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

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

11  
 12 DOCUMENT SECURITY SYSTEMS,  
 13 INC.,

14 Plaintiff,

15 v.

16 NICHIA CORPORATION; and NICHIA  
 17 AMERICA CORPORATION,

18 Defendants.

Civil Action No. 2:17-cv-08849

**COMPLAINT FOR PATENT  
 INFRINGEMENT**

**JURY TRIAL DEMANDED**

19 This is an action for patent infringement arising under the Patent Laws of the  
 20 United States of America, 35 U.S.C. § 1 *et seq.* in which Document Security Systems,  
 21 Inc. (“DSS” or “Plaintiff”) makes the following allegations against Defendants  
 22 NICHIA CORPORATION (“Nichia”) and NICHIA AMERICA CORPORATION  
 23 (“Nichia America”) (collectively “Defendants”).

24 **PARTIES**

25 1. Document Security Systems, Inc. is a publicly-traded New York  
 26 corporation. Founded in 1984, DSS is a global leader in brand protection, digital  
 27 security solutions and anti-counterfeiting technologies.  
 28



1 intermediaries (including distributors, retailers, and others), have committed and  
2 continue to commit acts of infringement in this District by, among other things,  
3 making, using, importing, offering for sale, and/or selling products and/or services  
4 that infringe the patents-in-suit. Defendants have, both jointly and individually,  
5 placed infringing products into the stream of commerce, leading to substantial sales of  
6 infringing products in California in this judicial District and the State of California.  
7 Thus, Defendants have purposefully availed themselves of the benefits of doing  
8 business in the State of California and the exercise of jurisdiction over Defendants  
9 would not offend traditional notions of fair play and substantial justice.

10 7. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(c) and 1400(b)  
11 because Defendants have a regular and established place of business in this District  
12 and have committed acts of patent infringement in this District. Defendants, for  
13 example, have a regular and established place of business in this District at 3625 Del  
14 Amo Blvd. Suite 325, Torrance, CA 90503.

### 15 **BACKGROUND**

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

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

24 10. DSS is the owner by assignment of United States Patent No. 7,256,486  
25 (“the ’486 Patent”) entitled “Packing Device for Semiconductor Die, Semiconductor  
26 Device Incorporating Same and Method of Making Same.” The ’486 Patent was duly  
27 and legally issued by the United States Patent and Trademark Office on August 14,  
28 2007. A true and correct copy of the ’486 Patent is included as Exhibit C.

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

5 12. DSS is the owner by assignment of United States Patent No. 7,919,787  
6 (“the ’787 Patent”) entitled “Semiconductor Device with a Light Emitting  
7 Semiconductor Die.” The ’787 Patent was duly and legally issued by the United  
8 States Patent and Trademark Office on April 5, 2011. A true and correct copy of the  
9 ’787 Patent is included as Exhibit E.

10 13. DSS owns all rights, title, and interest in and to the ’771, ’087, ’486, ’297  
11 and ’787 Patents (collectively, “asserted patents” or “patents-in-suit”), including all  
12 rights to sue and recover for past and future infringement.

13 14. DSS has obtained sample specimens of the Accused Instrumentalities  
14 described herein and has confirmed infringement as alleged. DSS has sought to  
15 purchase additional representative product samples, but cannot reasonably obtain  
16 these products because Defendants and their distributors impose minimum ordering  
17 quantities of many thousand products. Upon information and belief, Defendants’  
18 current, previous and future LED product line offerings include additional products  
19 that infringe on more patent-in-suit, as described below.

20 **COUNT I**

21 **INFRINGEMENT OF THE ’771 PATENT**

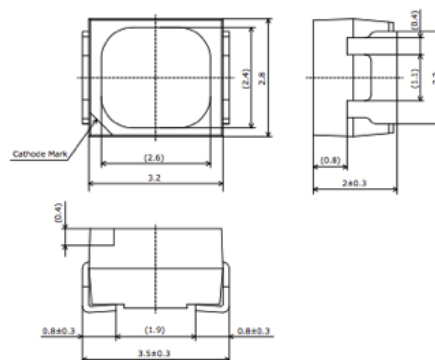
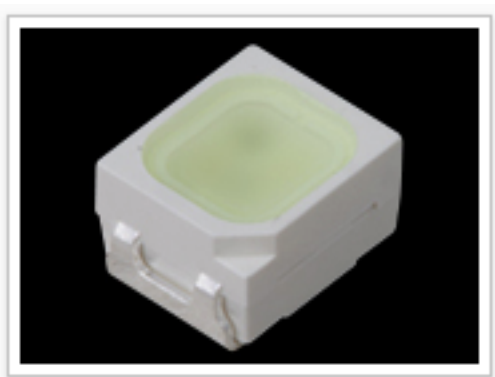
22 15. DSS references and incorporates by reference paragraphs 1 through 14 of  
23 this Complaint.

24 16. Defendants make, use, offer for sale, sell, and/or import in the United  
25 States products and/or services that infringe various claims of the ’771 Patent, and  
26 continues to do so. By way of illustrative example, Defendants’ infringing products  
27 include without limitation, all versions and variations, including predecessor and  
28 successor models, of their NF2W385AR-V2, NESL064A, NHSL064, NESA064,

1 NHSB064-ND, NSSB064A-N2, NSSB064A-N3, NSSB064A-NA, NESB064A-NA,  
 2 NESB064-N2, NESB064-N3, NHSB064-N3, NHSB064-NA, NSSB063A-N3,  
 3 NHSB146A-ND, NESB146A-ND, NSSL088A, and NSSB129-N3. Defendants'  
 4 infringing products also include products, e.g., light bulbs, displays and fixtures that  
 5 contain at least one infringing LED product. Defendants' infringing products are  
 6 collectively referred to hereinafter as "'771 Accused Instrumentalities.'"

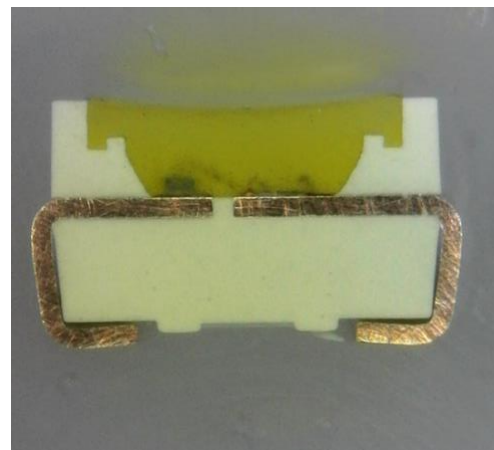
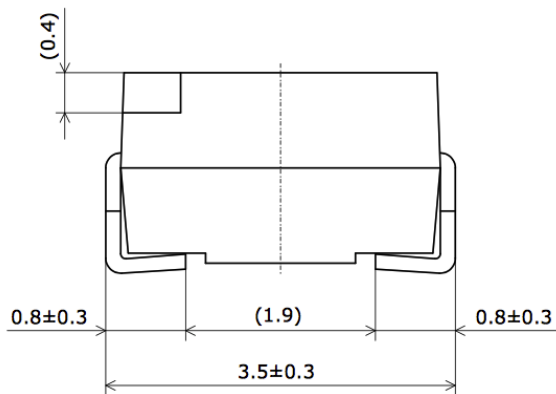
7 17. Defendants have directly infringed and continue to directly infringe the  
 8 '771 Patent by, among other things, making, using, offering for sale, selling, and/or  
 9 importing the '771 Accused Instrumentalities. Such products and/or services are  
 10 covered by one or more claims of the '771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

12 18. As an illustrative example, Defendants import, sell and offer to sell their  
 13 NSSB063A-N3 products. Defendant's NSSB063A-N3 infringes, for example, Claim  
 14 3 of the '771 patent because it is a light source comprising a substrate having  
 15 opposing first and second surfaces, the substrate defining an aperture extending from  
 16 the first surface to the second surface, said aperture having a first opening in the first  
 17 surface and second opening in said second surface:



19. Defendants' NSSB063A-N3 also includes a platform covering said first opening, said platform being located outside said aperture:

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20. Defendants’ NSSB063A-N3 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. For example, the NSSB063A-N3 includes “Encapsulating Resin Materials” that do not include a diffuser. *See* [http://www.nichia.co.jp/specification/products/led\\_spec/NSSB063AT-N3-E\(4320\).pdf](http://www.nichia.co.jp/specification/products/led_spec/NSSB063AT-N3-E(4320).pdf):

項目 Item	内容 Description
パッケージ材質 Package Materials	耐熱性ポリマー Heat-Resistant Polymer
封止樹脂材質 Encapsulating Resin Materials	シリコン樹脂(蛍光体入り) Silicone Resin(with phosphor)
電極材質 Electrodes Materials	銅合金+銀メッキ Ag-plated Copper Alloy
質量 Weight	0.037g(TYP)

21. Defendants’ NSSB063A-N3’s “platform” is made from thermally conductive material for conducting heat away from the light emitting diode because the “platform” comprises a metal lead frame that conducts heat away from the light emitting diode.

1           22. 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           23. In addition, Defendants are actively inducing others, such as their  
6 customers and end users of Accused Instrumentalities and related products, to directly  
7 infringe each and every claim limitation, including without limitation claims 1 to 8 of  
8 the '771 Patent, in violation of 35 U.S.C. § 271(b). Defendants' customers and/or end  
9 users have directly infringed and are directly infringing each and every claim  
10 limitation, including without limitation claims 1 to 8 of the '771 Patent. Defendants  
11 have had actual knowledge of the '771 Patent at least as of service of this Complaint.  
12 Defendants are knowingly inducing their customers and/or end users to directly  
13 infringe the '771 Patent, with the specific intent to encourage such infringement, and  
14 knowing that the induced acts constitute patent infringement. Defendants'  
15 inducement includes, for example, providing technical guides, product data sheets,  
16 demonstrations, software and hardware specifications, installation guides, and other  
17 forms of support that induce their customers and/or end users to directly infringe the  
18 '771 Patent. The '771 Accused Instrumentalities are designed in such a way that when  
19 they are used for their intended purpose, the user infringes the '771 Patent.  
20 Defendants know and intend that customers that purchase the '771 Accused  
21 Instrumentalities will use those products for their intended purpose. Defendants also  
22 specifically intend its customers infringe the '771 Patent through use of the '771  
23 Accused Instrumentalities through trade show presentations, customer visits, direct  
24 customer contacts and application guides. For example, Defendant's website:  
25 [http://www.nichia.co.jp/en/about\\_nichia/index.html](http://www.nichia.co.jp/en/about_nichia/index.html), instructs customers to use '771  
26 Accused Instrumentalities in numerous "Applications." In addition, Defendants  
27 specifically intend that their customers, such as United States distributors, retailers  
28 and consumer product companies, will import, use and sell infringing products in the

1 United States in order to serve and develop the United States market for Defendants'  
2 infringing products.

3 24. Defendants have been aware of the '771 Patent and of its infringement as  
4 of at least May 22, 2017, when, on behalf of DSS, North Forty Consulting, LLC sent  
5 Defendants a letter informing Defendants that "several of Nichia's products utilize  
6 elements covered by DSS patent(s)..." This letter informed Defendants of the  
7 existence of the '771 Patent and described that Defendants may infringe the '771  
8 Patent. Since that date, Defendants have failed to investigate and remedy their  
9 infringement of the '771 Patent and thus willfully and egregiously continue to infringe  
10 the '771 Patent. On information and belief, Defendants continued to offer infringing  
11 products without having modified or altered those products in a manner that would not  
12 infringe the '771 patent. Defendants, at the very least, have been egregiously and  
13 willfully blind to infringement of the '771 Patent. Further evidence of Defendants'  
14 egregious and willful infringement are the acts of active inducement described in this  
15 Complaint. Defendants actively induce and encourage customers to make, use, sell,  
16 offer to sell and/or import the '771 Accused Instrumentalities with knowledge that  
17 these acts constitute infringement of the '771 Patent, with the purpose of, *inter alia*,  
18 developing and serving the United States market for Defendants' LED products and  
19 consumer devices that include Defendants' products.

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

## 24 **COUNT II**

### 25 **INFRINGEMENT OF THE '087 PATENT**

26 26. DSS references and incorporates by reference paragraphs 1 through 25 of  
27 this Complaint. Defendants make, use, offer for sale, sell, and/or import in the United  
28 States products and/or services that infringe various claims of the '087 Patent, and



1 continues to do so. By way of illustrative example, Defendants' infringing products  
2 include without limitation, all versions and variations, including predecessor and  
3 successor models, of their NSSM032A, NESM026D, and NSSMV01A packages.  
4 Defendants' infringing products also include products, e.g., light bulbs, displays and  
5 fixtures that contain at least one infringing LED product. Defendants' infringing  
6 products are collectively referred to hereinafter as "'087 Accused Instrumentalities."

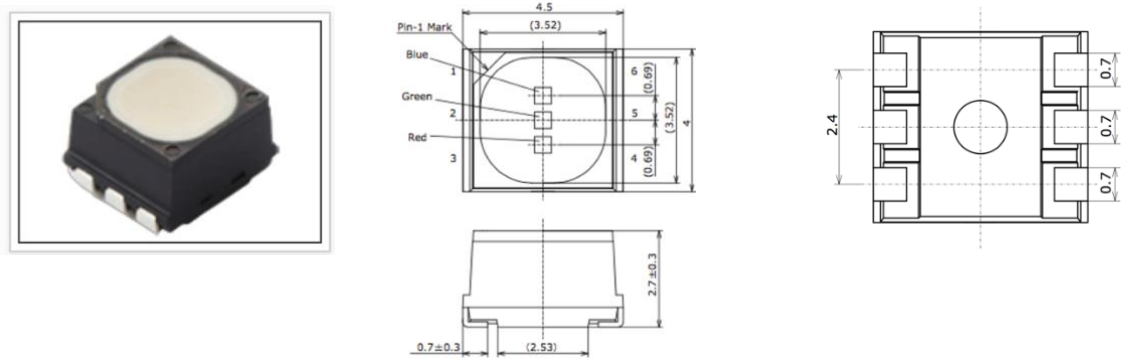
7 27. Defendants have directly infringed and continue to directly infringe the  
8 '087 Patent by, among other things, making, using, offering for sale, selling, and/or  
9 importing the '087 Accused Instrumentalities. Such products and/or services are  
10 covered by one or more claims of the '087 Patent's including at least claim 1 because  
11 they contain each element of that claim.

12 28. As an illustrative example, Defendants import, sell and offer to sell its  
13 NSSM032A products. Defendants' NSSM032A infringes, for example, Claim 1 of  
14 the '087 patent because it is an optical device comprising a lead frame with a plurality  
15 of leads:

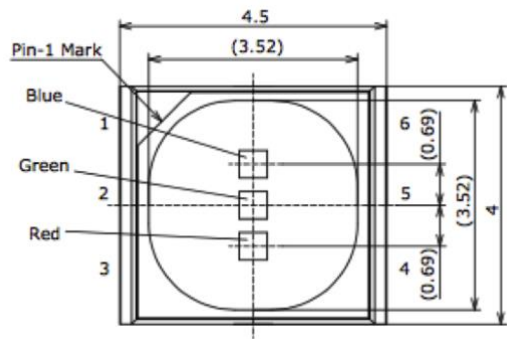


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23 29. Defendants' NSSM032A also includes a reflector housing formed around  
24 the lead frame, the reflector housing having a first end face and a second end face and  
25 a peripheral sidewall extending between the first end face and the second end face, the  
26 reflector housing having a first pocket with a pocket opening in the first end face and a  
27 second pocket opening in the second end face:

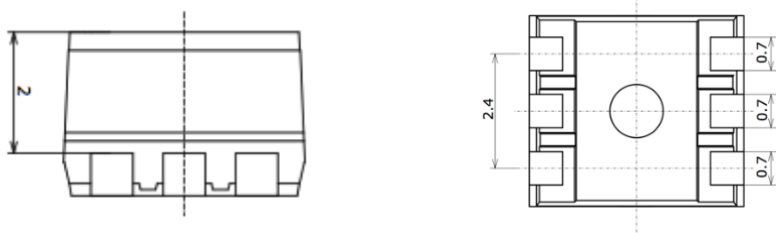
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30. Defendants' NSSM032A also includes at least one LED die mounted in the first pocket of the reflector housing and a light transmitting encapsulant disposed in the first pocket and encapsulating the at least one LED die:



31. Defendants' NSSM032A includes a plurality of lead receiving compartments formed in the peripheral sidewall of the reflector housing:



1           32. By making, using, offering for sale, selling, and/or importing the '087  
2 Accused Instrumentalities infringing the '087 Patent, Defendants have injured DSS  
3 and are liable to DSS for infringement of the '087 Patent pursuant to 35 U.S.C. §  
4 271(a) directly and/or under the doctrine of equivalents.

5           33. In addition, Defendants are actively inducing others, such as their  
6 customers and end users of Accused Instrumentalities, services based thereupon, and  
7 related products and/or processes, to directly infringe each and every claim limitation,  
8 including without limitation claim 1 of the '087 Patent, in violation of 35 U.S.C. §  
9 271(b). Defendants' customers and/or end users have directly infringed and are  
10 directly infringing each and every claim limitation, including without limitation claim  
11 1 of the '087 Patent. Defendants have had actual knowledge of the '087 Patent at  
12 least as of service of this Complaint. Defendants are knowingly inducing their  
13 customers and/or end users to directly infringe the '087 Patent, with the specific intent  
14 to encourage such infringement, and knowing that the induced acts constitute patent  
15 infringement. Defendants' inducement includes, for example, providing technical  
16 guides, product data sheets, demonstrations, software and hardware specifications,  
17 installation guides, and other forms of support that induce their customers and/or end  
18 users to directly infringe the '087 Patent. The '087 Accused Instrumentalities are  
19 designed in such a way that when they are used for their intended purpose, the user  
20 infringes the '087 Patent. Defendants know and intend that customers that purchase  
21 the '087 Accused Instrumentalities will use those products for their intended purpose.  
22 Defendants also specifically intend its customers infringe the '087 Patent through use  
23 of the '087 Accused Instrumentalities through trade show presentations, customer  
24 visits, direct customer contacts and application guides. For example, Defendant's  
25 website: [http://www.nichia.co.jp/en/about\\_nichia/index.html](http://www.nichia.co.jp/en/about_nichia/index.html), instructs customers to  
26 use '087 Accused Instrumentalities in numerous "Applications." In addition,  
27 Defendants specifically intend that their customers, such as United States distributors,  
28 retailers and consumer product companies, will import, use and sell infringing

1 products in the United States in order to serve and develop the United States market  
2 for Defendants’ infringing products. Defendants also give customers specific  
3 instruction to infringe e.g., claim 9 of the ‘087 patent, by assembling products into an  
4 infringing display. *See, e.g.,*  
5 [http://www.nichia.co.jp/specification/products/led\\_spec/NSSM032AT-](http://www.nichia.co.jp/specification/products/led_spec/NSSM032AT-E(3207B)WxGxR8.pdf)  
6 [E\(3207B\)WxGxR8.pdf](http://www.nichia.co.jp/specification/products/led_spec/NSSM032AT-E(3207B)WxGxR8.pdf), “Directions for Use” and  
7 <http://www.nichia.co.jp/en/product/led.html>, describing LED “Application” is a  
8 display.

9 34. Defendants have been aware of the 087 Patent and of its infringement as  
10 of at least May 22, 2017, when, on behalf of DSS, North Forty Consulting, LLC sent  
11 Defendants a letter informing Defendants that “several of Nichia’s products utilize  
12 elements covered by DSS patent(s)...” This letter informed Defendants of the  
13 existence of the ‘087 Patent and described that Defendants may infringe the ‘087  
14 Patent. Since that date, Defendants have failed to investigate and remedy their  
15 infringement of the ‘087 Patent and thus willfully and egregiously continue to infringe  
16 the ‘087 Patent. On information and belief, Defendants continued to offer infringing  
17 products without having modified or altered those products in a manner that would not  
18 infringe the ‘087 patent. Defendants, at the very least, have been egregiously and  
19 willfully blind to infringement of the ‘087 Patent. Further evidence of Defendants’  
20 egregious and willful infringement are the acts of active inducement described in this  
21 Complaint. Defendants actively induce and encourage customers to make, use, sell,  
22 offer to sell and/or import the ‘087 Accused Instrumentalities with knowledge that  
23 these acts constitute infringement of the ‘087 Patent, with the purpose of, *inter alia*,  
24 developing and serving the United States market for Defendants’ LED products and  
25 consumer devices that include Defendants’ products.

26 35. As a result of Defendants’ infringement of the ‘087 Patent, DSS has  
27 suffered monetary damages in an amount adequate to compensate for Defendants’  
28

1 infringement, but in no event less than a reasonable royalty for the use made of the  
2 invention by Defendants, together with interest and costs as fixed by the Court.

3 **COUNT III**

4 **INFRINGEMENT OF THE '486 PATENT**

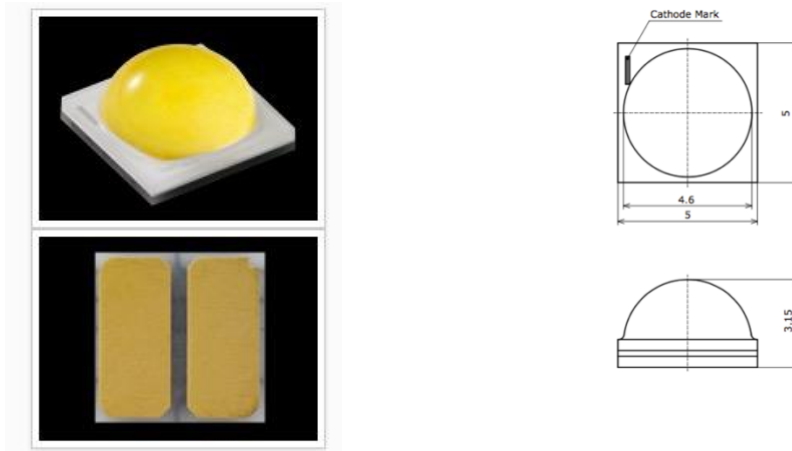
5 36. DSS references and incorporates by reference paragraphs 1 through 35 of  
6 this Complaint.

7 37. On information and belief, Defendants make, use, offer for sale, sell,  
8 and/or import in the United States products and/or services that infringe various  
9 claims of the '486 Patent, and continues to do so. By way of illustrative example,  
10 Defendants' infringing products include without limitation, all versions and variations,  
11 including predecessor and successor models, of NVSxx19C, NVSW3x9A,  
12 NWSx229A, NVx144Ax, 385, NVSU119C, NVSU233A-D1 Series packages as well  
13 as the following models: NV4W144AR, NV4W144AM, NVSW229A, NVSW309A,  
14 NVSW319A, NVSW119C, NVSW219C, NVSW119CT, NVSL119C, NVSW219C,  
15 NVSL219C, NVSW119B-V1, NVSW219B-V1, NVSL219B-V1, NCSW219B-V1,  
16 NCSL219B-V1, NVSA219B-V1, NCSC219B-V1, NCSB219B-V1, NCSE219B-V1,  
17 NCSG219B-V1, NCSA219B-V1, NCSW119B-V1, NCSL119B-V1, NVSA119B-V1,  
18 NCSC119B-V1, NCSB119B-V1, NCSE119B-V1, NCSG119B-V1, NCSA119B-V1,  
19 NVSW119B-V1D1, NVSL119B-V1D1, NVSW219B-V1D1, NVSL219B-V1D1,  
20 NVSW309A, NVSW319A, NWSW229A, NWSL229A, NV4W144AR,  
21 NV4L144AR, NV4W144AM, NV4L144AM, NCSR119B-V1, NCSR219B-V1,  
22 NJ2W270A-Y7, NCSU276AT, Defendants' infringing products also include products,  
23 e.g., light bulbs, displays and fixtures that contain at least one infringing LED product.  
24 Defendants' infringing products are collectively referred to hereinafter as "'486  
25 Accused Instrumentalities."

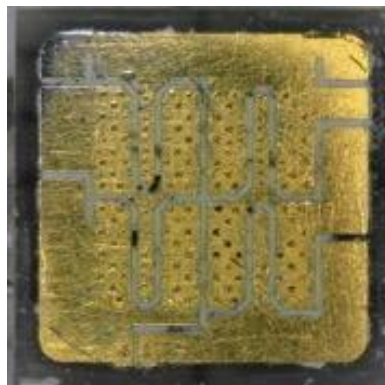
26 38. On information and belief, Defendants have directly infringed and  
27 continues to directly infringe the '486 Patent by, among other things, making, using,  
28 offering for sale, selling, and/or importing the '486 Accused Instrumentalities. On

1 information and belief, such products are covered by one or more claims of the '486  
 2 Patent including at least claim 1 because they contain each element of that claim.

3 39. As an illustrative example, Defendants import, sell and offer to sell its  
 4 NVx144Ax Series products. Defendants' NVx144Ax infringes, for example, Claim 1  
 5 of the '486 patent because it is a semiconductor device comprising a substantially  
 6 planar substrate having opposed major surfaces:



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 16 40. Defendants' NVx144Ax also includes an electrically conductive  
 17 mounting pad located on one of the major surfaces of the substrate:

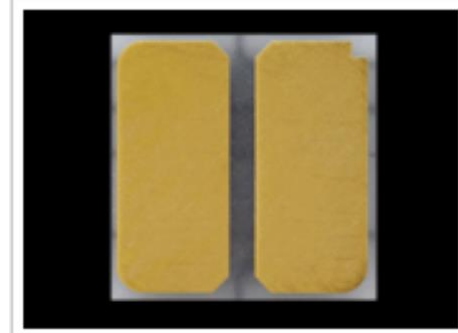
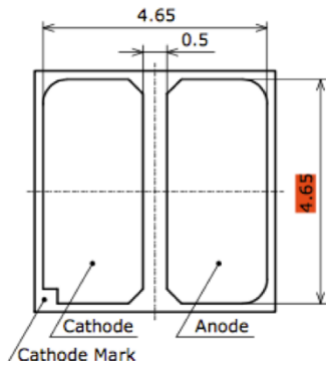


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 25 41. Defendants' NVx144Ax also includes an LED having a metallized  
 26 bottom major surface that is mounted on the electrically conductive mounting pad, the  
 27 metallized bottom major surface comprising one of an anode and a cathode of the  
 28 LED:

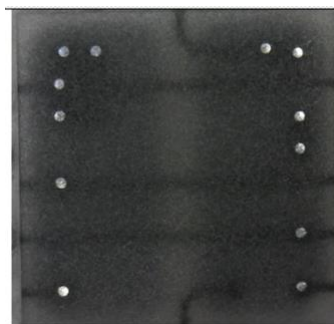
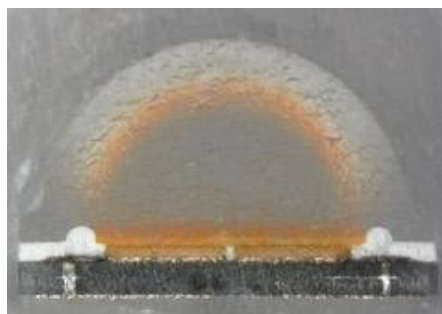
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42. Defendants' NVx144Ax also includes a first electrically conductive connecting pad located on the other of the major surfaces of the substrate:



1 43. Defendants' NVx144Ax also includes a first electrically conductive  
2 interconnecting element extending through the substrate and electrically  
3 interconnecting the mounting pad and the first electrically conductive connecting pad:



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

15 45. 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 '486 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 '486 Patent. Defendants have had actual knowledge of the '486 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 '486 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 '486 Patent. The '486 Accused Instrumentalities are



1 designed in such a way that when they are used for their intended purpose, the user  
2 infringes the ‘486 Patent. Defendants know and intend that customers that purchase  
3 the ‘486 Accused Instrumentalities will use those products for their intended purpose.  
4 Defendants also specifically intend its customers infringe the ‘486 Patent through use  
5 of the ‘486 Accused Instrumentalities through trade show presentations, customer  
6 visits, direct customer contacts and application guides. For example, Defendant’s  
7 website: [http://www.nichia.co.jp/en/about\\_nichia/index.html](http://www.nichia.co.jp/en/about_nichia/index.html), instructs customers to  
8 use ‘486 Accused Instrumentalities in numerous “Applications.” In addition,  
9 Defendants specifically intend that their customers, such as United States distributors,  
10 retailers and consumer product companies, will import, use and sell infringing  
11 products in the United States in order to serve and develop the United States market  
12 for Defendants’ infringing products.

13         46. Defendants have been aware of the ‘486 Patent and of its infringement as  
14 of at least May 22, 2017, when, on behalf of DSS, North Forty Consulting, LLC sent  
15 Defendants a letter informing Defendants that “several of Nichia’s products utilize  
16 elements covered by DSS patent(s)...” This letter informed Defendants of the  
17 existence of the ‘486 Patent and described that Defendants may infringe the ‘486  
18 Patent. Since that date, Defendants have failed to investigate and remedy their  
19 infringement of the ‘486 Patent and thus willfully and egregiously continue to infringe  
20 the ‘486 Patent. On information and belief, Defendants continued to offer infringing  
21 products without having modified or altered those products in a manner that would not  
22 infringe the ‘486 patent. Defendants, at the very least, have been egregiously and  
23 willfully blind to infringement of the ‘486 Patent. Further evidence of Defendants’  
24 egregious and willful infringement are the acts of active inducement described in this  
25 Complaint. Defendants actively induce and encourage customers to make, use, sell,  
26 offer to sell and/or import the ‘486 Accused Instrumentalities with knowledge that  
27 these acts constitute infringement of the ‘486 Patent, with the purpose of, *inter alia*,

1 developing and serving the United States market for Defendants' LED products and  
2 consumer devices that include Defendants' products.

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

7 **COUNT IV**

8 **INFRINGEMENT OF THE '297 PATENT**

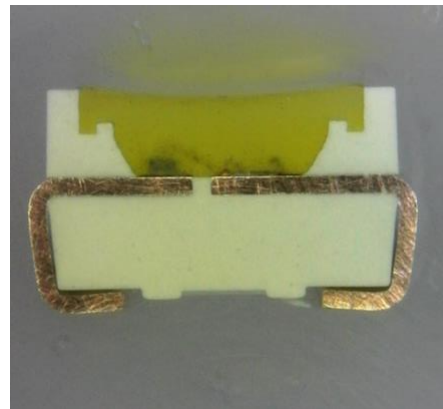
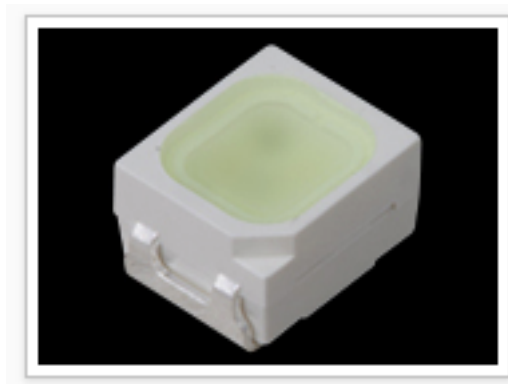
9 48. DSS references and incorporates by reference paragraphs 1 through 47 of  
10 this Complaint.

11 49. On information and belief, Defendants make, use, offer for sale, sell,  
12 and/or import in the United States products and/or services that infringe various  
13 claims of the '297 Patent, and continues to do so. By way of illustrative example,  
14 Defendants' infringing products include without limitation, all versions and variations,  
15 including predecessor and successor models, of their Nxxx063x series, Nxxx064x  
16 series, Nxxx183x series, Nxxx124x series, NSSB063A-N3, NSSW063A,  
17 NSSW064A, NESW064A, NHSW064, NSSB064, NESB064, NHSB064, NESG064,  
18 NHSG064, NSSW064, NHSB064H-N3, NHSB064H-NA, NESL064A, NHSL064,  
19 NESA064, NHSB064-ND, NSSB064A-N2, NSSB064A-N3, NSSB064A-NA,  
20 NESB064A-NA, NESB064-N2, NESB064-N3, NHSB064-N3, and NHSB064-NA  
21 products. Defendants' infringing products also include products, e.g., light bulbs,  
22 displays and fixtures that contain at least one infringing LED product. Defendants'  
23 infringing products are collectively referred to hereinafter as "'297 Accused  
24 Instrumentalities."

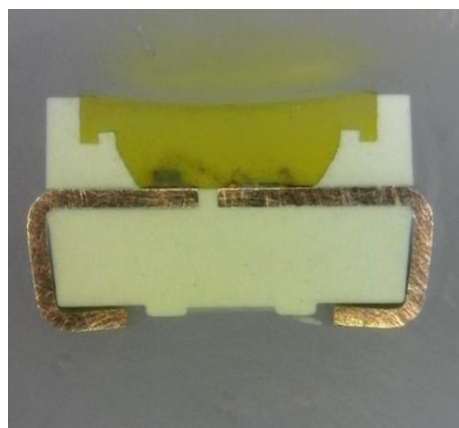
25 50. On information and belief, Defendants have directly infringed and  
26 continues to directly infringe the '297 Patent by, among other things, making, using,  
27 offering for sale, selling, and/or importing the '297 Accused Instrumentalities. On  
28

1 information and belief, such products are covered by one or more claims of the '297  
2 Patent including at least claim 1 because they contain each element of that claim.

3 51. As an illustrative example, Defendants import, sell and offer to sell its  
4 Nxxx063x series of products. Defendants' Nxxx063x series infringes, for example,  
5 Claim 1 of the '297 patent because it is a light-emitting device comprising a substrate  
6 and a reflector extending from said substrate, said reflector forming a cavity in  
7 conjunction with said substrate, with a light emitter located in said cavity:



15  
16 52. Defendants' Nxxx063x series also includes at least one first notch located  
17 in said reflector, said at least one first notch extending substantially axially around  
18 said reflector, said at least one first notch being formed by a first wall and a second  
19 wall wherein said first wall and said second wall extend substantially perpendicular to  
20 said substrate:



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

5           54. In addition, Defendants are actively inducing others, such as their  
6 customers and end users of Accused Instrumentalities, services based thereupon, and  
7 related products and/or processes, to directly infringe each and every claim limitation,  
8 including without limitation claim 1 of the '297 Patent, in violation of 35 U.S.C. §  
9 271(b). Defendants' customers and/or end users have directly infringed and are  
10 directly infringing each and every claim limitation, including without limitation claim  
11 1 of the '297 Patent. Defendants have had actual knowledge of the '297 Patent at  
12 least as of service of this Complaint. Defendants are knowingly inducing their  
13 customers and/or end users to directly infringe the '297 Patent, with the specific intent  
14 to encourage such infringement, and knowing that the induced acts constitute patent  
15 infringement. Defendants' inducement includes, for example, providing technical  
16 guides, product data sheets, demonstrations, software and hardware specifications,  
17 installation guides, and other forms of support that induce their customers and/or end  
18 users to directly infringe the '297 Patent. The '297 Accused Instrumentalities are  
19 designed in such a way that when they are used for their intended purpose, the user  
20 infringes the '297 Patent. Defendants know and intend that customers that purchase  
21 the '297 Accused Instrumentalities will use those products for their intended purpose.  
22 Defendants also specifically intend its customers infringe the '297 Patent through use  
23 of the '297 Accused Instrumentalities through trade show presentations, customer  
24 visits, direct customer contacts and application guides. For example, Defendants'  
25 website: [http://www.nichia.co.jp/en/about\\_nichia/index.html](http://www.nichia.co.jp/en/about_nichia/index.html), instructs customers to  
26 use '297 Accused Instrumentalities in numerous "Applications." In addition,  
27 Defendants specifically intend that their customers, such as United States distributors,  
28 retailers and consumer product companies, will import, use and sell infringing

1 products in the United States in order to serve and develop the United States market  
2 for Defendants' infringing products.

3 55. Defendants have been aware of the '297 Patent and of its infringement as  
4 of at least May 22, 2017, when, on behalf of DSS, North Forty Consulting, LLC sent  
5 Defendants a letter informing Defendants that "several of Nichia's products utilize  
6 elements covered by DSS patent(s)..." This letter informed Defendants of the  
7 existence of the '297 Patent and described that Defendants may infringe the '297  
8 Patent. Since that date, Defendants have failed to investigate and remedy their  
9 infringement of the '297 Patent and thus willfully and egregiously continue to infringe  
10 the '297 Patent. On information and belief, Defendants continued to offer infringing  
11 products without having modified or altered those products in a manner that would not  
12 infringe the '297 patent. Defendants, at the very least, have been egregiously and  
13 willfully blind to infringement of the '297 Patent. Further evidence of Defendants'  
14 egregious and willful infringement are the acts of active inducement described in this  
15 Complaint. Defendants actively induce and encourage customers to make, use, sell,  
16 offer to sell and/or import the '297 Accused Instrumentalities with knowledge that  
17 these acts constitute infringement of the '297 Patent, with the purpose of, *inter alia*,  
18 developing and serving the United States market for Defendants' LED products and  
19 consumer devices that include Defendants' products.

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

24 **COUNT V**

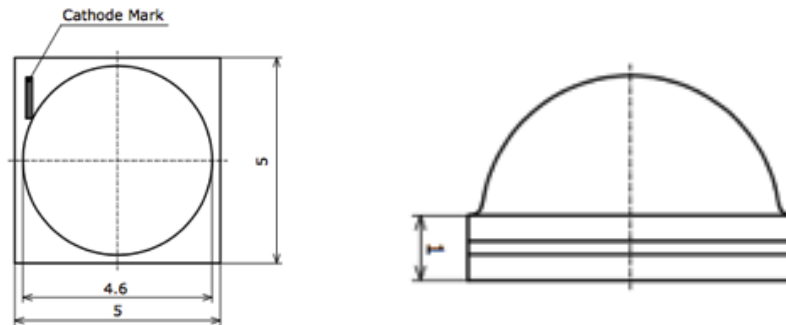
25 **INFRINGEMENT OF THE '787 PATENT**

26 57. DSS references and incorporates by reference paragraphs 1 through 56 of  
27 this Complaint.

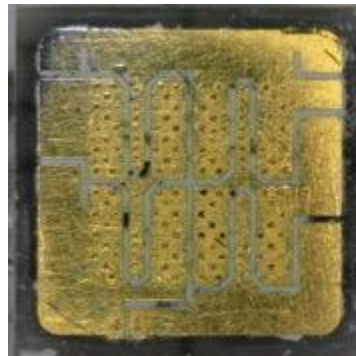
1           58. On information and belief, Defendants make, use, offer for sale, sell,  
2 and/or import in the United States products and/or services that infringe various  
3 claims of the '787 Patent, and continues to do so. By way of illustrative example,  
4 Defendants' infringing products include without limitation, all versions and variations,  
5 including predecessor and successor models, of NVSxx19C, NVSW3x9A,  
6 NWSx229A, NVx144Ax, 385, NVSU233A-D1 Series packages as well as the  
7 following models: NV4W144AR, NV4W144AM, NVSW229A, NVSW309A,  
8 NVSW319A, NVSW119C, NVSW219C, NVSW119CT, NVSL119C, NVSW219C,  
9 NVSL219C, NVSW119B-V1, NVSW219B-V1, NVSL219B-V1, NCSW219B-V1,  
10 NCSL219B-V1, NVSA219B-V1, NCSC219B-V1, NCSB219B-V1, NCSE219B-V1,  
11 NCSG219B-V1, NCSA219B-V1, NCSW119B-V1, NCSL119B-V1, NVSA119B-V1,  
12 NCSC119B-V1, NCSB119B-V1, NCSE119B-V1, NCSG119B-V1, NCSA119B-V1,  
13 NVSW119B-V1D1, NVSL119B-V1D1, NVSW219B-V1D1, NVSL219B-V1D1,  
14 NVSW309A, NVSW319A, NWSW229A, NWSL229A, NV4W144AR,  
15 NV4L144AR, NV4W144AM, NV4L144AM, and NJ2W270A-Y7. Defendants'  
16 infringing products also include products, e.g., light bulbs, displays and fixtures that  
17 contain at least one infringing LED product. Defendants' infringing products are  
18 collectively referred to hereinafter as "'787 Accused Instrumentalities."

19           59. On information and belief, Defendants have directly infringed and  
20 continue to directly infringe the '787 Patent by, among other things, making, using,  
21 offering for sale, selling, and/or importing the '787 Accused Instrumentalities. On  
22 information and belief, such products and/or services are covered by one or more  
23 claims of the '787 Patent's including at least claim 7 because they contain each  
24 element of that claim.

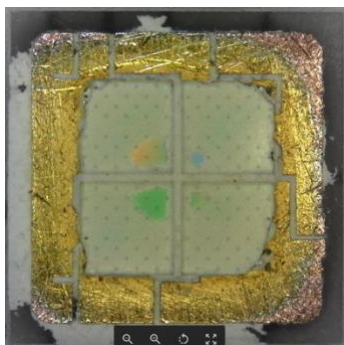
1           60. As an illustrative example, Defendants import, sell and offer to sell their  
2 NVx144Ax series. Defendants' NVx144Ax infringes, for example, Claim 7 of the  
3 '787 patent because it is a semiconductor device comprising a substantially planar  
4 substrate having first and second major surfaces, the first and second major surfaces  
5 being opposed surfaces:



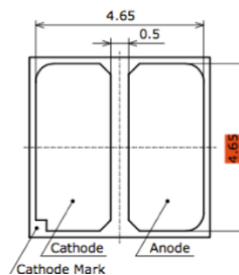
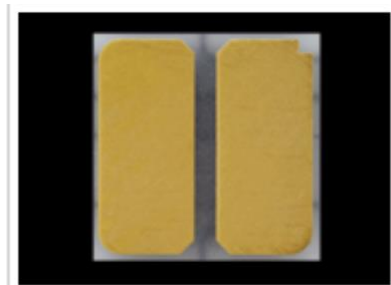
12           61. Defendants' NVx144Ax series also includes first and second electrically  
13 conductive bonding pads located on the first major surface:



1           62. Defendants' NVx144Ax series 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:

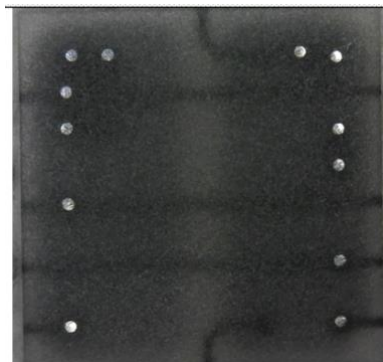
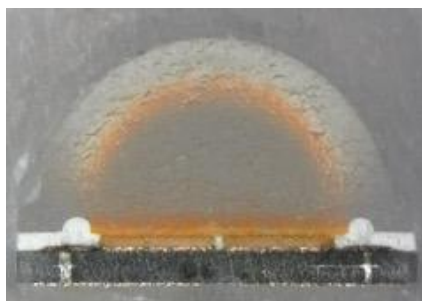


17           63. Defendants' NVx144Ax series also includes first and second electrically  
 18 conductive connecting pads located on the second major surface.

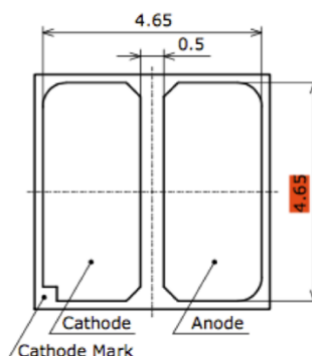




1 64. Defendants' NVx144Ax series also includes a first electrically  
 2 conductive interconnecting element electrically connected to the first electrically  
 3 conductive bonding pad and the first electrically conductive connecting pad; and a  
 4 second electrically conductive interconnecting element electrically connected to the  
 5 second electrically conductive bonding pad and the second electrically conductive  
 6 connecting pad:



12  
13  
14 65. The bottom major surface of the light emitting semiconductor die in  
 15 Defendants' NVx144Ax series is a bottom surface of a substrate of the die, each of the  
 16 anode and cathode comprises a metallization layer formed on the bottom major  
 17 surface of the light emitting semiconductor die:



23  
24  
25 66. By making, using, offering for sale, selling, and/or importing the '787  
 26 Accused Instrumentalities infringing the '787 Patent, Defendants have injured DSS  
 27 and are liable to DSS for infringement of the '787 Patent pursuant to 35 U.S.C. §  
 28 271(a) directly and/or under the doctrine of equivalents.

1           67. 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 '787 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 '787 Patent. Defendants have had actual knowledge of the '787 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 '787 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 '787 Patent. The '787 Accused Instrumentalities are  
15 designed in such a way that when they are used for their intended purpose, the user  
16 infringes the '787 Patent. Defendants know and intend that customers that purchase  
17 the '787 Accused Instrumentalities will use those products for their intended purpose.  
18 Defendants also specifically intend its customers infringe the '787 Patent through use  
19 of the '787 Accused Instrumentalities through trade show presentations, customer  
20 visits, direct customer contacts and application guides. For example, Defendants'  
21 website: [http://www.nichia.co.jp/en/about\\_nichia/index.html](http://www.nichia.co.jp/en/about_nichia/index.html), instructs customers to  
22 use '787 Accused Instrumentalities in numerous "Applications." In addition,  
23 Defendants specifically intend that their customers, such as United States distributors,  
24 retailers and consumer product companies, will import, use and sell infringing  
25 products in the United States in order to serve and develop the United States market  
26 for Defendants' infringing products.

27           68. Defendants have been aware of the '787 Patent and of its infringement as  
28 of at least May 22, 2017, when, on behalf of DSS, North Forty Consulting, LLC sent

1 Defendants a letter informing Defendants that “several of Nichia’s products utilize  
2 elements covered by DSS patent(s)...” This letter informed Defendants of the  
3 existence of the ‘787 Patent and described that Defendants may infringe the ‘787  
4 Patent. Since that date, Defendants have failed to investigate and remedy their  
5 infringement of the ‘787 Patent and thus willfully and egregiously continue to infringe  
6 the ‘787 Patent. On information and belief, Defendants continued to offer infringing  
7 products without having modified or altered those products in a manner that would not  
8 infringe the ‘787 patent. Defendants, at the very least, have been egregiously and  
9 willfully blind to infringement of the ‘787 Patent. Further evidence of Defendants’  
10 egregious and willful infringement are the acts of active inducement described in this  
11 Complaint. Defendants actively induce and encourage customers to make, use, sell,  
12 offer to sell and/or import the ‘787 Accused Instrumentalities with knowledge that  
13 these acts constitute infringement of the ‘787 Patent, with the purpose of, *inter alia*,  
14 developing and serving the United States market for Defendants’ LED products and  
15 consumer devices that include Defendants’ products.

16 69. As a result of Defendants’ infringement of the ‘787 Patent, DSS has  
17 suffered monetary damages in an amount adequate to compensate for Defendants’  
18 infringement, but in no event less than a reasonable royalty for the use made of the  
19 invention by Defendants, together with interest and costs as fixed by the Court.

### 20 **PRAYER FOR RELIEF**

21 Plaintiff respectfully requests the following relief from this Court:

22 A. A judgment that Defendants have infringed one or more claims of the  
23 ‘771, ‘087, ‘486, ‘297 and ‘787 Patents;

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

27 C. A judgment and order requiring Defendants to provide accountings and  
28 to pay supplemental damages to DSS, including, without limitation, prejudgment and

1 post-judgment interest;

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

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

6 **JURY TRIAL DEMANDED**

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

9

10 Dated: December 7, 2017

By: /s/ Brian Ledahl

11

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

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