

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

Attorneys for Plaintiff Document Security Systems, Inc.

11 **IN THE UNITED STATES DISTRICT COURT**
 12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
 13 **SOUTHERN DIVISION**

14 DOCUMENT SECURITY SYSTEMS,
15 INC.,

16 *Plaintiff,*

17 v.

18 SEOUL SEMICONDUCTOR CO., LTD.,
19 and SEOUL SEMICONDUCTOR, INC.,

20 *Defendants.*

Case. No. 8:17-cv-00981-JVS-JCG

**SECOND AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

1 This is an action for patent infringement arising under the Patent Laws of the
2 United States of America, 35 U.S.C. § 1 *et seq.* in which Document Security Systems,
3 Inc. (“DSS” or “Plaintiff”) makes the following allegations against Defendants Seoul
4 Semiconductor Co., Ltd. (“Seoul Korea”) and Seoul Semiconductor, Inc. (“Seoul
5 America”) (collectively “Seoul” or “Defendants”).

6 **PARTIES**

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

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

17 3. On information and belief, Seoul Semiconductor Co., Ltd. is a corporation
18 organized and existing under the laws of the Republic of Korea with its principal place
19 of business at 1B-25, 727, Wonsi- dong, Danwon-gu, Ansan-city, Gyeonggi-do,
20 Korea 425-851. Upon information and belief, Seoul Korea manufactures light-
21 emitting diode (“LED”) products in Korea and, through its subsidiary, Defendant
22 Seoul America, has sales offices in the United States. Defendant Seoul Korea can be
23 served with process in Korea pursuant to the Hague Convention on the Service
24 Abroad of Judicial and Extrajudicial Documents, Article 1, November 15, 1965
25 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S. Treaty 1969).

26 4. On information and belief, Seoul Semiconductor, Inc. is a California
27 corporation with its principal place of business at 1895 Beaver Ridge Circle, Suite G,
28 Norcross, Georgia 30071. Upon information and belief, Seoul America sells and/or

1 offers for sale nationwide LED products manufactured by Seoul Korea, including in
2 the State of California and in this judicial district. Defendant Seoul America can be
3 served through its registered agent, Jiyeon Jun, 5856 Corporate Avenue, Suite 240,
4 Cypress, California 90630.

5 **JURISDICTION AND VENUE**

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

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

20 7. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(c) and 1400(b)
21 because Defendants have a regular and established place of business in this District
22 and have committed acts of patent infringement in this District. Defendants, for
23 example, have a regular and established place of business at 5856 Corporate Ave, No.
24 240, Cypress, CA 90630, which is located in Orange County.

25 **BACKGROUND**

26 8. DSS is the owner by assignment of United States Patent No. 6,949,771 (“the
27 ’771 Patent”) entitled “Light Source.” The ’771 Patent was duly and legally issued by
28 the United States Patent and Trademark Office on September 27, 2005. A true and

1 correct copy of the '771 Patent is included as Exhibit A.

2 9. DSS is the owner by assignment of United States Patent No. 7,524,087 (“the
3 '087 Patent”) entitled “Optical Device.” The '087 Patent was duly and legally issued
4 by the United States Patent and Trademark Office on April 28, 2009. A true and
5 correct copy of the '087 Patent is included as Exhibit B.

6 10. DSS is the owner by assignment of United States Patent No. 7,256,486
7 (“the '486 Patent”) entitled “Packing Device for Semiconductor Die, Semiconductor
8 Device Incorporating Same and Method of Making Same.” The '486 Patent was duly
9 and legally issued by the United States Patent and Trademark Office on August 14,
10 2007. A true and correct copy of the '486 Patent is included as Exhibit C

11 11. DSS owns all rights, title, and interest in and to the '771, '087 and '486
12 Patents (collectively, “asserted patents” or “patents-in-suit”), including all rights to
13 sue and recover for past and future infringement.

14 **COUNT I**

15 **INFRINGEMENT OF THE '771 PATENT**

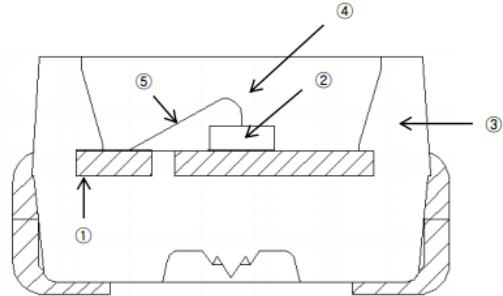
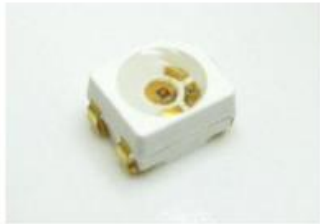
16 12. DSS references and incorporates by reference paragraphs 1 through 10 of
17 this Complaint.

18 13. Defendants make, use, offer for sale, sell, and/or import in the United
19 States products and/or services that infringe various claims of the '771 Patent, and
20 continues to do so. By way of illustrative example, Defendants' infringing products
21 include without limitation, all versions and variations, including predecessor and
22 successor models, of its T6 Series LEDs, SFT-722NS, and LEDs including the 3020,
23 3030 (automotive), 3528, and 5630 (automotive) packages. Defendants' infringing
24 products also include products, e.g., light bulbs, displays and fixtures that contain at
25 least one infringing LED product. Defendants' infringing products are collectively
26 referred to hereinafter as “'771 Accused Instrumentalities.”

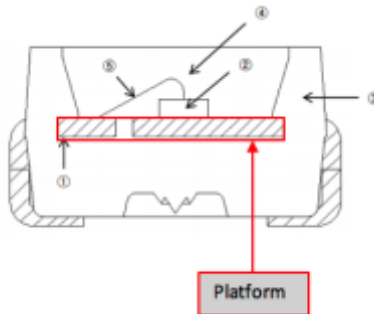
27 14. As an illustrative example, Defendants import, sell and offer to sell their
28 802 Series (Automotive) LED products. Defendants' 802 Series (Automotive)

1 infringes, for example, Claim 3 of the '771 patent because it is a light source
2 comprising a substrate having opposing first and second surfaces, the substrate
3 defining an aperture extending from the first surface to the second surface, said
4 aperture having a first opening in the first surface and second opening in said second
5 surface:

7 **SDT802-SB – 802 Series Deep Red**



12 15. Defendants' 802 Series (Automotive) also includes a platform covering said
13 first opening, said platform being located outside said aperture:



20 16. Defendants' 802 Series (Automotive) also includes a light emitting diode
21 mounted on the platform within the aperture, and a transparent encapsulant material
22 encapsulating the light emitting diode in the aperture:



1 17. Defendants' 802 Series' (Automotive) "platform" is made from thermally
2 conductive material for conducting heat away from the light emitting diode because
3 the "platform" comprises a metal lead frame that conducts heat away from the light
4 emitting diode.

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

10 19. By making, using, offering for sale, selling, and/or importing the '771
11 Accused Instrumentalities infringing the '771 Patent, Defendants have injured DSS
12 and are liable to DSS for infringement of the '771 Patent pursuant to 35 U.S.C. §
13 271(a) directly and/or under the doctrine of equivalents.

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

1 purpose, the user infringes the '771 Patent. Defendants know and intend that
2 customers that purchase the '771 Accused Instrumentalities will use those products for
3 their intended purpose.

4 21. Defendants specifically intend their United States customers infringe the
5 '771 patent through use of the '771 Accused Instrumentalities in this country by at
6 least advertising and promoting the use (e.g., hyperlinked "Application" below) of the
7 '771 Accused Instrumentalities on their United States website: See, e.g.,
8 <http://www.seoulsemicon.com/en/applications/>. Defendant also specifically intends its
9 customers infringe the '771 Patent through use of the '771 Accused Instrumentalities
10 through trade show presentations, customer visits, direct customer contacts and
11 application guides. Defendants also specifically intend its customers infringe the '771
12 Patent through selling '771 Accused Instrumentalities overseas with the specific intent
13 that the customer import, offer to sell, and/or sell the '771 Accused Instrumentalities
14 in order to develop and serve the United States market for Defendant's LED products,
15 either alone or used in products such as bulbs, displays, consumer products and/or
16 fixtures. Such customers include Defendant's LED distributors, consumer products
17 companies and retailers that serve the United States market. See
18 <http://www.seoulsemicon.com/en/support/where-to-buy/>, naming Avnet, Digi-Key,
19 Mouser Electronics, and WPG Americas as United States distributors of Defendants'
20 products.

21 22. Defendants have been aware of the '771 Patent and of its infringement as
22 of a date no later than the date they were served with the complaint in the case 2:17-
23 cv-308, filed April 13, 2017. Since that date, Defendants have failed to investigate
24 and remedy their infringement of the '771 Patent and thus willfully and egregiously
25 continue to infringe the '771 Patent. On information and belief, Defendants continued
26 to offer infringing products without having modified or altered those products in a
27 manner that would not infringe the '771 patent. Defendants, at the very least, have
28 been egregiously and willfully blind to infringement of the '771 Patent. Further

1 evidence of Defendants' egregious and willful infringement are the acts of active
2 inducement described in this Complaint. Defendants actively induce and encourage
3 customers to make, use, sell, offer to sell and/or import the '771 Accused
4 Instrumentalities with knowledge that these acts constitute infringement of the '771
5 Patent, with the purpose of, *inter alia*, developing and serving the United States
6 market for Defendants' LED products and consumer devices that include Defendants'
7 products.

8 23. As a result of Defendants' infringement of the '771 Patent, DSS has
9 suffered monetary damages in an amount adequate to compensate for Defendants'
10 infringement, but in no event less than a reasonable royalty for the use made of the
11 invention by Defendants, together with interest and costs as fixed by the Court.

12 COUNT II

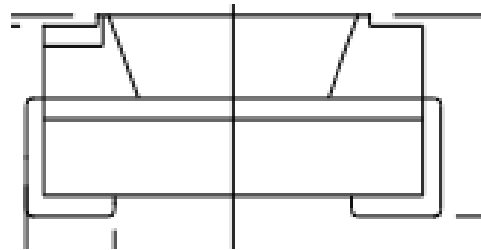
13 INFRINGEMENT OF THE '087 PATENT

14 24. DSS references and incorporates by reference paragraphs 1 through 23 of
15 this Complaint. Defendants make, use, offer for sale, sell, and/or import in the United
16 States products and/or services that infringe various claims of the '087 Patent, and
17 continues to do so. By way of illustrative example, Defendants' infringing products
18 include without limitation, all versions and variations, including predecessor and
19 successor models, of its SFT722N-S LED, 801 Series (Auto), 802 Series (Auto), 825
20 Series, 3528, 3528 (white), MJT 3528, and 6050 packages. Defendants' infringing
21 products also include products, e.g., light bulbs, displays and fixtures that contain at
22 least one infringing LED product. Defendants' infringing products are collectively
23 referred to hereinafter as "'087 Accused Instrumentalities."

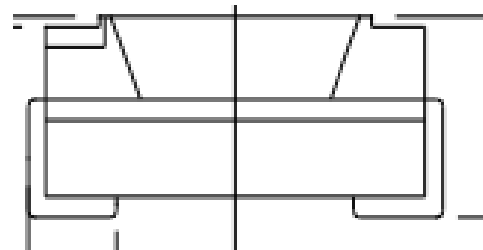
24 25. Defendants have directly infringed and continue to directly infringe the
25 '087 Patent by, among other things, making, using, offering for sale, selling, and/or
26 importing the '087 Accused Instrumentalities. Such products and/or services are
27 covered by one or more claims of the '087 Patent's including at least claim 1 because
28 they contain each element of that claim.

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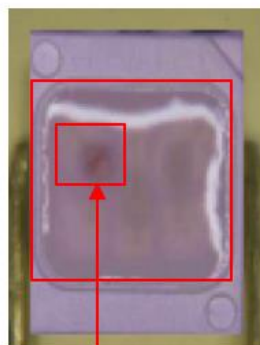
26. As an illustrative example, Defendants import, sell and offer to sell its 825 Series LED products. Defendants’ 825 Series infringes, for example, Claim 1 of the ‘087 patent because it is an optical device comprising a lead frame with a plurality of leads:



27. Defendants’ 825 Series LED 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.



1 28. Defendants' 825 Series LEDs also includes at least one LED die mounted
2 in the first pocket of the reflector housing and a light transmitting encapsulant
3 disposed in the first pocket and encapsulating the at least one LED die:



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LED die encapsulated by light transmitting encapsulant

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14 29. Defendants' 825 Series LEDs includes a plurality of lead receiving
15 compartments formed in the peripheral sidewall of the reflector housing:



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24 30. By making, using, offering for sale, selling, and/or importing the '087
25 Accused Instrumentalities infringing the '087 Patent, Defendants have injured DSS
26 and are liable to DSS for infringement of the '087 Patent pursuant to 35 U.S.C. §
27 271(a) directly and/or under the doctrine of equivalents.
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1 31. In addition, Defendants are actively inducing others, such as their
2 customers and end users of Accused Instrumentalities, services based thereupon, and
3 related products and/or processes, to directly infringe each and every claim limitation,
4 including without limitation claim 1 of the '087 Patent, in violation of 35 U.S.C. §
5 271(b). Defendants' customers and/or end users have directly infringed and are
6 directly infringing each and every claim limitation, including without limitation claim
7 1 of the '087 Patent. Defendants have had actual knowledge of the '087 Patent at
8 least as of service of this Complaint. Defendants are knowingly inducing their
9 customers and/or end users to directly infringe the '087 Patent, with the specific intent
10 to encourage such infringement, and knowing that the induced acts constitute patent
11 infringement. Defendants' inducement includes, for example, providing technical
12 guides, product data sheets, demonstrations, software and hardware specifications,
13 installation guides, and other forms of support that induce their customers and/or end
14 users to directly infringe the '087 Patent. The '087 Accused Instrumentalities are
15 designed in such a way that when they are used for their intended purpose, the user
16 infringes the '087 Patent. Defendants know and intend that customers that purchase
17 the '087 Accused Instrumentalities will use those products for their intended purpose.

18 32. Defendants specifically intend their United States customers infringe the
19 '087 patent through use of the '087 Accused Instrumentalities in this country by at
20 least advertising and promoting the use (e.g., hyperlinked "Application" below) of the
21 '087 Accused Instrumentalities on their United States website: See, e.g.,
22 <http://www.seoulsemicon.com/en/applications/>. Defendant also specifically intends its
23 customers infringe the '087 Patent through use of the '087 Accused Instrumentalities
24 through trade show presentations, customer visits, direct customer contacts and
25 application guides. Defendants also specifically intend its customers infringe the '087
26 Patent through selling '087 Accused Instrumentalities overseas with the specific intent
27 that the customer import, offer to sell, and/or sell the '087 Accused Instrumentalities
28 in order to develop and serve the United States market for Defendant's LED products,

1 either alone or used in products such as bulbs, displays, consumer products and/or
2 fixtures. Such customers include Defendant's LED distributors, consumer products
3 companies and retailers that serve the United States market. See
4 <http://www.seoulsemicon.com/en/support/where-to-buy/>, naming Avnet, Digi-Key,
5 Mouser Electronics, and WPG Americas as United States distributors of Defendants'
6 products.

7 33. Defendants have been aware of the '087 Patent and of its infringement as of
8 a date no later than the date they were served with the complaint in the case 2:17-cv-
9 308, filed April 13, 2017. Since that date, Defendants have failed to investigate and
10 remedy their infringement of the '087 Patent and thus willfully and egregiously
11 continue to infringe the '087 Patent. On information and belief, Defendants continued
12 to offer infringing products without having modified or altered those products in a
13 manner that would not infringe the '087 patent. Defendants, at the very least, have
14 been egregiously and willfully blind to infringement of the '087 Patent. Further
15 evidence of Defendants' egregious and willful infringement are the acts of active
16 inducement described in this Complaint. Defendants actively induce and encourage
17 customers to make, use, sell, offer to sell and/or import the '087 Accused
18 Instrumentalities with knowledge that these acts constitute infringement of the '087
19 Patent, with the purpose of, *inter alia*, developing and serving the United States
20 market for Defendants' LED products and consumer devices that include Defendants'
21 products.

22 34. As a result of Defendants' infringement of the '087 Patent, DSS has
23 suffered monetary damages in an amount adequate to compensate for Defendants'
24 infringement, but in no event less than a reasonable royalty for the use made of the
25 invention by Defendants, together with interest and costs as fixed by the Court.
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COUNT III

INFRINGEMENT OF THE '486 PATENT

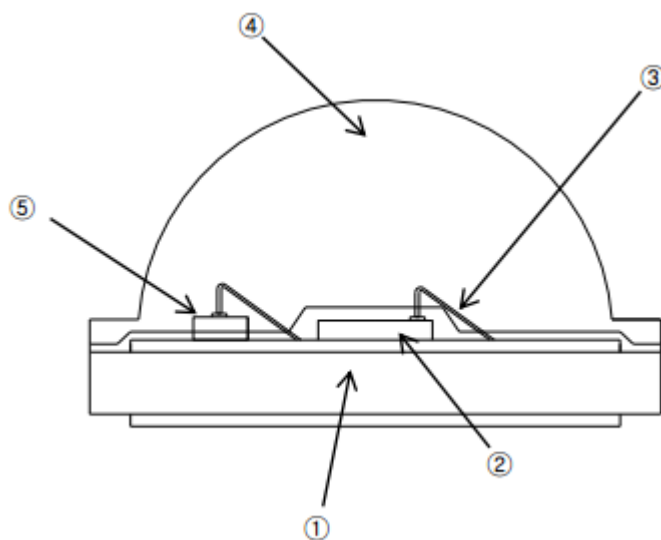
35. DSS references and incorporates by reference paragraphs 1 through 24 of this Complaint.

36. On information and belief, Defendants make, use, offer for sale, sell, and/or import in the United States products and/or services that infringe various claims of the '486 Patent, and continues to do so. By way of illustrative example, Defendants' infringing products include without limitation, all versions and variations, including predecessor and successor models, of its ZPower LED – Z5M, Z5M0, Z5M1, Z5M2, Z5P, Z5, Z7, Z7-F, Z6, and P5 II LED products. Defendants' infringing products also include products, e.g., light bulbs, displays and fixtures that contain at least one infringing LED product. Defendants' infringing products are collectively referred to hereinafter as "'486 Accused Instrumentalities."

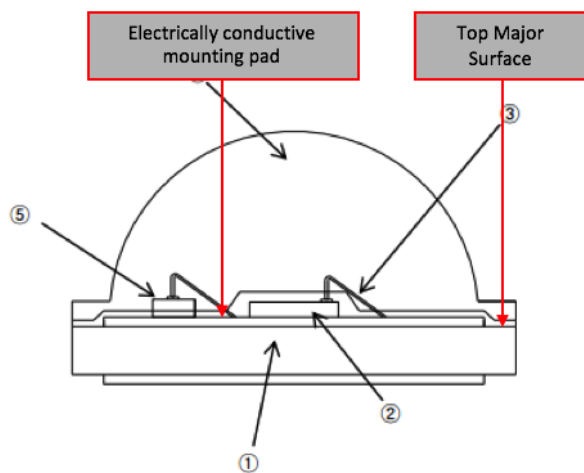
37. On information and belief, Defendants have directly infringed and continues to directly infringe the '486 Patent by, among other things, making, using, offering for sale, selling, and/or importing the '486 Accused Instrumentalities. On information and belief, such products are covered by one or more claims of the '486 Patent including at least claim 1 because they contain each element of that claim.

38. As an illustrative example, Defendant imports, sells and offers to sell its Z5 LED products. Defendant's Z5 infringes, for example, Claim 1 of the '486 patent because it is a semiconductor device comprising a substantially planar substrate having opposed major surfaces:

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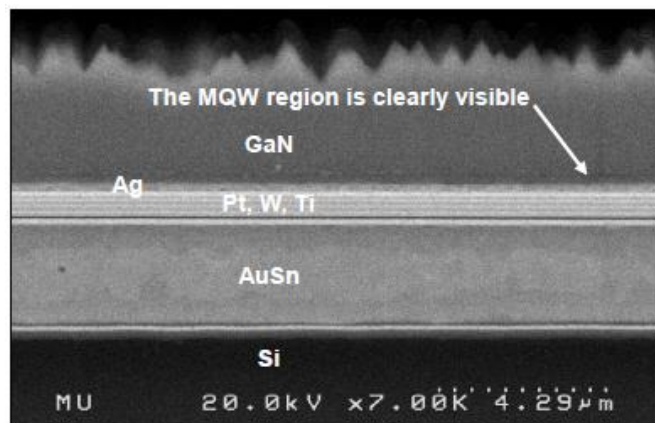


39. Defendants' Z5 also includes an electrically conductive mounting pad located on one of the major surfaces of the substrate:



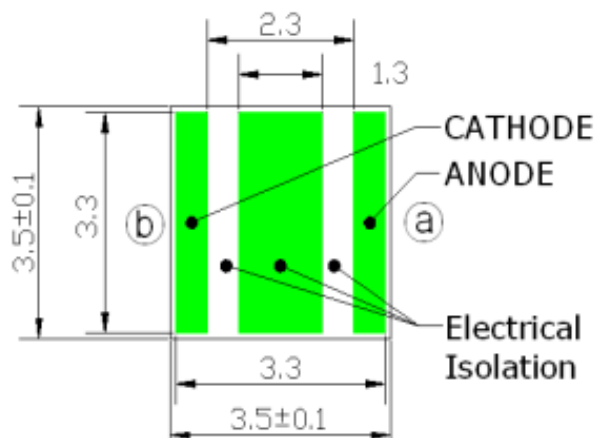
40. Defendants' Z5 also includes an LED having a metallized bottom major surface that is mounted on the electrically conductive mounting pad, the metallized bottom major surface comprising one of an anode and a cathode of the LED:

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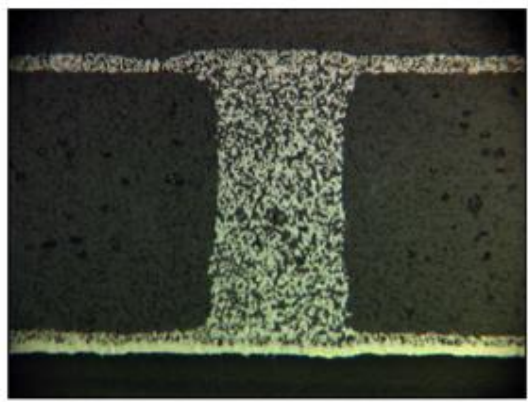
Cross-section of the Z5 die

41. Defendants' Z5 also includes a first electrically conductive connecting pad located on the other of the major surfaces of the substrate:



42. Defendants' Z5 also includes a first electrically conductive interconnecting element extending through the substrate and electrically interconnecting the mounting pad and the first electrically conductive connecting pad:

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43. 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.

44. 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 '087 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 45. Defendants specifically intend their United States customers infringe the
4 ‘486 patent through use of the ‘486 Accused Instrumentalities in this country by at
5 least advertising and promoting the use (e.g., hyperlinked “Application” below) of the
6 ‘486 Accused Instrumentalities on their United States website: See, e.g.,
7 <http://www.seoulsemicon.com/en/applications/>. Defendant also specifically intends its
8 customers infringe the ‘486 Patent through use of the ‘486 Accused Instrumentalities
9 through trade show presentations, customer visits, direct customer contacts and
10 application guides. Defendants also specifically intend its customers infringe the ‘486
11 Patent through selling ‘486 Accused Instrumentalities overseas with the specific intent
12 that the customer import, offer to sell, and/or sell the ‘486 Accused Instrumentalities
13 in order to develop and serve the United States market for Defendant’s LED products,
14 either alone or used in products such as bulbs, displays, consumer products and/or
15 fixtures. Such customers include Defendant’s LED distributors, consumer products
16 companies and retailers that serve the United States market. See
17 <http://www.seoulsemicon.com/en/support/where-to-buy/>, naming Avnet, Digi-Key,
18 Mouser Electronics, and WPG Americas as United States distributors of Defendants’
19 products.

20 46. Defendants have been aware of the ‘486 Patent and of its infringement as
21 of a date no later than the date they were served with the amended complaint in the
22 case 2:17-cv-308, filed May 9, 2017. Since that date, Defendants have failed to
23 investigate and remedy their infringement of the ‘486 Patent and thus willfully and
24 egregiously continue to infringe the ‘486 Patent. On information and belief,
25 Defendants continued to offer infringing products without having modified or altered
26 those products in a manner that would not infringe the ‘486 patent. Defendants, at the
27 very least, have been egregiously and willfully blind to infringement of the ‘486
28 Patent. Further evidence of Defendants’ egregious and willful infringement are the

1 acts of active inducement described in this Complaint. Defendants actively induce
2 and encourage customers to make, use, sell, offer to sell and/or import the '486
3 Accused Instrumentalities with knowledge that these acts constitute infringement of
4 the '86 Patent, with the purpose of, *inter alia*, developing and serving the United
5 States market for Defendants' LED products and consumer devices that include
6 Defendants' products.

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

11 **PRAYER FOR RELIEF**

12 Plaintiff respectfully requests the following relief from this Court:

13 A. A judgment that Defendants have infringed one or more claims of the
14 '771, '087 and '486 Patents;

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

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

21 D. A judgment and order finding that this is an exceptional case within the
22 meaning of 35 U.S.C. § 285 and awarding to DSS its reasonable attorneys' fees
23 against Defendants; and

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

25 **JURY TRIAL DEMANDED**

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

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By: /s/Brian Ledahl

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

Attorneys for Plaintiff,
Document Security Systems, Inc.