infringement.

79. 35 U.S.C. §271(b) states:

"Whoever actively induces infringement of a patent shall be liable as an infringer."



80. Inducing someone to import is an act of inducing infringement.

81. 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.

82. The '614 patent, as set forth in the claims, protects: "Digital Cameras." Canon manufactures accused digital cameras outside of the United States. Canon USA purchases cameras made by Canon outside of the United States and then induces Canon to import those cameras into the United States, for delivery to Canon USA. Thus Canon USA induces infringement when Canon imports accused products into the United States, with Canon USA's knowledge that such products infringe the '614 patent.

83. Upon information and belief, Defendant Canon USA currently infringes and has infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

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

85. 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.

86. Plaintiff is entitled to damages for induced infringement as set forth in 35 USC §284 and §285.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- A. That Defendants Canon U.S.A. and Canon, Inc. be held to have infringed U.S. Patent No. 9,264,614 under 35 U.S.C. §271(a)(b) and (c).
- 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 damages according to proof, and for any additional damages attributable to infringements of Plaintiff's patent rights 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 Defendant's 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 Defendants 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: February 7, 2017

Respectfully submitted,

/s/ Luiz Felipe Oliveira  
Joseph J. Zito  
Luiz Felipe Oliveira  
DNL ZITO  
1250 Connecticut Avenue N.W.  
Suite 200  
Washington, D.C. 20036  
Tel: 202-466-3500

*Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Amended Complaint was filed using the Court's CM/ECF filing system on the 7<sup>th</sup> day of February 2017, and that the forgoing was served upon all counsel of record thereby. Counsel has also served a copy on counsel for Canon by e-mail on February 7, 2017, as follows:

Richard F. Martinelli  
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