

1 RUSS AUGUST & KABAT
Brian Ledahl (CA SB No. 186579)
2 Neil A. Rubin (CA SB No. 250761)
Jacob Buczko (CA SB No. 269408)
3 RUSS AUGUST & KABAT
12424 Wilshire Boulevard 12th Floor
4 Los Angeles, California 90025
Telephone: 310-826-7474
5 Facsimile: 310-826-6991
E-mail: bledahl@raklaw.com
6 E-mail: nrubin@raklaw.com
E-mail: jbuczko@raklaw.com
7

8 *Attorneys for Plaintiff Document Security Systems, Inc.*

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11 DOCUMENT SECURITY SYSTEMS,
12 INC.,

13 Plaintiff,

14 v.

15 OSRAM GMBH; OSRAM OPTO
SEMICONDUCTORS GMBH & CO.;
16 OSRAM Licht AG; and OSRAM
SYLVANIA INC.,
17

18 Defendants.

Civil Action No. 2:17-cv-05184

JURY TRIAL DEMANDED

19 **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

20 This is an action for patent infringement arising under the Patent Laws of the
21 United States of America, 35 U.S.C. § 1 *et seq.* in which Document Security Systems,
22 Inc. (“DSS” or “Plaintiff”) makes the following allegations against Defendants
23 OSRAM GMBH (“OSRAM”); OSRAM OPTO SEMICONDUCTORS GMBH &
24 CO.; (“OOS”), OSRAM Licht AG (OSAG) and OSRAM Sylvania, Inc. (“OSI”)
25 (collectively “Defendants”).
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PARTIES

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2 1. Document Security Systems, Inc. is a publicly-traded New York
3 corporation. Founded in 1984, DSS is a global leader in brand protection, digital
4 security solutions and anti-counterfeiting technologies.

5 2. In November 2016, DSS acquired a portfolio of patents covering
6 technologies used in Light-Emitting Diode (“LED”) lighting products, including the
7 patents-in-suit. The patents in this portfolio were originally assigned to Agilent
8 Technologies, Inc. and/or the successors of its LED business. Since its recent
9 acquisition of these patents, DSS has worked to expand its business efforts regarding
10 LED technology. DSS is pursuing both licensing and commercialization of this
11 technology acquisition.

12 3. On information and belief, OSRAM GmbH (“OSRAM”) is a foreign
13 corporation under the laws of Germany with a principal place of business located at
14 Hellabrunner Strasse 1, 81543 Munich, Germany. Upon information and belief,
15 OSRAM manufactures light-emitting diode (“LED”) products and, through its
16 subsidiaries, Defendants OSRAM Opto Semiconductor GmbH & Co. (“OOS”) and
17 OSRAM Sylvania Inc. (“OSI”), has sales offices in the United States. Defendant
18 OSRAM can be served with process in Germany pursuant to The Hague Convention
19 on the Service Abroad of Judicial and Extrajudicial Documents, Article 1, November
20 15, 1965 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S. Treaty 1969).

21 4. On information and belief, OOS is a foreign corporation under the laws of
22 Germany with a principal place of business located at Leibnizstr 4, 93055
23 Regensburg, Germany. Upon information and belief, OOS is a subsidiary of OSRAM
24 and /or OLAG and sells and/or offers for sale in the United States LED products
25 manufactured by it and/or OSRAM and/or OSAG, including in the State of California
26 and in this judicial district.

27 5. On information and belief, OSI is a Delaware corporation, having its
28 principal place of business at 100 Endicott Street, Danvers, Massachusetts 01923.

1 Upon information and belief, OOS is a wholly-owned subsidiary of OSRAM and sells
2 and/or offers for sale in the United States LED products manufactured by it and/or
3 OSRAM, including in the State of California and in this judicial district.

4 6. On information and belief, OSRAM Licht AG (“OSAG”) is a foreign
5 corporation under the laws of Germany with a principal place of business located at
6 Hellabrunner Strasse 1, 81543 Munich, Germany. Upon information and belief,
7 OSAG wholly owns, directly or indirectly, OOS, OSRAM and OSI and, through these
8 corporate relationships as a joint enterprise and alone, engages in marketing, sales,
9 and/or development of infringing products sold in the State of California and in this
10 judicial district.

11 **JURISDICTION AND VENUE**

12 7. This action arises under the patent laws of the United States, Title 35 of the
13 United States Code. Accordingly, this Court has subject matter jurisdiction under 28
14 U.S.C. §§ 1331 and 1338(a).

15 8. This Court has personal jurisdiction over Defendants in this action because,
16 among other reasons, Defendants have committed acts within the Central District of
17 California giving rise to this action and have established minimum contacts with the
18 forum state of California. Defendants directly and/or through subsidiaries or
19 intermediaries (including distributors, retailers, and others), have committed and
20 continue to commit acts of infringement in this District by, among other things,
21 making, using, importing, offering for sale, and/or selling products and/or services
22 that infringe the patents-in-suit. Thus, Defendants have purposefully availed
23 themselves of the benefits of doing business in the State of California and the exercise
24 of jurisdiction over Defendants would not offend traditional notions of fair play and
25 substantial justice.

26 9. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(c) and 1400(b)
27 because Defendants have a regular and established place of business in this District
28 and have committed acts of patent infringement in this District. Defendants, for

1 example, have a regular and established place of business in this District at 1651 S.
2 Archibald Ave., Ontario, CA 91761.

3 **BACKGROUND**

4 10.DSS is the owner by assignment of United States Patent No. 6,949,771 (“the
5 ’771 Patent”) entitled “Light Source.” The ’771 Patent was duly and legally issued by
6 the United States Patent and Trademark Office on September 27, 2005. A true and
7 correct copy of the ’771 Patent is included as Exhibit A.

8 11.DSS is the owner by assignment of United States Patent No. 7,524,087 (“the
9 ’087 Patent”) entitled “Optical Device.” The ’087 Patent was duly and legally issued
10 by the United States Patent and Trademark Office on April 28, 2009. A true and
11 correct copy of the ’087 Patent is included as Exhibit B.

12 12. DSS is the owner by assignment of United States Patent No. 7,256,486
13 (“the ’486 Patent”) entitled “Packing Device for Semiconductor Die, Semiconductor
14 Device Incorporating Same and Method of Making Same.” The ’486 Patent was duly
15 and legally issued by the United States Patent and Trademark Office on August 14,
16 2007. A true and correct copy of the ’486 Patent is included as Exhibit C.

17 13. DSS is the owner by assignment of United States Patent No. 7,652,297
18 (“the ’297 Patent”) entitled “Light Emitting Device.” The ’297 Patent was duly and
19 legally issued by the United States Patent and Trademark Office on January 26, 2010.
20 A true and correct copy of the ’297 Patent is included as Exhibit D

21 14. DSS owns all rights, title, and interest in and to the ’771, ’087, ’486 and
22 ’297 Patents (collectively, “asserted patents” or “patents-in-suit”), including all rights
23 to sue and recover for past and future infringement.

24 **COUNT I**

25 **INFRINGEMENT OF THE ’771 PATENT**

26 15. DSS references and incorporates by reference paragraphs 1 through 14 of
27 this Complaint.
28

1 16. Defendants make, use, offer for sale, sell, and/or import in the United
2 States products and/or services that infringe various claims of the '771 Patent, and
3 continues to do so. By way of illustrative example, Defendants' infringing products
4 include without limitation, all versions and variations, including predecessor and
5 successor models, of their Advanced Power TOPLED; Advanced Power TOPLED
6 Plus; Displex LRTB; Firefly E1608; Golden DRAGON; Golden DRAGON Plus
7 White; Golden DRAGON Plus Colors; Mini TOPLED; MultiLED; MultiTOPLED;
8 Platinum DRAGON; PointLED; Power TOPLED; Power TOPLED Lens; Power
9 SIDELED; SIDELED; TOPLED; TOPLED Lens; TOPLED Reverse Gullwing;
10 TOPLED Black; TOPLED Black Surface; and Synios P2720 packages. Defendants'
11 infringing products also include products, e.g., light bulbs, displays and fixtures that
12 contain at least one infringing LED product. Defendants' infringing products are
13 collectively referred to hereinafter as "'771 Accused Instrumentalities."

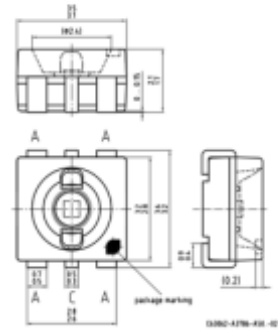
14 17. Defendants have directly infringed and continue to directly infringe the
15 '771 Patent by, among other things, making, using, offering for sale, selling, and/or
16 importing the '771 Accused Instrumentalities. Such products and/or services are
17 covered by one or more claims of the '771 Patent's including at least claims 1 to 8
18 because they contain each element of those claims.

19 18. As an illustrative example, Defendants import, sell and offer to sell their
20 Advanced Power TOPLED series products. Defendant's Advanced Power TOPLED
21 infringes, for example, Claim 3 of the '771 patent because it is a light source
22 comprising a substrate having opposing first and second surfaces, the substrate
23 defining an aperture extending from the first surface to the second surface, said
24 aperture having a first opening in the first surface and second opening in said second
25 surface:

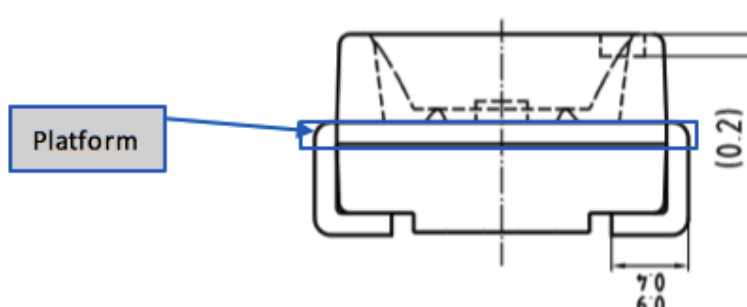
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Package Outline
Maßzeichnung



19. Defendants' Advanced Power TOPLED also includes a platform covering said first opening, said platform being located outside said aperture:



20. Defendants' Advanced Power TOPLED also includes a light emitting diode mounted on the platform within the aperture, and a transparent encapsulant material encapsulating the light emitting diode in the aperture:



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2 21. Defendants' Advanced Power TOPLED's "platform" is made from
3 thermally conductive material for conducting heat away from the light emitting diode
4 because the "platform" comprises a metal lead frame that conducts heat away from the
5 light emitting diode.

6 22. By making, using, offering for sale, selling, and/or importing the '771
7 Accused Instrumentalities infringing the '771 Patent, Defendants have injured DSS
8 and are liable to DSS for infringement of the '771 Patent pursuant to 35 U.S.C. §
9 271(a) directly and/or under the doctrine of equivalents.

10 23. In addition, Defendants are actively inducing others, such as their
11 customers and end users of Accused Instrumentalities, services based thereupon, and
12 related products and/or processes, to directly infringe each and every claim limitation,
13 including without limitation claims 1 to 8 of the '771 Patent, in violation of 35 U.S.C.
14 § 271(b). Defendants' customers and/or end users have directly infringed and are
15 directly infringing each and every claim limitation, including without limitation
16 claims 1 to 8 of the '771 Patent. Defendants have had actual knowledge of the '771
17 Patent at least as of service of this Complaint. Defendants are knowingly inducing
18 their customers and/or end users to directly infringe the '771 Patent, with the specific
19 intent to encourage such infringement, and knowing that the induced acts constitute
20 patent infringement. Defendants' inducement includes, for example, providing
21 technical guides, product data sheets, demonstrations, software and hardware
22 specifications, installation guides, and other forms of support that induce their
23 customers and/or end users to directly infringe the '771 Patent. The '771 Accused
24 Instrumentalities are designed in such a way that when they are used for their intended
25 purpose, the user infringes the '771 Patent. Defendants know and intend that
26 customers that purchase the '771 Accused Instrumentalities will use those products for
27 their intended purpose. Defendants also specifically intend its customers infringe the
28 '771 Patent through use of the '771 Accused Instrumentalities through trade show

1 presentations, customer visits, direct customer contacts and application guides. For
2 example, Defendant's United States website: <https://www.osram.com/os/>, instructs
3 customers to use '771 Accused Instrumentalities in numerous "Applications." In
4 addition, Defendants specifically intend that their customers, such as United States
5 distributors, retailers and consumer product companies, will import, use and sell
6 infringing products in the United States in order to serve and develop the United
7 States market for Defendants' infringing products.

8 24. Defendants have been aware of the '771 Patent and of its infringement as
9 of a date no later than October 27, 2006, when the '771 Patent was cited by a USPTO
10 examiner during the prosecution of Defendants' patent that issued as U.S. 7,570,147.
11 Thereafter, on June 1, 2009, Defendants listed the '771 Patent in an Information
12 Disclosure Statement they filed during prosecution of U.S. Patent 8,071,997.
13 Defendants again, on February 10, 2013, listed the '771 Patent in an Information
14 Disclosure Statement they filed during prosecution of U.S. Patent 9,240,536. Again,
15 on January 19, 2017, the '771 Patent was on a list of references cited by a USPTO
16 examiner during the prosecution of Defendants' U.S. Patent application
17 20160172559A1. Since that date, Defendants have failed to investigate and remedy
18 their infringement of the '771 Patent and thus willfully and egregiously continue to
19 infringe the '771 Patent. On information and belief, Defendants continued to offer
20 infringing products without having modified or altered those products in a manner that
21 would not infringe the '771 patent. Defendants, at the very least, have been
22 egregiously and willfully blind to infringement of the '771 Patent. Further evidence
23 of Defendants' egregious and willful infringement are the acts of active inducement
24 described in this Complaint. Defendants actively induce and encourage customers to
25 make, use, sell, offer to sell and/or import the '771 Accused Instrumentalities with
26 knowledge that these acts constitute infringement of the '771 Patent, with the purpose
27 of, *inter alia*, developing and serving the United States market for Defendants' LED
28 products and consumer devices that include Defendants' products.

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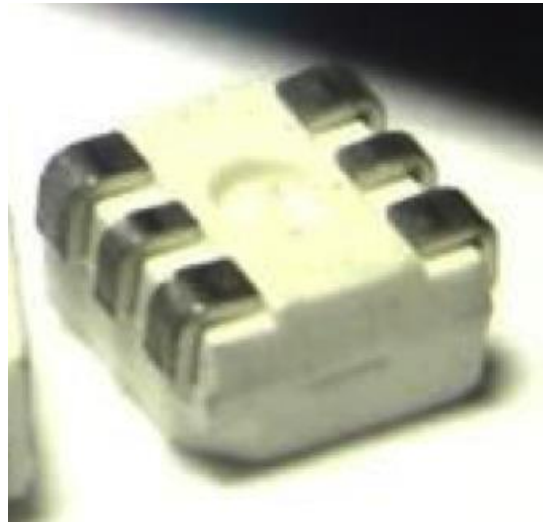
29. Defendants' MULTILED also includes a reflector housing formed around the lead frame, the reflector housing having a first end face and a second end face and a peripheral sidewall extending between the first end face and the second end face, the reflector housing having a first pocket with a pocket opening in the first end face and a second pocket opening in the second end face:



30. Defendants' MULTILED also includes at least one LED die mounted in the first pocket of the reflector housing and a light transmitting encapsulant disposed in the first pocket and encapsulating the at least one LED die:



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2 31. Defendants' MULTILED includes a plurality of lead receiving
3 compartments formed in the peripheral sidewall of the reflector housing:
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14 32. By making, using, offering for sale, selling, and/or importing the '087
15 Accused Instrumentalities infringing the '087 Patent, Defendants have injured DSS
16 and are liable to DSS for infringement of the '087 Patent pursuant to 35 U.S.C. §
17 271(a) directly and/or under the doctrine of equivalents.

18 33. In addition, Defendants are actively inducing others, such as their
19 customers and end users of Accused Instrumentalities, services based thereupon, and
20 related products and/or processes, to directly infringe each and every claim limitation,
21 including without limitation claim 1 of the '087 Patent, in violation of 35 U.S.C. §
22 271(b). Defendants' customers and/or end users have directly infringed and are
23 directly infringing each and every claim limitation, including without limitation claim
24 1 of the '087 Patent. Defendants have had actual knowledge of the '087 Patent at
25 least as of service of this Complaint. Defendants are knowingly inducing their
26 customers and/or end users to directly infringe the '087 Patent, with the specific intent
27 to encourage such infringement, and knowing that the induced acts constitute patent
28 infringement. Defendants' inducement includes, for example, providing technical

1 guides, product data sheets, demonstrations, software and hardware specifications,
2 installation guides, and other forms of support that induce their customers and/or end
3 users to directly infringe the '087 Patent. The '087 Accused Instrumentalities are
4 designed in such a way that when they are used for their intended purpose, the user
5 infringes the '087 Patent. Defendants know and intend that customers that purchase
6 the '087 Accused Instrumentalities will use those products for their intended purpose.
7 Defendants also specifically intend its customers infringe the '087 Patent through use
8 of the '087 Accused Instrumentalities through trade show presentations, customer
9 visits, direct customer contacts and application guides. For example, Defendant's
10 United States website: <https://www.osram.com/os/>, instructs customers to use '087
11 Accused Instrumentalities in numerous "Applications." In addition, Defendants
12 specifically intend that their customers, such as United States distributors, retailers
13 and consumer product companies, will import, use and sell infringing products in the
14 United States in order to serve and develop the United States market for Defendants'
15 infringing products. Defendants also give customers specific instruction to infringe
16 e.g., claim 9 of the '087 patent, by assembling products into an infringing display.
17 *See, e.g.*, [http://www.osram-](http://www.osram-os.com/Graphics/XPic3/00187016_0.pdf/LED%20Display%20Backlighting%20-%20Monitor%20Applications%20using%206-lead%20MULTILED.pdf)
18 [os.com/Graphics/XPic3/00187016_0.pdf/LED%20Display%20Backlighting%20-](http://www.osram-os.com/Graphics/XPic3/00187016_0.pdf/LED%20Display%20Backlighting%20-%20Monitor%20Applications%20using%206-lead%20MULTILED.pdf)
19 [%20Monitor%20Applications%20using%206-lead%20MULTILED.pdf](http://www.osram-os.com/Graphics/XPic3/00187016_0.pdf/LED%20Display%20Backlighting%20-%20Monitor%20Applications%20using%206-lead%20MULTILED.pdf)

20 34. Defendants have been aware of the '087 Patent and of its infringement as
21 of a date no later than January 24, 2013, when a USPTO examiner included the '087
22 patent on a search strategy report sent to Defendants during the prosecution of
23 Defendants' U.S. Patent No. 8,558,271. Thereafter, Defendants cited the '087 Patent
24 during the prosecution of its U.S. Patent No. 9,673,136. Since that date, Defendants
25 have failed to investigate and remedy their infringement of the '087 Patent and thus
26 willfully and egregiously continue to infringe the '087 Patent. On information and
27 belief, Defendants continued to offer infringing products without having modified or
28 altered those products in a manner that would not infringe the '087 patent.

1 Defendants, at the very least, have been egregiously and willfully blind to
2 infringement of the '087 Patent. Further evidence of Defendants' egregious and
3 willful infringement are the acts of active inducement described in this Complaint.
4 Defendants actively induce and encourage customers to make, use, sell, offer to sell
5 and/or import the '087 Accused Instrumentalities with knowledge that these acts
6 constitute infringement of the '087 Patent, with the purpose of, *inter alia*, developing
7 and serving the United States market for Defendants' LED products and consumer
8 devices that include Defendants' products.

9 35. As a result of Defendants' infringement of the '087 Patent, DSS has
10 suffered monetary damages in an amount adequate to compensate for Defendants'
11 infringement, but in no event less than a reasonable royalty for the use made of the
12 invention by Defendants, together with interest and costs as fixed by the Court.

13 COUNT III

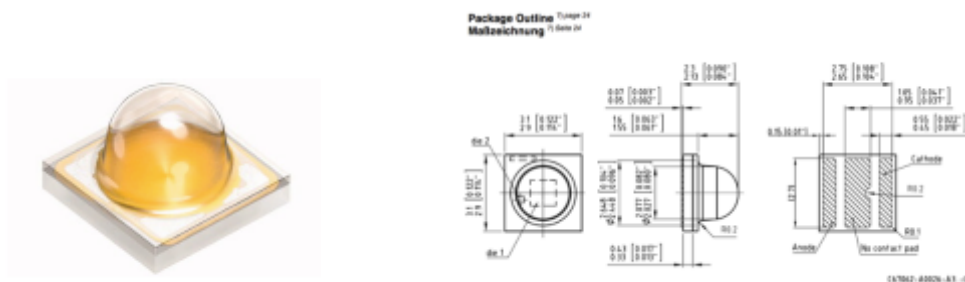
14 INFRINGEMENT OF THE '486 PATENT

15 36. DSS references and incorporates by reference paragraphs 1 through 35 of
16 this Complaint.

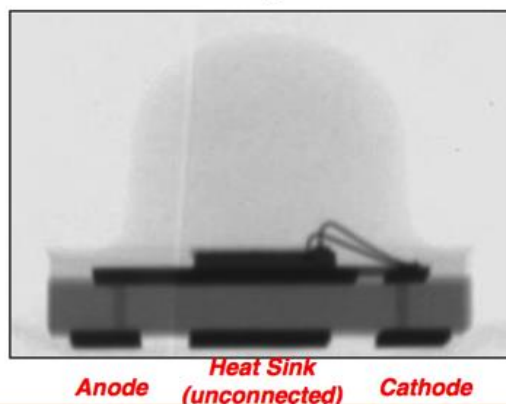
17 37. On information and belief, Defendants make, use, offer for sale, sell,
18 and/or import in the United States products and/or services that infringe various
19 claims of the '486 Patent, and continues to do so. By way of illustrative example,
20 Defendants' infringing products include without limitation, all versions and variations,
21 including predecessor and successor models, of their Ceramos; Multi CHIPLED;
22 OSLON SX; OSLON MX; OSLON LX; OSLON Compact; OSLON Signal; OSTAR
23 Stage; OSTAR LE UW Q9WP; OSLON Square; OSLON SSL White; OSLON SSL
24 Colors products. Defendants' infringing products also include products, e.g., light
25 bulbs, displays and fixtures that contain at least one infringing LED product.
26 Defendants' infringing products are collectively referred to hereinafter as "'486
27 Accused Instrumentalities."
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1 38. On information and belief, Defendants have directly infringed and
 2 continues to directly infringe the '486 Patent by, among other things, making, using,
 3 offering for sale, selling, and/or importing the '486 Accused Instrumentalities. On
 4 information and belief, such products are covered by one or more claims of the '486
 5 Patent including at least claim 1 because they contain each element of that claim.

6 39. As an illustrative example, Defendants import, sell and offer to sell its
 7 OSLO SSL products. Defendants' OSLO SSL infringes, for example, Claim 1 of
 8 the '486 patent because it is a semiconductor device comprising a substantially planar
 9 substrate having opposed major surfaces:

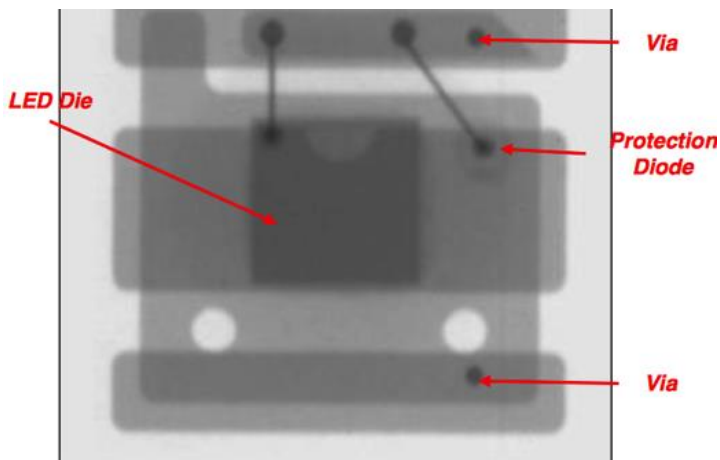


17 40. Defendants' OSLO SSL also includes an electrically conductive
 18 mounting pad located on one of the major surfaces of the substrate:

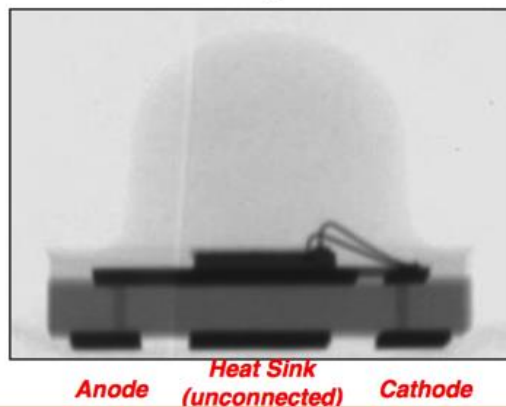


27 41. Defendants' OSLO SSL also includes an LED having a metallized
 28 bottom major surface that is mounted on the electrically conductive mounting pad, the

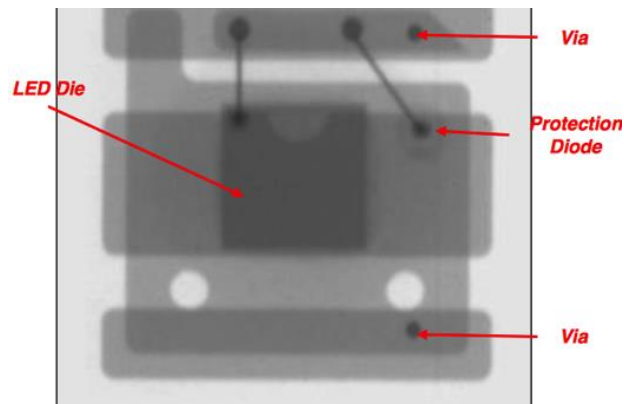
1 metallized bottom major surface comprising one of an anode and a cathode of the
2 LED:



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12 42. Defendants' OSOLON SSL also includes a first electrically conductive
13 connecting pad located on the other of the major surfaces of the substrate:



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23 43. Defendants' OSOLON SSL also includes a first electrically conductive
24 interconnecting element extending through the substrate and electrically
25 interconnecting the mounting pad and the first electrically conductive connecting pad:
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44. By making, using, offering for sale, selling, and/or importing the '486 Accused Instrumentalities infringing the '486 Patent, Defendants have injured DSS and is liable to DSS for infringement of the '486 Patent pursuant to 35 U.S.C. § 271(a) directly and/or under the doctrine of equivalents.

45. In addition, Defendants are actively inducing others, such as their customers and end users of Accused Instrumentalities, services based thereupon, and related products and/or processes, to directly infringe each and every claim limitation, including without limitation claim 1 of the '486 Patent, in violation of 35 U.S.C. § 271(b). Defendants' customers and/or end users have directly infringed and are directly infringing each and every claim limitation, including without limitation claim 1 of the '486 Patent. Defendants have had actual knowledge of the '486 Patent at least as of service of this Complaint. Defendants are knowingly inducing their customers and/or end users to directly infringe the '486 Patent, with the specific intent to encourage such infringement, and knowing that the induced acts constitute patent infringement. Defendants' inducement includes, for example, providing technical guides, product data sheets, demonstrations, software and hardware specifications, installation guides, and other forms of support that induce their customers and/or end users to directly infringe the '486 Patent. The '486 Accused Instrumentalities are designed in such a way that when they are used for their intended purpose, the user

1 infringes the '486 Patent. Defendants know and intend that customers that purchase
2 the '486 Accused Instrumentalities will use those products for their intended purpose.
3 Defendants also specifically intend its customers infringe the '486 Patent through use
4 of the '486 Accused Instrumentalities through trade show presentations, customer
5 visits, direct customer contacts and application guides. For example, Defendant's
6 United States website: <https://www.osram.com/os/>, instructs customers to use '486
7 Accused Instrumentalities in numerous "Applications." In addition, Defendants
8 specifically intend that their customers, such as United States distributors, retailers
9 and consumer product companies, will import, use and sell infringing products in the
10 United States in order to serve and develop the United States market for Defendants'
11 infringing products.

12 46. As a result of Defendants' infringement of the '486 Patent, DSS has
13 suffered monetary damages in an amount adequate to compensate for Defendants'
14 infringement, but in no event less than a reasonable royalty for the use made of the
15 invention by Defendants, together with interest and costs as fixed by the Court.

16 **COUNT IV**

17 **INFRINGEMENT OF THE '297 PATENT**

18 47. DSS references and incorporates by reference paragraphs 1 through 46 of
19 this Complaint.

20 48. On information and belief, Defendants make, use, offer for sale, sell,
21 and/or import in the United States products and/or services that infringe various
22 claims of the '297 Patent, and continues to do so. By way of illustrative example,
23 Defendants' infringing products include without limitation, all versions and variations,
24 including predecessor and successor models, of their Advanced Power TOPLED Plus;
25 Displix LTRB; Golden DRAGON; Golden DRAGON Plus White; Golden DRAGON
26 Plus Colors; and Platinum DRAGON products. Defendants' infringing products also
27 include products, e.g., light bulbs, displays and fixtures that contain at least one
28

1 infringing LED product. Defendants' infringing products are collectively referred to
2 hereinafter as "'297 Accused Instrumentalities."

3 49. On information and belief, Defendants have directly infringed and
4 continues to directly infringe the '297 Patent by, among other things, making, using,
5 offering for sale, selling, and/or importing the '297 Accused Instrumentalities. On
6 information and belief, such products are covered by one or more claims of the '297
7 Patent including at least claim 1 because they contain each element of that claim.

8 50. As an illustrative example, Defendants import, sell and offer to sell its
9 DRAGON line of products. Defendants' Golden DRAGON infringes, for example,
10 Claim 1 of the '297 patent because it is a light-emitting device comprising a substrate
11 and a reflector extending from said substrate, said reflector forming a cavity in
12 conjunction with said substrate, with a light emitter located in said cavity:



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22 51. Defendants' Golden DRAGON also includes at least one first notch
23 located in said reflector, said at least one first notch extending substantially axially
24 around said reflector, said at least one first notch being formed by a first wall and a
25 second wall wherein said first wall and said second wall extend substantially
26 perpendicular to said substrate:

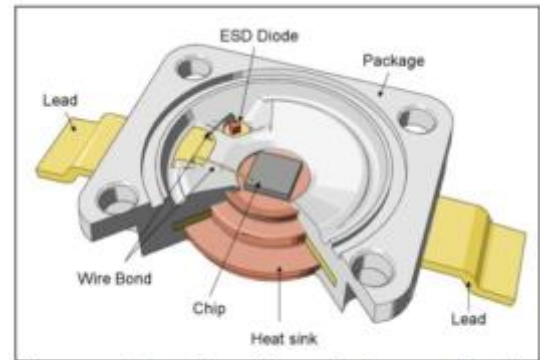


Figure 2: Principle design of the DRAGON LEDs

11 52. By making, using, offering for sale, selling, and/or importing the '297
12 Accused Instrumentalities infringing the '297 Patent, Defendants have injured DSS
13 and is liable to DSS for infringement of the '297 Patent pursuant to 35 U.S.C. § 271(a)
14 directly and/or under the doctrine of equivalents.

15 53. In addition, Defendants are actively inducing others, such as their
16 customers and end users of Accused Instrumentalities, services based thereupon, and
17 related products and/or processes, to directly infringe each and every claim limitation,
18 including without limitation claim 1 of the '297 Patent, in violation of 35 U.S.C. §
19 271(b). Defendants' customers and/or end users have directly infringed and are
20 directly infringing each and every claim limitation, including without limitation claim
21 1 of the '297 Patent. Defendants have had actual knowledge of the '297 Patent at
22 least as of service of this Complaint. Defendants are knowingly inducing their
23 customers and/or end users to directly infringe the '297 Patent, with the specific intent
24 to encourage such infringement, and knowing that the induced acts constitute patent
25 infringement. Defendants' inducement includes, for example, providing technical
26 guides, product data sheets, demonstrations, software and hardware specifications,
27 installation guides, and other forms of support that induce their customers and/or end
28 users to directly infringe the '297 Patent. The '297 Accused Instrumentalities are

1 designed in such a way that when they are used for their intended purpose, the user
2 infringes the '297 Patent. Defendants know and intend that customers that purchase
3 the '297 Accused Instrumentalities will use those products for their intended purpose.
4 Defendants also specifically intend its customers infringe the '297 Patent through use
5 of the '297 Accused Instrumentalities through trade show presentations, customer
6 visits, direct customer contacts and application guides. For example, Defendant's
7 United States website: <https://www.osram.com/os/>, instructs customers to use '297
8 Accused Instrumentalities in numerous "Applications." In addition, Defendants
9 specifically intend that their customers, such as United States distributors, retailers
10 and consumer product companies, will import, use and sell infringing products in the
11 United States in order to serve and develop the United States market for Defendants'
12 infringing products.

13 54. As a result of Defendants' infringement of the '297 Patent, DSS has
14 suffered monetary damages in an amount adequate to compensate for Defendants'
15 infringement, but in no event less than a reasonable royalty for the use made of the
16 invention by Defendants, together with interest and costs as fixed by the Court.

17 **PRAYER FOR RELIEF**

18 Plaintiff respectfully requests the following relief from this Court:

19 A. A judgment that Defendants have infringed one or more claims of the
20 '771, '087, '486 and '297 Patents;

21 B. A judgment and order requiring Defendants to pay DSS its damages,
22 costs, expenses, and prejudgment and post-judgment interest for Defendants' acts of
23 infringement in accordance with 35 U.S.C. § 284;

24 C. A judgment and order requiring Defendants to provide accountings and
25 to pay supplemental damages to DSS, including, without limitation, prejudgment and
26 post-judgment interest;

27 D. A judgment and order finding that this is an exceptional case within the
28 meaning of 35 U.S.C. § 285 and awarding to DSS its reasonable attorneys' fees

1 against Defendants; and

2 E. Any and all other relief to which DSS may show itself to be entitled.

3 **JURY TRIAL DEMANDED**

4 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, DSS requests a
5 trial by jury of any issues so triable by right.

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7 Dated: November 16, 2017

By: Brian Ledahl

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RUSS AUGUST & KABAT
Brian Ledahl (CA SB No. 186579)
Neil A. Rubin (CA SB No. 250761)
Jacob Buczko (CA SB No. 269408)
RUSS AUGUST & KABAT
12424 Wilshire Boulevard 12th Floor
Los Angeles, California 90025
Telephone: 310-826-7474
Facsimile: 310-826-6991
E-mail: bledahl@raklaw.com
E-mail: nrubin@raklaw.com
E-mail: jbuczko@raklaw.com

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Attorneys for Plaintiff,
Document Security Systems, Inc.

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