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

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

12 DOCUMENT SECURITY SYSTEMS,
13 INC.,

14 Plaintiff,

15 v.

16 EVERLIGHT ELECTRONICS CO.,
17 LTD., and EVERLIGHT AMERICAS,
INC.,

18 Defendants.
19

Civil Action No. 2:17-cv-04273-JVS-JCG

JURY TRIAL DEMANDED

20 **SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

21 This is an action for patent infringement arising under the Patent Laws of the
22 United States of America, 35 U.S.C. § 1 *et seq.* in which Document Security Systems,
23 Inc. (“DSS” or “Plaintiff”) makes the following allegations against Defendants
24 Everlight Electronics Co., Ltd. (“Everlight Electronics”) and Everlight Americas, Inc.
25 (“Everlight Americas”) (collectively “Everlight” or “Defendants”).

26 **PARTIES**

27 1. Document Security Systems, Inc. is a publicly-traded New York
28 corporation. Founded in 1984, DSS is a global leader in brand protection, digital

1 security solutions and anti-counterfeiting technologies.

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

9 3. On information and belief, Everlight Electronics Co., Ltd., is a
10 corporation organized and existing under the laws of Taiwan with its principal place
11 of business at No. 6-8, Zhonghua Rd., Shulin Dist., New Taipei City, Taiwan 23860.
12 Upon information and belief, Everlight manufactures light-emitting diode (“LED”)
13 products in Taiwan and, through its subsidiary, Defendant Everlight Americas, Inc.,
14 imports, sells and/or offers to sell LED products the State of California and elsewhere
15 in the United States.

16 4. On information and belief, Everlight Americas, Inc. is a Delaware
17 corporation with its principal place of business at 3220 Commander Dr., Suite 100,
18 Carrollton, Texas, 75006. Upon information and belief, Everlight Americas imports,
19 sells and/or offers for sale nationwide LED products manufactured by Everlight
20 Electronics, including in the State of California and in this judicial district. Defendant
21 Everlight Americas can be served through its registered agent, Tao Wang, 4226 Via
22 Angelo, Montclair CA 91763.

23 **JURISDICTION AND VENUE**

24 5. This action arises under the patent laws of the United States, Title 35 of
25 the United States Code. Accordingly, this Court has subject matter jurisdiction under
26 28 U.S.C. §§ 1331 and 1338(a).

27 6. This Court has personal jurisdiction over Defendants in this action
28 because, among other reasons, Defendants have committed acts within the Central

1 District of California giving rise to this action and have established minimum contacts
2 with the forum state of California, including by establishing a regular and established
3 place of business within this District at 4237 East Airport Dr., Ontario, CA 91761.
4 Defendants directly and/or through subsidiaries or intermediaries (including
5 distributors, retailers, and others), have committed and continue to commit acts of
6 infringement in this District by, among other things, making, using, importing,
7 offering for sale, and/or selling products and/or services that infringe the patents-in-
8 suit. Thus, Defendants have purposefully availed themselves of the benefits of doing
9 business in the State of California and the exercise of jurisdiction over Defendants
10 would not offend traditional notions of fair play and substantial justice. Everlight
11 Americas is registered to do business in the State of California, and has appointed Tao
12 Wang, 4226 Via Angelo, Montclair CA 91763 as its agent for service of process.

13 7. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(c) and 1400(b)
14 because Defendants have a regular and established place of business in this District
15 and have committed acts of patent infringement in this District.

16 **BACKGROUND**

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

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

25 10. DSS is the owner by assignment of United States Patent No. 7,919,787
26 (“the ’787 Patent”) entitled “Semiconductor Device with a Light Emitting
27 Semiconductor Die.” The ’787 Patent was duly and legally issued by the United
28 States Patent and Trademark Office on April 5, 2011. A true and correct copy of the

1 '787 Patent is included as Exhibit C.

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

7 12. DSS owns all rights, title, and interest in and to the ’771, ’087, ’787, and
8 ‘486 Patents (collectively, “asserted patents” or “patents-in-suit”), including all rights
9 to sue and recover for past and future infringement.

10 13. On March 7, 2017, attorneys for DSS attempted to purchase from
11 Defendants eighteen different representative models of Defendants’ products for the
12 purposes of confirming that Defendants infringed the asserted patents prior to filing
13 this lawsuit. Defendants initially confirmed the order but later cancelled it without
14 notifying DSS or its attorneys.

15 **COUNT I**

16 **INFRINGEMENT OF THE ’771 PATENT**

17 14. DSS references and incorporates by reference paragraphs 1 through 12 of
18 this Complaint.

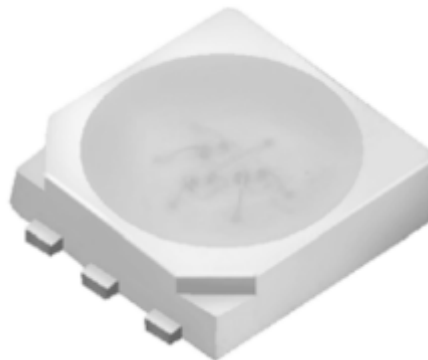
19 15. On information and belief, Defendants make, use, offer for sale, sell,
20 and/or import in the United States products and/or services that infringe various
21 claims of the ’771 Patent, and continues to do so. By way of illustrative example,
22 Defendants’ infringing products include without limitation, all versions and variations,
23 including predecessor and successor models, of its PLCC Top View SMD LED, 2214
24 package series, 2812 package series, 2835 package series, 3006 package series, 3014
25 package series, 3020 package series, 3216 package series, 3232 package series, 3527
26 package series, 3528 package series, 3809 package series, 3810 package series, 3811
27 package series, 3812 package series, 4040 package series, 4508 package series, 5050
28 package series, and 7450 package series (including, but not limited to, model numbers

1 EAPL2214BA1, EAPL2214GA0, EAPL2214GA0-AM, EAPL2214GA1,
2 EAPL2214RA0, EAPL2214RA0-AM, EAPL2214RA1-AM, EAPL2214WA0,
3 EAPL2214YA1, EAPL2214YA2, EAPL3527BA1, EAPL3527BA2, EAPL3527BA2-
4 AM, EAPL3527BA3-AM, EAPL3527BA4, EAPL3527BA5, EAPL3527BGRA0,
5 EAPL3527GA0, EAPL3527GA0-AM, EAPL3527GA2, EAPL3527GA3,
6 EAPL3527GA5, EAPL3527GA7, EAPL3527OA1, EAPL3527OA0, EAPL3527RA0,
7 EAPL3527RA1, EAPL3527RA1-AM, EAPL3527RA2, EAPL3527RA3,
8 EAPL3527RA4, EAPL3527RA5, EAPL3527RA6, EAPL3527RA8, EAPL3527WA1,
9 EAPL3527WA5, EAPL3527WA6, EAPL3527WA0, EAPL3527WA7,
10 EAPL3527YA0, EAPL3527YA0-AM, EAPL3527YA3, EAPL3528RGA1,
11 EAPL3528RGBA0, EAPL3528RYA0, EAPL3528WA0, EAPL3527RGBA0,
12 EAPL5050GRBA0, EAPL3527AA1, EAPL3527BA1-AM, EAPL3527GGA0,
13 EAPL2214WA1-AM, EAPL32328RGBA0, EAPL3020BA0, EAPL5050RGBA1,
14 EAPL3527RGBA2, EAPL7450RGBA0, EAPL7450RGBA0, EAPL3527RGA0,
15 EAPL3528OA0-AM, EAPL3527RGBA3, EAPL32328RGBA1, EAHP2835BA1,
16 EAHP2835BA2, EAHP2835GA0, EAHP2835RA0, EAHP2835RA1,
17 EAHP2835RA5, EAHP2835YA0, EAHP2835YA1, EAPL2835GA0,
18 EAPL2835GA1, EAPL2835RA0, EAPL2835RA1, EAPL2835RA2, EAPL2835RA3,
19 EAPL2835YA1, EAPL2835YA0, EAPL2835RA8, EAPL2835RA7, EAPL2835GA2,
20 EAPL2835BA3, EAPL2835BA2, EAPL2835RA9, EAPL2835YA2, EAPL3030BA0,
21 EAPL3030RA0, EAPL3030RA1, EAPL2835BA4, EAPL2835RB0,
22 EASRL3216GA0, EASRL3216GA1, EASRL3216RA0, EASRL3216YA0,
23 EAPL3527WA2, EAPL3527WA3, EASRL3216BA1, EASRL3216BA2,
24 EASRL3216WA2, EAPL3527WA8, EASRL3216GA3, EASRL3216RA1,
25 EAPL4040BA0, EAPL4040GA0, EAPL4040GA0-AM, EAPL4040RA0,
26 EAPL4040WA0, EAPL4040WA1, EAPL4040YA0, EAPL4040WA0-AM,
27 EAPL4040WA1-AM, EAPL4040YA1, EAPL2812BA0, EAPL2812BA1,
28 EAPL2812GA0, EAPL2812RA0, EAPL2812YA0, EAPL2812WA0, EAPL3812BA0,

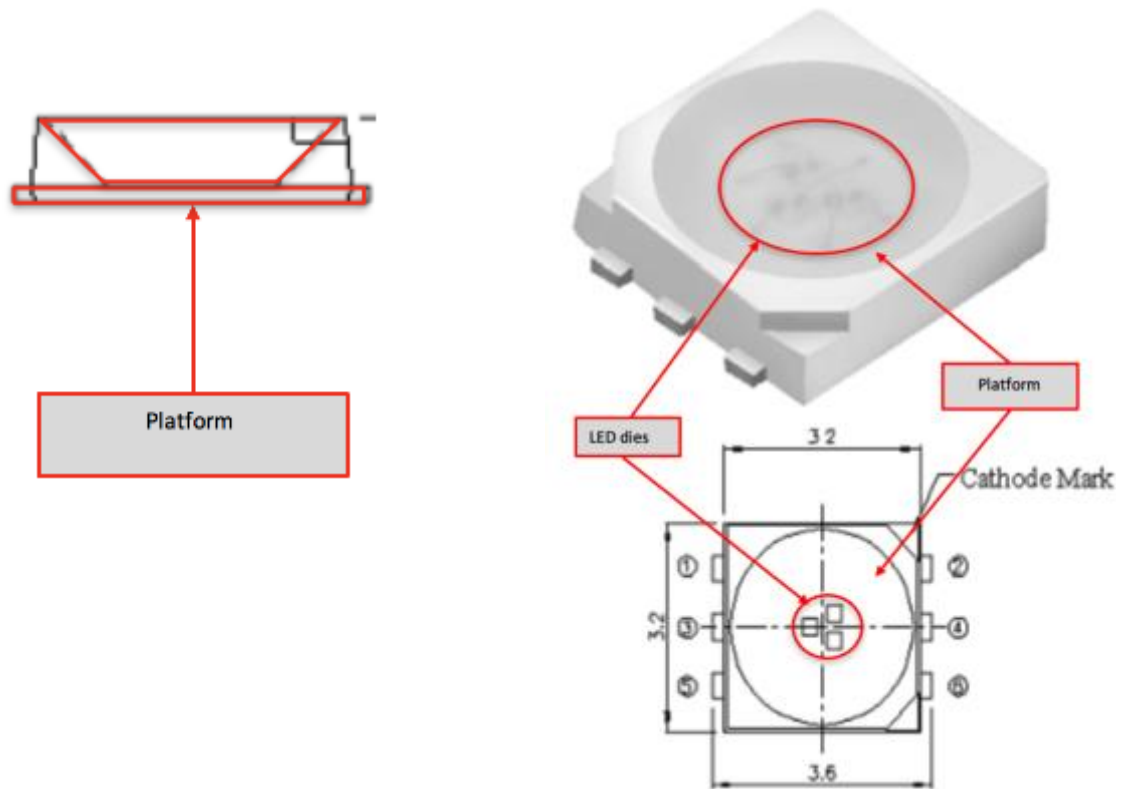
1 EAPL3812WA0, EAPL4508RGBA0, EAPL4508GRA1, EAPL3809WA1,
2 EAPL3810A0, EAPL3810A2, EAPL3810A3, EAPL3810A4, EAPL3810A5,
3 EAPL3810A7, EAPL3810A8, EAPL3810A9, EAPL3810A10, EAPL3810A12,
4 EAPL3810A1, EAPL3810A6, EAPL3810A11, EAPL3810A14, EAPL3810A13,
5 EAPL3810A16, EASV3006WA0, EAPL3811WA1, EAPL3811WA2,
6 EAPL3811WA0, EAPL3014WA1.) Defendants’ infringing products also include
7 products, e.g., light bulbs, displays and fixtures that contain at least one infringing
8 LED product. Defendants’ infringing products are collectively referred to hereinafter
9 as “’771 Accused Instrumentalities.”

10 16. On information and belief, Defendants have directly infringed and
11 continue to directly infringe the ’771 Patent by, among other things, making, using,
12 offering for sale, selling, and/or importing the ’771 Accused Instrumentalities. On
13 information and belief, such products and/or services are covered by one or more
14 claims of the ’771 Patent’s including at least claims 1 to 8 because they contain each
15 element of those claims.

16 17. As an illustrative example, Defendants import, sell, and offer to sell its
17 EAPL32328RGBA0 (Luminosity Full Color LED) products. Defendants’
18 EAPL32328RGBA0 LED infringes, for example, Claim 3 of the ’771 patent because
19 it is a light source comprising a substrate having opposing first and second surfaces,
20 the substrate defining an aperture extending from the first surface to the second
21 surface, said aperture having a first opening in the first surface and second opening in
22 said second surface:



1 18. Defendants’ PLCC Top View SMD LED also includes a platform
 2 covering said first opening, said platform being located outside said aperture:



16 19. Defendants’ EAPL32328RGBA0 LED also includes a light emitting
 17 diode mounted on the platform within the aperture, and a transparent encapsulant
 18 material encapsulating the light emitting diode in the aperture:

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20 **Device Selection Guide**

Type	Chip Materials	Emitted Color	Resin Color
RE	AlGaInP	Brilliant Red	Water Clear
GB	InGaN / SiC	Brilliant Green	Water Clear
B2	InGaN / SiC	Blue	Water Clear

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25 20. Defendants’ EAPL32328RGBA0 LED’s “platform” is made from
 26 thermally conductive material for conducting heat away from the light emitting diode
 27 because the “platform” comprises a metal lead frame designed to conduct heat away
 28 from the light emitting diode.

1 21. By making, using, offering for sale, selling, and/or importing the '771
2 Accused Instrumentalities infringing the '771 Patent, Defendants have injured DSS
3 and are liable to DSS for infringement of the '771 Patent pursuant to 35 U.S.C. §
4 271(a) directly and/or under the doctrine of equivalents.

5 22. In addition, Defendants are actively inducing others, such as their
6 customers and end users of Accused Instrumentalities, to directly infringe each and
7 every claim limitation, including without limitation claims 1 to 8 of the '771 Patent, in
8 violation of 35 U.S.C. § 271(b). Upon information and belief, Defendants' customers
9 and/or end users have directly infringed and are directly infringing each and every
10 claim limitation, including without limitation claims 1 to 8 of the '771 Patent.

11 Defendants have had actual knowledge of the '771 Patent at least as of the date they
12 were served with the Complaint in case 2:17-cv-310, which was filed on April 13,
13 2017. Defendants are knowingly inducing their customers and/or end users to directly
14 infringe the '771 Patent, with the specific intent to encourage such infringement, and
15 knowing that the induced acts constitute patent infringement. Defendants'
16 inducement includes, for example, providing technical guides, product data sheets,
17 demonstrations, software and hardware specifications, installation guides, and other
18 forms of support that induce their customers and/or end users to directly infringe the
19 '771 Patent. The '771 Accused Instrumentalities are designed in such a way that
20 when they are used for their intended purpose and/or as Defendants manufacture the
21 products, the user infringes the '771 Patent. Defendants know and intend that
22 customers that purchase the '771 Accused Instrumentalities will use those products for
23 their intended purpose and/or not alter the relevant infringing characteristics of the
24 products.

25 23. Defendants specifically intend its United States customers infringe the
26 '771 patent through use of the '771 Accused Instrumentalities in this country by at
27 least advertising and promoting the use (e.g., "Applications" below) of the '771
28 Accused Instrumentalities on its United States website: See, e.g.,

1 <https://everlightamericas.com/plcc/2519/eapl3232rgba0.html>.

3 **Applications:**

4 Automotive backlighting or indicator: Interior and exterior lighting, Dashboard, switch, reading lamp, audio and video equipments... etc.
5 Backlight: LCD, switches, symbol, mobile phone and illuminated advertising.
6 Display for indoor and outdoor application.
7 Ideal for coupling into light guides.
8 Substitution of traditional light.
9 General applications.
10 Optical indicator.

11 24. Defendants also specifically intend their customers infringe the ‘771
12 Patent through use of the ‘771 Accused Instrumentalities through trade show
13 presentations, customer visits, direct customer contacts and application guides.
14 Defendants also specifically intend their customers to infringe the ‘771 Patent through
15 selling ‘771 Accused Instrumentalities overseas with the specific intent that the
16 customer import, offer to sell, and/or sell the ‘771 Accused Instrumentalities in order
17 to develop and serve the United States market for Defendants’ LED products, either
18 alone or used in products such as bulbs, displays, consumer products and/or fixtures.
19 Such customers include Defendants’ LED distributors, consumer products companies
20 and retailers that serve the United States market. See, e.g.,
21 <https://everlightamericas.com/content/19/Dists>, naming Arrow Electronics, Avnet
22 Electronics, Digikey Electronics, Future Electronics, Mouser Electronics, Marsh
23 Electronics, Inc., and Hughes Peters as “North American Authorized Distributors.”

24 25. Defendants have been aware of the ‘771 Patent and of its infringement at
25 least as of the date they were served with the Complaint in case 2:17-cv-310, which
26 was filed on April 13, 2017. Since that date, Defendants have failed to investigate and
27 remedy their infringement of the ‘771 Patent and thus willfully and egregiously
28 continue to infringe the ‘771 Patent. On information and belief, Defendants continued
to offer infringing products without having modified or altered those products in a
manner that would not infringe the ‘771 patent. Defendants, at the very least, have
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 26. 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 27. DSS references and incorporates by reference paragraphs 1 through 26 of
15 this Complaint.

16 28. On information and belief, Defendants make, use, offer for sale, sell,
17 and/or import in the United States products and/or services that infringe various
18 claims of the '087 Patent, and continues to do so. By way of illustrative example,
19 Defendants' infringing products include without limitation, all versions and
20 variations, including predecessor and successor models of its PLCC Top View SMD
21 LED, 2214 package series, 3006 package series, 3014 package series, 3020 package
22 series, 3527 package series, 3528 package series, 3810 package series, 4040 package
23 series, 4508 package series, 5050 package series, and 7450 package series (including,
24 but not limited to model numbers EAPL2214BA1, EAPL2214GA0, EAPL2214GA0-
25 AM, EAPL2214GA1, EAPL2214RA0, EAPL2214RA0-AM, EAPL2214RA1-AM,
26 EAPL2214WA0, EAPL2214YA1, EAPL2214YA2, EAPL3527BA1,
27 EAPL3527BA2, EAPL3527BA2-AM, EAPL3527BA3-AM, EAPL3527BA4,
28 EAPL3527BA5, EAPL3527BGRA0, EAPL3527GA0, EAPL3527GA0-AM,

1 EAPL3527GA2, EAPL3527GA3, EAPL3527GA5, EAPL3527GA7,
2 EAPL3527OA1, EAPL3527OA0, EAPL3527RA0, EAPL3527RA1, EAPL3527RA1-
3 AM, EAPL3527RA2, EAPL3527RA3, EAPL3527RA4, EAPL3527RA5,
4 EAPL3527RA6, EAPL3527RA8, EAPL3527WA1, EAPL3527WA5,
5 EAPL3527WA6, EAPL3527WA0, EAPL3527WA7, EAPL3527YA0,
6 EAPL3527YA0-AM, EAPL3527YA3, EAPL3528RGA1, EAPL3528RGBA0,
7 EAPL3528RYA0, EAPL3528WA0, EAPL3527RGBA0, EAPL5050GRBA0,
8 EAPL3527AA1, EAPL3527BA1-AM, EAPL3527GGA0, EAPL2214WA1-AM,
9 EAPL3020BA0, EAPL5050RGBA1, EAPL3527RGBA2, EAPL3527RGA0,
10 EAPL3528OA0-AM, EAPL3527RGBA3, EAPL4040BA0, EAPL4040GA0,
11 EAPL4040GA0-AM, EAPL4040RA0, EAPL4040WA0, EAPL4040WA1,
12 EAPL4040YA0, EAPL4040WA0-AM, EAPL4040WA1-AM, EAPL4040YA1,
13 EAPL4508RGBA0, EAPL4508GRA1, EAPL4508RGBA5, EAPL4508RGBA4,
14 EAPL4508RGBA3, EAPL3810A0, EAPL3810A2, EAPL3810A3, EAPL3810A4,
15 EAPL3810A5, EAPL3810A7, EAPL3810A8, EAPL3810A9, EAPL3810A10,
16 EAPL3810A12, EAPL3810A1, EAPL3810A6, EAPL3810A11, EAPL3810A14,
17 EAPL3810A13, EAPL3810A16, EASV3006WA0, EAPL3014WA1.) Defendants’
18 infringing products also include products, e.g., light bulbs, displays and fixtures that
19 contain at least one infringing LED product. Defendants’ infringing products are
20 collectively referred to hereinafter as “’087 Accused Instrumentalities.”

21 29. On information and belief, Defendants have directly infringed and
22 continue to directly infringe the ’087 Patent by, among other things, making, using,
23 offering for sale, selling, and/or importing the ’087 Accused Instrumentalities. On
24 information and belief, such products and/or services are covered by one or more
25 claims of the ’087 Patent’s including at least claim 1 because they contain each
26 element of that claim.

1 30. As an illustrative example, Defendants import, sell, and offer to sell its
2 5050 package series (e.g. EAPL5050RGBA1.) Defendants' EAPL5050RGBA1
3 infringes, for example, Claim 1 of the '087 patent because it is an optical device
4 comprising a lead frame with a plurality of leads:



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14 31. Defendants' EAPL5050RGBA1 also includes a reflector housing formed
15 around the lead frame, the reflector housing having a first end face and a second end
16 face and a peripheral sidewall extending between the first end face and the second end
17 face, the reflector housing having a first pocket with a pocket opening in the first end
18 face and a second pocket opening in the second end face:



1 32. Defendants’ EAPL5050RGBA also includes at least one LED die
 2 mounted in the first pocket of the reflector housing and a light transmitting
 3 encapsulant disposed in the first pocket and encapsulating the at least one LED die:



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 11 33. Defendants’ EAPL5050RGBA includes a plurality of lead receiving
 12 compartments formed in the peripheral sidewall of the reflector housing:



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 19 34. By making, using, offering for sale, selling, and/or importing the '087
 20 Accused Instrumentalities infringing the '087 Patent, Defendants have injured DSS
 21 and are liable to DSS for infringement of the '087 Patent pursuant to 35 U.S.C. §
 22 271(a) directly and/or under the doctrine of equivalents.

23 35. In addition, Defendants are actively inducing others, such as their
 24 customers and end users of Accused Instrumentalities, to directly infringe each and
 25 every claim limitation, including without limitation claim 1 of the '087 Patent, in
 26 violation of 35 U.S.C. § 271(b). Upon information and belief, Defendants’ customers
 27 and/or end users have directly infringed and are directly infringing each and every
 28 claim limitation, including without limitation claim 1 of the '087 Patent. Defendants

1 have had actual knowledge of the '087 Patent at least as of the date they were served
2 with the Complaint in case 2:17-cv-310, which was filed on April 13, 2017.
3 Defendants are knowingly inducing their customers and/or end users to directly
4 infringe the '087 Patent, with the specific intent to encourage such infringement, and
5 knowing that the induced acts constitute patent infringement. Defendants'
6 inducement includes, for example, providing technical guides, product data sheets,
7 demonstrations, software and hardware specifications, installation guides, and other
8 forms of support that induce their customers and/or end users to directly infringe the
9 '087 Patent. The '087 Accused Instrumentalities are designed in such a way that
10 when they are used for their intended purpose and/or as Defendants manufactured the
11 products, the user infringes the '087 Patent. Defendants know and intend that
12 customers that purchase the '087 Accused Instrumentalities will use those products for
13 their intended purpose and/or not alter the infringing characteristics of the products.

14 36. Defendants specifically intend their United States customers infringe the
15 '087 patent through use of the '087 Accused Instrumentalities in this country by at
16 least advertising and promoting the use (e.g., "Applications" below) of the '087
17 Accused Instrumentalities on its United States website: See, e.g.,
18 <https://everlightamericas.com/plcc/2601/eapl5050rgba1.html>.

19 **Applications:**

20 Amusement equipment.

21 Information boards.

22 Flashlight for digital camera of cellular phone.

23
24 37. Defendants also specifically instruct and intend its customers infringe at
25 least Claim 9 of the '087 patent by instructing users to include a plurality of '087
26 Accused Instrumentalities in a display. See, e.g.,
27 <https://everlightamericas.com/plcc/1642/eapl3528rgba0.html>:
28

1 **Applications:**

2 Indoor signage display applications

3 Indicator and backlighting for all consumer electronics.

4 Gaming equipment.

5 General use.

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8 38. Defendants also specifically intend their customers infringe the ‘087

9 Patent through use of the ‘087 Accused Instrumentalities through trade show

10 presentations, customer visits, direct customer contacts and application guides.

11 Defendants also specifically intend their customers to infringe the ‘087 Patent through

12 selling ‘087 Accused Instrumentalities overseas with the specific intent that the

13 customer import, offer to sell, and/or sell the ‘087 Accused Instrumentalities in order

14 to develop and serve the United States market for Defendants’ LED products, either

15 alone or used in products such as bulbs, displays and/or fixtures. Such customers

16 include Defendants’ LED distributors, consumer products companies and retailers that

17 serve the United States market. See, e.g.,

18 <https://everlightamericas.com/content/19/Dists>, naming Arrow Electronics, Avnet

19 Electronics, Digikey Electronics, Future Electronics, Mouser Electronics, Marsh

20 Electronics, Inc., and Hughes Peters as “North American Authorized Distributors.”

21 39. Defendants have been aware of the ‘087 Patent and of its infringement at

22 least as of the date they were served with the Complaint in case 2:17-cv-310, which

23 was filed on April 13, 2017. Since that date, Defendants have failed to investigate and

24 remedy their infringement of the ‘087 Patent and thus willfully and egregiously

25 continue to infringe the ‘087 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 ‘087 patent. Defendants, at the very least, have

28 been egregiously and willfully blind to infringement of the ‘087 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 '087 Accused
4 Instrumentalities with knowledge that these acts constitute infringement of the '087
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 40. As a result of Defendants' infringement of the '087 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 III**

13 **INFRINGEMENT OF THE '787 PATENT**

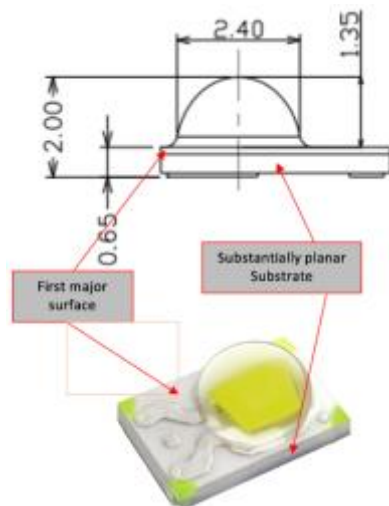
14 41. DSS references and incorporates by reference paragraphs 1 through 40 of
15 this Complaint.

16 42. On information and belief, Defendants make, use, offer for sale, sell,
17 and/or import in the United States products and/or services that infringe various
18 claims of the '787 Patent, and continues to do so. By way of illustrative example,
19 Defendants' infringing products include without limitation, all versions and variations,
20 including predecessor and successor models, of its 3045 package series, and 3535
21 package series. Defendants' infringing products also include products, e.g., light
22 bulbs, displays and fixtures that contain at least one infringing LED product.
23 Defendants' infringing products are collectively referred to hereinafter as "'787
24 Accused Instrumentalities."

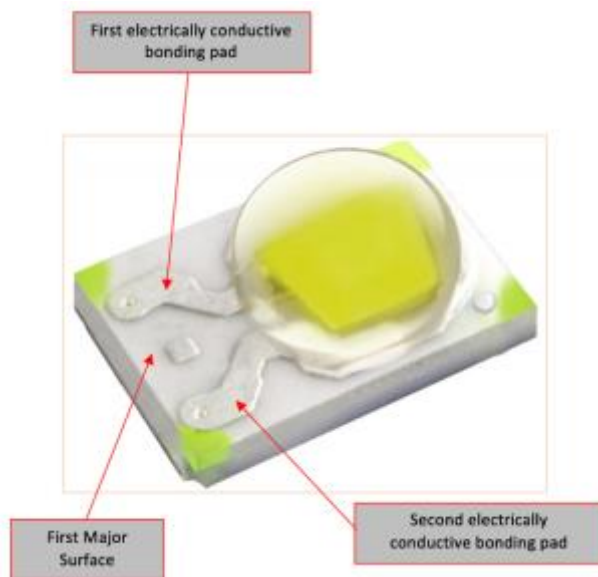
25 43. On information and belief, Defendants have directly infringed and
26 continue to directly infringe the '787 Patent by, among other things, making, using,
27 offering for sale, selling, and/or importing the '787 Accused Instrumentalities. On
28 information and belief, such products and/or services are covered by one or more

1 claims of the '787 Patent's including at least claim 7 because they contain each
 2 element of that claim.

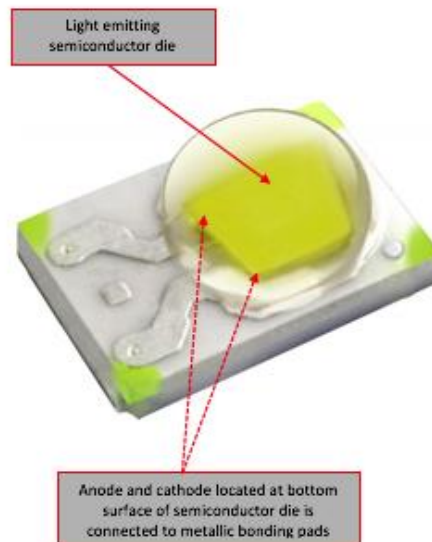
3 44. As an illustrative example, Defendants import, sell and offer to sell their
 4 3045 package series. Defendants' 3045 package series (e.g., EAHP3045BA0)
 5 infringe, for example, Claim 7 of the '787 patent because it is a semiconductor device
 6 comprising a substantially planar substrate having first and second major surfaces, the
 7 first and second major surfaces being opposed surfaces:



16 45. Defendants' EAHP3045BA0 also includes first and second electrically
 17 conductive bonding pads located on the first major surface:



1 46. Defendants' EAHP3045BA0 also includes a light emitting
2 semiconductor die comprising a top major light emitting surface and an oppositely-
3 disposed bottom major surface, the light emitting semiconductor die having an anode
4 and a cathode on the bottom major surface of the light emitting semiconductor die, the
5 semiconductor light emitting die being mounted on the first and second electrically
6 conductive bonding pads such that the anode of the light emitting semiconductor die is
7 electrically connected to the first electrically conductive bonding pad and the cathode
8 of the light emitting semiconductor die is electrically connected to the second
9 electrically conductive bonding pad:



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21 47. Defendants' EAHP3045BA0 also includes first and second electrically
22 conductive connecting pads located on the second major surface.

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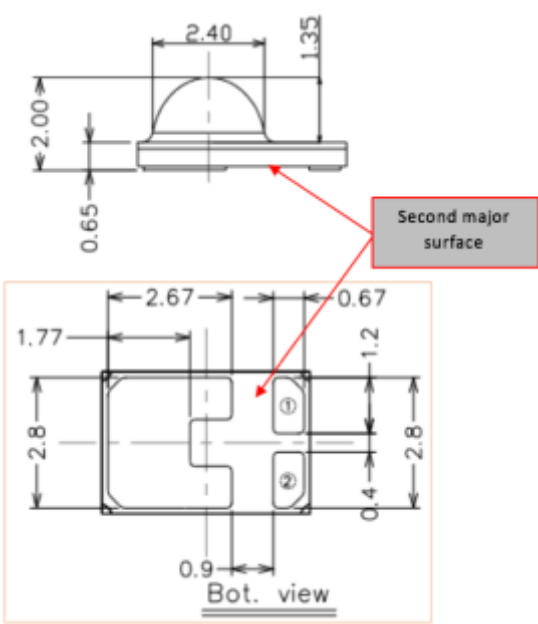
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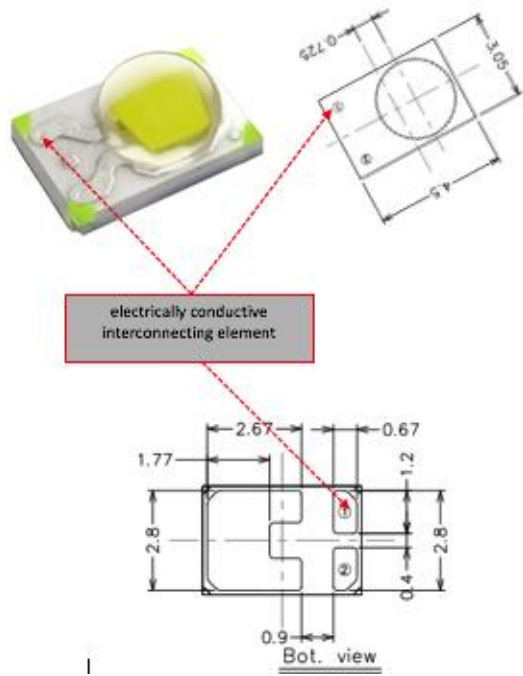
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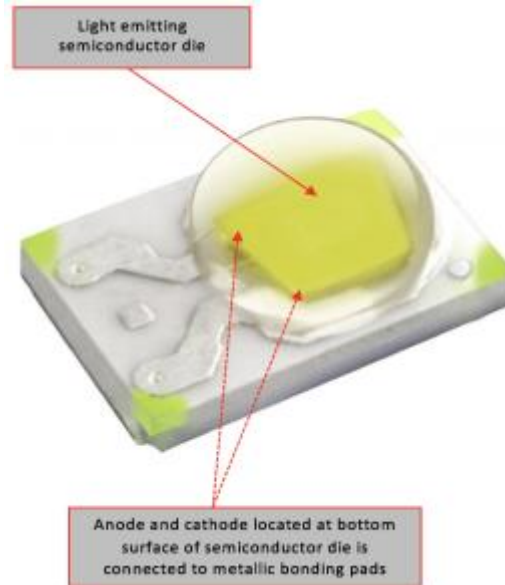
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48. Defendants' EAHP3045BA0 also includes a first electrically conductive interconnecting element electrically connected to the first electrically conductive bonding pad and the first electrically conductive connecting pad; and a second electrically conductive interconnecting element electrically connected to the second electrically conductive bonding pad and the second electrically conductive connecting pad:



1 49. The bottom major surface of the light emitting semiconductor die in
2 Defendants' EAHP3045BA0 is a bottom surface of a substrate of the die, each of the
3 anode and cathode comprises a metallization layer formed on the bottom major
4 surface of the light emitting semiconductor die:



17 50. By making, using, offering for sale, selling, and/or importing the '787
18 Accused Instrumentalities infringing the '787 Patent, Defendants have injured DSS
19 and are liable to DSS for infringement of the '787 Patent pursuant to 35 U.S.C. §
20 271(a) directly and/or under the doctrine of equivalents.

21 51. In addition, Defendants are actively inducing others, such as their
22 customers and end users of Accused Instrumentalities, to directly infringe each and
23 every claim limitation, including without limitation claims 1 and 7 of the '787 Patent,
24 in violation of 35 U.S.C. § 271(b). Upon information and belief, Defendants'
25 customers and/or end users have directly infringed and are directly infringing each and
26 every claim limitation, including without limitation claims 1 and 7 of the '787 Patent.
27 Defendants have had actual knowledge of the '787 Patent at least as of the date they
28 were served with the Complaint in case 2:17-cv-310, which was filed on April 13,

1 2017. Defendants are knowingly inducing their customers and/or end users to directly
 2 infringe the '787 Patent, with the specific intent to encourage such infringement, and
 3 knowing that the induced acts constitute patent infringement. Defendants'
 4 inducement includes, for example, providing technical guides, product data sheets,
 5 demonstrations, software and hardware specifications, installation guides, and other
 6 forms of support that induce their customers and/or end users to directly infringe the
 7 '787 Patent. The '787 Accused Instrumentalities are designed in such a way that
 8 when they are used for their intended purpose and/or as Defendants manufacture the
 9 products, the user infringes the '787 Patent. Defendants know and intend that
 10 customers that purchase the '787 Accused Instrumentalities will use those products for
 11 their intended purpose and/or not alter the infringing characteristics of the products.

12 52. Defendants specifically intend their United States customers infringe the
 13 '787 patent through use of the '787 Accused Instrumentalities in this country by at
 14 least advertising and promoting the use (e.g., hyperlinked "Application" below) of the
 15 '787 Accused Instrumentalities on its United States website: See, e.g.,
 16 [https://everlightamericas.com/horticulture-color-lighting-
 18 leds/1207/EAHP3045BA0.html](https://everlightamericas.com/horticulture-color-lighting-

 17 leds/1207/EAHP3045BA0.html).

19 **Applications**

20 General Lighting

21 Decorative and Entertainment Lighting

22 Signal and Symbol Luminaries for orientation marker lights (e.g. steps, exit ways, etc.)

23 Exterior and Interior Automotive Illumination

24 Agriculture Lighting

25 53. Defendants also specifically intend their customers infringe the '787
 26 Patent through use of the '787 Accused Instrumentalities through trade show
 27 presentations, customer visits, direct customer contacts and application guides.
 28 Defendants also specifically intend their customers to infringe the '787 Patent through
 selling '787 Accused Instrumentalities overseas with the specific intent that the

1 customer import, offer to sell, and/or sell the ‘787 Accused Instrumentalities in order
2 to develop and serve the United States market for Defendants’ LED products, either
3 alone or used in products such as bulbs, displays, consumer products and/or fixtures.
4 Such customers include Defendants’ LED distributors, consumer products companies
5 and retailers that serve the United States market. See, e.g.,
6 <https://everlightamericas.com/content/19/Dists>, naming Arrow Electronics, Avnet
7 Electronics, Digikey Electronics, Future Electronics, Mouser Electronics, Marsh
8 Electronics, Inc., and Hughes Peters as “North American Authorized Distributors.”

9 54. Defendants have been aware of the ‘787 Patent and of its infringement at
10 least as of the date they were served with the Complaint in case 2:17-cv-310, which
11 was filed on April 13, 2017. Since that date, Defendants have failed to investigate and
12 remedy their infringement of the ‘787 Patent and thus willfully and egregiously
13 continue to infringe the ‘787 Patent. On information and belief, Defendants continued
14 to offer infringing products without having modified or altered those products in a
15 manner that would not infringe the ‘787 patent. Defendants, at the very least, have
16 been egregiously and willfully blind to infringement of the ‘787 Patent. Further
17 evidence of Defendants’ egregious and willful infringement are the acts of active
18 inducement described in this Complaint. Defendants actively induce and encourage
19 customers to make, use, sell, offer to sell and/or import the ‘787 Accused
20 Instrumentalities with knowledge that these acts constitute infringement of the ‘787
21 Patent, with the purpose of, *inter alia*, developing and serving the United States
22 market for Defendants’ LED products and consumer devices that include Defendants’
23 products.

24 55. As a result of Defendants’ infringement of the ‘787 Patent, DSS has
25 suffered monetary damages in an amount adequate to compensate for Defendants’
26 infringement, but in no event less than a reasonable royalty for the use made of the
27 invention by Defendants, together with interest and costs as fixed by the Court.
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COUNT IV

INFRINGEMENT OF THE '486 PATENT

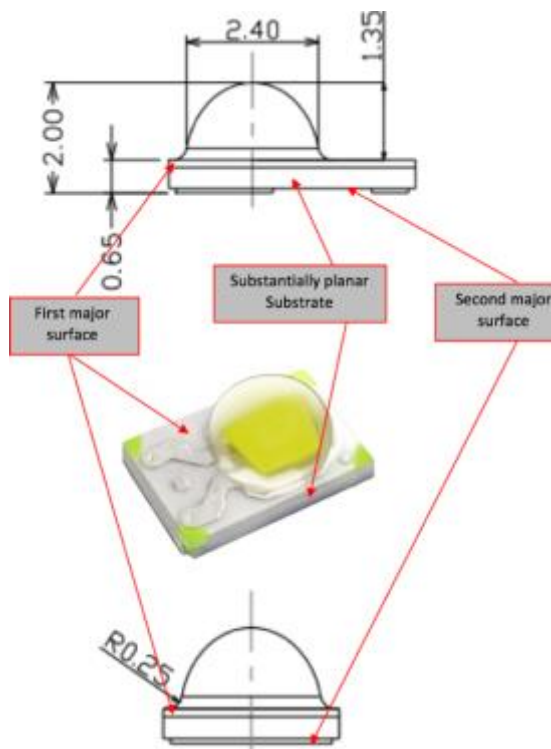
56. DSS references and incorporates by reference paragraphs 1 through 55 of this Complaint.

57. 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 3045 package series, and 3535 package series. 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."

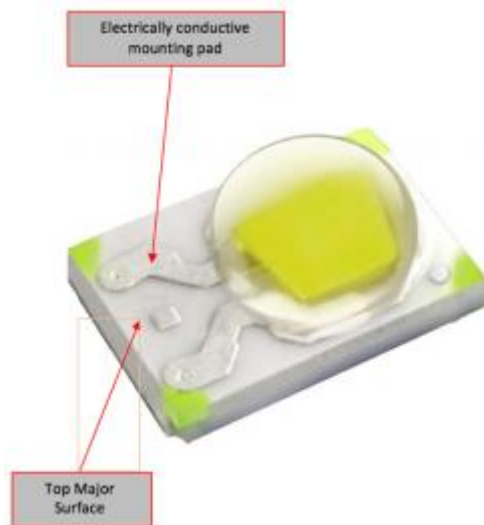
58. On information and belief, Defendants have directly infringed and continues to directly infringe the '486 Patent by, among other things, making, using, offering for sale, selling, and/or importing the '486 Accused Instrumentalities. On information and belief, such products are covered by one or more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

59. As an illustrative example, Defendants import, sell, and offer to sell their 3045 package series (e.g., EAHP3045BA0). Defendants' EAHP3045BA0 infringes, for example, Claim 1 of the '486 patent because it is a semiconductor device comprising a substantially planar substrate having opposed major surfaces:

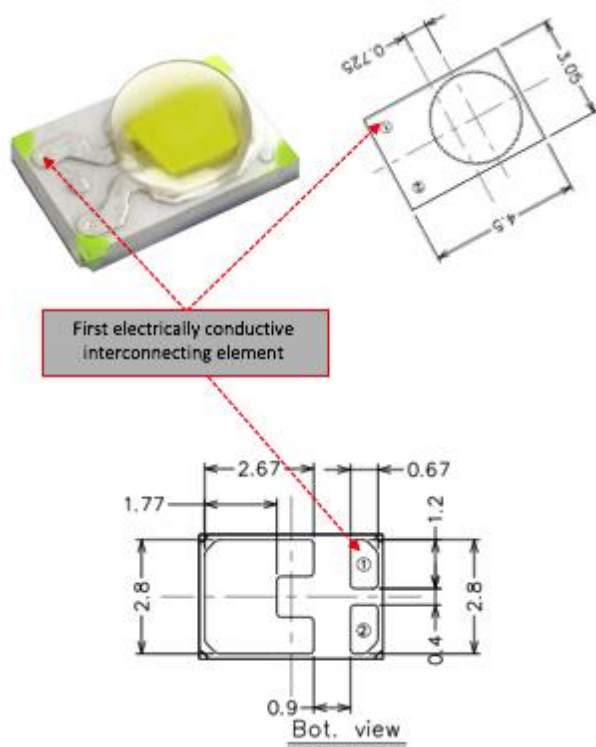
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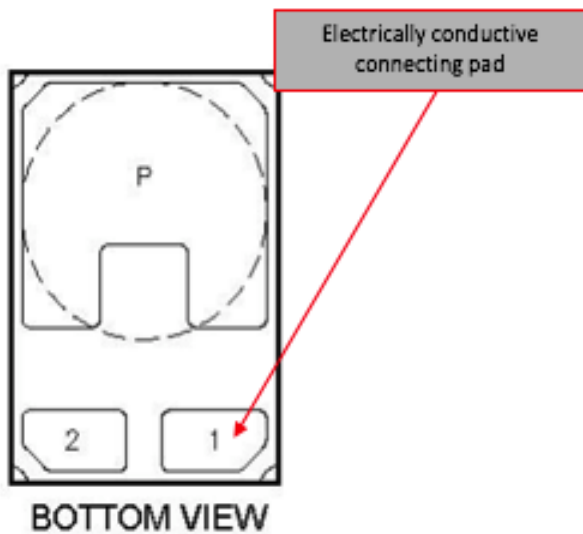
60. Defendants' EAHP3045BA0 also includes an LED having a metallized bottom major surface that is mounted on the electrically conductive mounting pad, the metallized bottom major surface comprising one:



1 61. Defendants' EAHP3045BA0 also includes a first electrically conductive
2 connecting pad located on the other of the major surfaces of the substrate:
3



17 62. Defendants' EAHP3045BA0 also includes a first electrically conductive
18 interconnecting element extending through the substrate and electrically
19 interconnecting the mounting pad and the first electrically conductive connecting pad:
20



1 63. By making, using, offering for sale, selling, and/or importing the '486
2 Accused Instrumentalities infringing the '486 Patent, Defendants have injured DSS
3 and is liable to DSS for infringement of the '486 Patent pursuant to 35 U.S.C. § 271(a)
4 directly and/or under the doctrine of equivalents.

5 64. In addition, Defendants are actively inducing others, such as their
6 customers and end users of Accused Instrumentalities, to directly infringe each and
7 every claim limitation, including without limitation claim 1 of the '486 Patent, in
8 violation of 35 U.S.C. § 271(b). Defendants' customers and/or end users have directly
9 infringed and are directly infringing each and every claim limitation, including
10 without limitation claim 1 of the '486 Patent. Defendants have had actual knowledge
11 of the '486 Patent at least as of the date they were served with the Complaint in case
12 2:17-cv-310, which was filed on April 13, 2017. Defendants are knowingly inducing
13 their customers and/or end users to directly infringe the '486 Patent, with the specific
14 intent to encourage such infringement, and knowing that the induced acts constitute
15 patent infringement. Defendants' inducement includes, for example, providing
16 technical guides, product data sheets, demonstrations, software and hardware
17 specifications, installation guides, and other forms of support that induce their
18 customers and/or end users to directly infringe the '486 Patent. The '486 Accused
19 Instrumentalities are designed in such a way that when they are used for their intended
20 purpose and/or as Defendants manufacture the products, the user infringes the '486
21 Patent. Defendants know and intend that customers that purchase the '486 Accused
22 Instrumentalities will use those products for their intended purpose and/or not alter the
23 infringing characteristics of the products.

24 65. Defendants specifically intends its United States customers infringe the
25 '486 patent through use of the '486 Accused Instrumentalities in this country by at
26 least advertising and promoting the use (e.g., hyperlinked "Application" below) of the
27 '486 Accused Instrumentalities on its United States website: See, e.g.,
28

1 <https://everlightamericas.com/horticulture-color-lighting->
2 [leds/1207/EAHP3045BA0.html](https://everlightamericas.com/horticulture-color-lighting-).

3
4 **Applications:**

5 Amusement equipment.

6 Information boards.

7 Flashlight for digital camera of cellular phone.
8

9 66. Defendants also specifically intend their customers infringe the ‘486
10 Patent through use of the ‘486 Accused Instrumentalities through trade show
11 presentations, customer visits, direct customer contacts and application guides.
12 Defendants also specifically intend their customers to infringe the ‘486 Patent through
13 selling ‘486 Accused Instrumentalities overseas with the specific intent that the
14 customer import, offer to sell, and/or sell the ‘486 Accused Instrumentalities in order
15 to develop and serve the United States market for Defendants’ LED products, either
16 alone or used in products such as bulbs, displays, consumer products and/or fixtures.
17 Such customers include Defendants’ LED distributors, consumer products companies
18 and retailers that serve the United States market. See, e.g.,
19 <https://everlightamericas.com/content/19/Dists>, naming Arrow Electronics, Avnet
20 Electronics, Digikey Electronics, Future Electronics, Mouser Electronics, Marsh
21 Electronics, Inc., and Hughes Peters as “North American Authorized Distributors.”

22 67. Defendants have been aware of the ‘486 Patent and of its infringement at
23 least as of the date they were served with the Complaint in case 2:17-cv-310, which
24 was filed on April 13, 2017. Since that date, Defendants have failed to investigate and
25 remedy their infringement of the ‘486 Patent and thus willfully and egregiously
26 continue to infringe the ‘486 Patent. On information and belief, Defendants continued
27 to offer infringing products without having modified or altered those products in a
28 manner that would not infringe the ‘486 patent. Defendants, at the very least, have

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

9 68. As a result of Defendants' infringement of the '486 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 **PRAYER FOR RELIEF**

14 Plaintiff respectfully requests the following relief from this Court:

15 A. A judgment that Defendants have infringed one or more claims of the
16 '771, '087, '787, and/or '486 Patents;

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

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

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

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

27 **JURY TRIAL DEMANDED**

28 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, DSS requests a

1 trial by jury of any issues so triable by right.

2

3 Dated: November 30, 2017

By: Brian Ledahl

4

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Attorneys for Plaintiff,
Document Security Systems, Inc.

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