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15 *Attorneys for Plaintiff*

16 Monument Peak Ventures, LLC

17

18 UNITED STATES DISTRICT COURT

19 CENTRAL DISTRICT OF CALIFORNIA

20

21 MONUMENT PEAK VENTURES, LLC

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23 Plaintiff,

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25 v.

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27 SZ DJI TECHNOLOGY CO., LTD., DJI

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EUROPE D.V., and DJI TECHNOLOGY

INC.,

Defendants.

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CASE NO. 2:18-cv-02210-RGK-
AGR

**FIRST AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff Monument Peak Ventures, LLC (“MPV”), by and through the
2 undersigned counsel, hereby brings this action and makes the following allegations
3 of patent infringement relating to U.S. Patent Nos. 6,282,317 (“the ’317 patent”),
4 6,760,485 (“the ’485 patent”), 6,781,713 (“the ’713 patent”), 8,675,112 (“the ’112
5 patent”) and 8,750,674 (“the ’674 patent”) against one or more of SZ DJI
6 Technology Co, Ltd., SJI Europe D.V., and DJI Technology Inc. (“the DJI
7 Defendants”), and alleges as follows upon actual knowledge with respect to itself
8 and its own acts, and upon information and belief as to all other matters.

9 NATURE OF THE ACTION

10 1. This is an action for patent infringement. MPV alleges that the DJI
11 Defendants infringe one or more of the ’317 patent, the ’485 patent, the ’713 patent,
12 the ’112 patent, and the ’674 patent, copies of which are attached as Exhibits A-E,
13 respectively (collectively “the Asserted Patents”).

14 2. On or about September 29, 2017, MPV, a technology licensing
15 company, approached the DJI Defendants to offer a license to MPV’s Kodak
16 portfolio. Since MPV acquired the Kodak portfolio it has successfully licensed
17 several companies without resorting to litigation. Consistent with MPV’s overall
18 strategy to use litigation only as a last resort, MPV expressed on several occasions
19 its desire to consummate a license with the DJI Defendants outside of litigation.

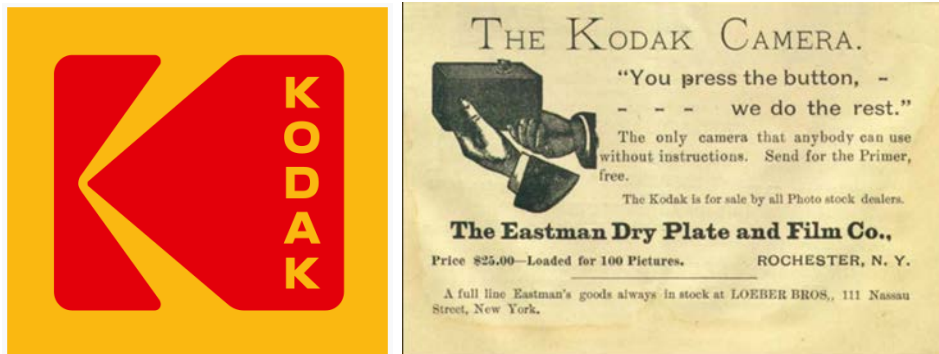
20 3. On or about October 4, 2017, MPV informed the DJI Defendants of
21 their infringement through a data room that included a full list of all patents owned
22 by MPV and evidence of use presentations detailing the DJI Defendants’
23 infringement. MPV made several requests to have a substantive discussion on the
24 data room materials so as to avoid litigation, however, the DJI Defendants never
25 agreed to such a discussion.

26 4. MPV alleges that the DJI Defendants directly and indirectly infringe
27 the Asserted Patents by making, using, offering for sale, selling, and/or importing
28

1 camera products and related hardware and software. MPV seeks damages and other
2 relief for the DJI Defendants’ infringement of the Asserted Patents.

3 **The Asserted Patents Come From the Iconic Kodak Patent Portfolio**

4 5. The Asserted Patents claim inventions born from the ingenuity of the
5 Eastman Kodak Company (“Kodak”), an iconic American imaging technology
6 company that dates back to the late 1800s. The first model of a Kodak camera was
7 released in 1888.



13
14 6. In 1935 Kodak introduced “Kodachrome,” a color reversal stock for
15 movie and slide film. In 1963 Kodak introduced the Instamatic camera, an easy-to-
16 load point-and-shoot camera.



24 7. By 1976 Kodak was responsible for 90% of the photographic film and
25 85% of the cameras sold in the United States.

26 8. At the peak of its domination of the camera industry, Kodak invented
27 the first self-contained digital camera in 1975.
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9. By 1986 Kodak had created the first megapixel sensor that was capable of recording 1,400,000 pixels. While innovating in the digital imaging space Kodak developed an immense patent portfolio and extensively licensed its technology in the space. For example, in 2010, Kodak received \$838,000,000 in patent licensing revenue. As part of a reorganization of its business, Kodak sold many of its patents to some of the biggest names in technology that included Google, Facebook, Amazon, Microsoft, Samsung, Adobe Systems, HTC and others for \$525,000,000.

10. While scores of digital imaging companies have paid to license the Kodak patent portfolio owned by MPV, the DJI Defendants have refused to do so without justification.

THE PARTIES

11. Plaintiff MPV is a Texas limited liability company with its principal place of business in Plano, Texas.

12. Upon information and belief, SZ DJI Technology Co, Ltd. is a Chinese corporation with a place of business at Skyworth Semiconductor Design Building, No. 18 Gaoxin South 4th Avenue, Nanshan District, Shenzhen, China.

13. Upon information and belief, DJI Europe D.V. is a European corporation with a place of business at Bijdorp-Oost 6, 2992 LA Barendrecht, Netherlands.

1 14. Upon information and belief, DJI Technology Inc. is a California
2 corporation with places of business in Burbank and Cerritos, California.

3 15. Upon information and belief, one or more of the DJI Defendants own a
4 majority stake in the Hasselblad. Upon information and belief, certain products that
5 are made, sold, offered for sale and imported by Hasselblad are incorporated into
6 products that are made, used, sold, offered for sale and imported by the DJI
7 Defendants. *See, e.g.*, <https://www.hasselblad.com/a6d-100c-dji-m600-pro/>.

8 **JURISDICTION AND VENUE**

9 16. This action for patent infringement arises under the Patent Laws of the
10 United States, 35 U.S.C. § 1 et. seq. This Court has original jurisdiction under 28
11 U.S.C. §§ 1331 and 1338.

12 17. This Court has both general and specific personal jurisdiction over the
13 DJI Defendants because the DJI Defendants have committed acts within the Central
14 District of California giving rise to this action and have established minimum
15 contacts with this forum such that the exercise of jurisdiction over the DJI
16 Defendants would not offend traditional notions of fair play and substantial justice.
17 The DJI Defendants, directly and through subsidiaries and intermediaries (including
18 distributors, retailers, franchisees and others), have committed and continue to
19 commit acts of infringement in this District by, among other things, making, using,
20 testing, selling, importing, and/or offering for sale products that infringe the
21 Asserted Patents.

22 18. Venue is proper in this district and division under 28 U.S.C.
23 §§1391(b)-(d) and 1400(b) because the DJI Defendants transact business in the
24 Central District of California and have committed and continue to commit acts of
25 direct and indirect infringement in the Central District of California.

26 **COUNT 1: INFRINGEMENT OF THE '317 PATENT**

27 19. The allegations of paragraphs 1-18 of this Complaint are incorporated
28 by reference as though fully set forth herein.

1 20. MPV owns by assignment the entire right, title, and interest in the
2 '317 patent.

3 21. The '317 patent was issued by the United States Patent and Trademark
4 Office on July 14, 2015 and is titled "Method for Automatic Determination of Main
5 Subjects in Photographic Images." A true and correct copy of the '317 patent is
6 attached as Exhibit A.

7 22. Pursuant to 35 U.S.C. § 282, the '317 patent is presumed valid.

8 23. The inventions of the '317 patent were not well-understood, routine or
9 conventional at the time of the invention. At the time of invention of the '317
10 patent, subject detection in digital photographic and imaging systems and methods
11 suffered from drawbacks. '317 patent at 1:32-3:55. For example, prior art system
12 and methods were developed for targeted types of images, such as video
13 conferencing or TV news broadcasting images (where the main subject is a talking
14 person against a relatively simple static background) museum images (where there
15 is a prominent main subject centered in the image against a large area of relatively
16 clean background), and toy-world images (where the main subjects are a few
17 distinctly colored and shaped objects). *Id.* at 3:41-50. These methods were either
18 not designed for unconstrained photographic images, or even if designed with
19 generic principles were only demonstrated for their effectiveness on rather simple
20 images. *Id.* at 3:50-53. The criteria and reasoning processes used were somewhat
21 inadequate for less constrained images, such as photographic images. *Id.* at 3:53-
22 55.

23 24. The inventive solution of the claimed inventions of the '317 patent
24 provides a method for detecting the location of main subject subjects within a
25 digitally captured image that overcomes one or more problems of the prior art. *Id.*
26 at 3:58-4:63. The method extracts regions of arbitrary shape and size defined by
27 actual objects from the digital image. *Id.* at 4:19-20. For these regions, at least one
28 structural saliency feature (e.g., a low-level vision or geometric feature, such as

1 shape, size, location) and one semantic saliency feature (e.g., key subject matter,
2 such as flesh, a person, a face, sky, grass, etc.) are extracted. *Id.* at 4:23-25. The
3 structural saliency feature and the semantic saliency feature are integrated using a
4 probabilistic reasoning engine into an estimate of belief that each region is the main
5 subject. *Id.* at 4:27-29.

6 25. A person of ordinary skill in the art reading the '317 patent and its
7 claims would understand that the patent's disclosure and claim are drawn to solving
8 a specific, technical problem arising in subject detection in digital photography and
9 imaging systems. Moreover, a person of ordinary skill in the art would understand
10 that the claimed subject matter of the '317 patent presents advancements in the field
11 of digital photography and image processing and, more particularly, to locating
12 subjects, or equivalently, regions of photographic interest in a digital image.
13 Indeed, the time of invention is less than twenty-five years after Kodak's prior
14 invention of the first self-contained digital camera in 1975. And, as detailed by the
15 specification, the prior methods of digital subject detection suffered drawbacks such
16 that a new and novel method was required. The inventions of the '317 patent do
17 not and cannot apply to analog photography and are indigenous to the then nascent
18 field of digital photography.

19 26. In light of the foregoing, a person of ordinary skill in the art would
20 understand that claim 1 of the '317 patent is directed to a specific method for
21 extracting structural saliency features and semantic saliency features of a digital
22 image and integrating them into a probabilistic engine to automatically estimate
23 belief as to which region is the main subject or region of photographic interest.
24 Moreover, a person of ordinary skill in the art would understand that claim 1 of the
25 '317 patent contains the inventive concept of extracting structural saliency features
26 and semantic saliency features of a digital image and integrating them into a
27 probabilistic engine to automatically estimate belief as to which region is the main
28 subject or region of photographic interest.

1 27. Upon information and belief, the DJI Defendants have directly
2 infringed at least claim 1 of the '317 patent by making, using, testing, selling,
3 offering for sale, importing and/or licensing in the United States without authority
4 their camera drones with ActiveTrack technology (the "DJI Camera Drones"), such
5 as without limitation, the Phantom 4 Pro ("the '317 Infringing Instrumentalities") in
6 an exemplary manner as described below:

7 28. One or more of the '317 Infringing Instrumentalities meet all the
8 limitations of claim 1 of the '317 patent. In particular, the DJI Camera Drones use
9 software that performs a method for detecting a main subject in an image, which
10 receives a digital image.



23 <http://www.dji.com/phantom-4pro?site=brandsite&from=nav>.

24 29. The DJI Camera Drones also extract regions of arbitrary shape and
25 size defined by actual objects from the digital image. For example, the DJI Camera
26 Drones use ActiveTrack to identify and follow "a chosen subject throughout the
27 shot, whether they are walking along a trail, driving a car, or even swimming in the
28 ocean!" See <https://store.dji.com/guides/film-like-a-pro-with-activetrack/>.

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The Phantom 4 Pro automatically recognizes subjects, follows and captures them as they move, making it easier to get complex shots.

Following fast-moving objects can be very challenging, but advanced image recognition algorithms used by the Phantom 4 Pro allow it to recognize and track the object while keeping it in frame. This new algorithm also recognizes more subjects, from people to vehicles to animals, and will adjust its flight dynamics to match, ensuring smoother shots.

<https://www.dji.com/phantom-4-pro?site=brandsite&from=nav>.

30. The DJI Camera Drones extract for each of the regions at least one structural saliency feature and at least one semantic saliency feature. For example, the DJI Camera Drones extract structural and semantic saliency features from regions including shapes, colors and subjects such as people, vehicles and animals.



The Phantom 4 Pro automatically recognizes subjects, follows and captures them as they move, making it easier to get complex shots.

Following fast-moving objects can be very challenging, but advanced image recognition algorithms used by the Phantom 4 Pro allow it to recognize and track the object while keeping it in frame. This new algorithm also recognizes more subjects, from people to vehicles to animals, and will adjust its flight dynamics to match, ensuring smoother shots.

<https://www.dji.com/phantom-4-pro?site=brandsite&from=nav>.

“We taught [the Phantom 4] to understand the physiognomy of a person so that it can automatically say, ‘this is the shape that a person is,’” says Perry.

<http://time.com/4243394/dji-phantom-4-activetrack/>, quoting Michael Perry, DJI’s director of strategic partnerships (emphasis added).

1 “The way ActiveTrack *is able to identify and follow its subject is by color contrast*
2 *between the subject and background. This means that the greater the color*
3 *difference, the better ActiveTrack performs.* Make sure that your subject is
4 wearing clothing that helps them stick out of the environment. For example, if your
5 friend is snowboarding, a red outfit will do much better than a white one.”

6 <https://store.dji.com/guides/film-like-a-pro-with-activetrack/> (emphasis added).

7 31. The DJI Camera Drones integrate the structural saliency feature and
8 the semantic feature using a probabilistic reasoning engine into an estimate that
9 each region is the main subject. For example, the DJI Camera Drones’ engine uses
10 the structural and semantic features in an algorithm that determines a probability or
11 “confidence” that a region is the main subject.

12 The Phantom 4 Pro automatically recognizes subjects, follows and captures them as they move, making it easier
13 to get complex shots.

14 Following fast-moving objects can be very challenging, but advanced image recognition algorithms used by the
15 Phantom 4 Pro allow it to recognize and track the object while keeping it in frame. This new algorithm also
16 recognizes more subjects, from people to vehicles to animals, and will adjust its flight dynamics to match,
ensuring smoother shots.

17 <https://www.dji.com/phantom-4-pro?site=brandsite&from=nav>.

18 “*If the tracking algorithm loses [sic] sufficient confidence in tracking the target,*
19 then the aircraft will stop flying relative to the object and either notify the user
20 (through execution state) that the target is lost or it needs another confirmation that
21 the target is correct.” [https://developer.dji.com/iframe/mobile-sdk-](https://developer.dji.com/iframe/mobile-sdk-doc/android/reference/dji/sdk/MissionManager/DJIActiveTrackMission.html)

22 [doc/android/reference/dji/sdk/MissionManager/DJIActiveTrackMission.html](https://developer.dji.com/iframe/mobile-sdk-doc/android/reference/dji/sdk/MissionManager/DJIActiveTrackMission.html)

(emphasis added).

23 32. The DJI Defendants have thus infringed and continue to infringe at
24 least claim 1 of the ’317 patent by making, using, testing, selling, offering for sale,
25 importing and/or licensing the ’317 Infringing Instrumentalities, and operating such
26 that all steps of at least claim 1 are performed.

27 33. The users, customers, agents and/or other third parties of the ’317
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1 Infringing Instrumentalities (collectively, “third-party infringers”) have been and
2 are now infringing, including under 35 U.S.C. § 271(a), at least claim 1 of the ’317
3 patent by using the ’317 Infringing Instrumentalities.

4 34. The DJI Defendants have, since at least no later than October 4, 2017,
5 known or been willfully blind to the fact that the third-party infringers’ use of the
6 ’317 Infringing Instrumentalities directly infringe the ’317 patent.

7 35. The DJI Defendants’ knowledge of the ’317 patent, which covers
8 operating the ’317 Infringing Instrumentalities in their intended manner and such
9 that all limitations of at least claim 1 of the ’317 patent are met, made it known to
10 the DJI Defendants that the third-party infringers’ use of the ’317 Infringing
11 Instrumentalities would directly infringe the ’317 patent, or, at the very least, render
12 the DJI Defendants willfully blind to such infringement.

13 36. Having known or been willfully blind to the fact that the third-party
14 infringers’ use of the ’317 Infringing Instrumentalities in their intended manner and
15 such that all limitations of at least claim 1 of the ’317 patent would directly infringe
16 the ’317 patent, the DJI Defendants, upon information and belief, actively
17 encouraged and continue to actively encourage the third-party infringers to directly
18 infringe the ’317 patent by making, using, testing, selling, offering for sale,
19 importing and/or licensing said ’317 Infringing Instrumentalities, and by, for
20 example, marketing ’317 Infringing Instrumentalities to the third-party infringers;
21 supporting and managing the third-party infringers’ continued use of the ’317
22 Infringing Instrumentalities; and providing technical assistance to the third-party
23 infringers during their continued use of the ’317 Infringing Instrumentalities. *See,*
24 *e.g.*, DJI Active Track: Make the Drones Follow You,
25 <https://store.dji.com/guides/film-like-a-pro-with-activetrack/>, and the Phantom 4
26 User Manual at pp. 21-24, instructing customers how to use ActiveTrack on their
27 DJI products to detect and track the location of a main subject in a digital image.

28 37. The DJI Defendants induce the third-party infringers to infringe at

1 least claim 1 of the '317 patent by directing or encouraging them to operate the
2 '317 Infringing Instrumentalities which, alone or in combination with the third-
3 party infringers' devices, satisfy all limitations of claim 1 of the '317 patent. For
4 example, the DJI Defendants advertise and promote the features of the '317
5 Infringing Instrumentalities and encourage the third-party infringers to operate the
6 '317 Infringing Instrumentalities in an infringing manner. The DJI Defendants
7 further provide technical assistance as to how the '317 Infringing Instrumentalities
8 should be used by the third-party infringers (*see, e.g.*, DJI Active Track: Make the
9 Drones Follow You, <https://store.dji.com/guides/film-like-a-pro-with-activetrack/>,
10 and the Phantom 4 User Manual at pp. 21-24, instructing customers how to use
11 ActiveTrack on their DJI products to detect and track the location of a main subject
12 in a digital image). In response, the third-party infringers acquire and operate the
13 '317 Infringing Instrumentalities such that all limitations of claim 1 of the '317
14 patent are practiced.

15 38. Thus, the DJI Defendants have specifically intended to induce, and
16 have induced, the third-party infringers to infringe at least claim 1 of the '317
17 patent, and the DJI Defendants have known of or been willfully blind to such
18 infringement. The DJI Defendants have advised, encouraged, and/or aided the
19 third-party infringers to engage in direct infringement, including through their
20 encouragement, advice, and assistance to the third-party infringers to use the '317
21 Infringing Instrumentalities.

22 39. Based on, among other things, the foregoing facts, the DJI Defendants
23 have induced, and continue to induce, infringement under 35 U.S.C. § 271(b) of at
24 least claim 1 of the '317 patent.

25 40. Further, the DJI Defendants sell, provide and/or license to the third-
26 party infringers '317 Infringing Instrumentalities that are especially made and
27 adapted—and specifically intended by the DJI Defendants—to be used as
28 components and material parts of the inventions covered by the '317 patent. For

1 example, the DJI Defendants provide camera drone hardware and related software
2 which the third-party infringers use in a manner such that all limitations of at least
3 claim 1 of the '317 patent are met, and without which the third-party infringers
4 would be unable to use and avail the '317 Infringing Instrumentalities in their
5 intended manner.

6 41. Upon information and belief, the DJI Defendants also knew that the
7 '317 Infringing Instrumentalities operate in a manner that satisfy all limitations of
8 at least claim 1 of the '317 patent.

9 42. The main subject detection technology in the '317 Infringing
10 Instrumentalities is specially made and adapted to infringe at least claim 1 of the
11 '317 patent. Upon information and belief, the main subject detection technology in
12 the '317 Infringing Instrumentalities is not a staple article or commodity of
13 commerce, and, because the functionality is designed to work with the '317
14 Infringing Instrumentalities solely in a manner that is covered by the '317 patent, it
15 does not have a substantial non-infringing use. At least by no later than October 4,
16 2017, based on the foregoing facts, the DJI Defendants have known or been
17 willfully blind to the fact that such functionality is especially made and adapted
18 for—and is in fact used in—the '317 Infringing Instrumentalities in a manner that is
19 covered by the '317 patent.

20 43. Based on, among other things, the foregoing facts, the DJI Defendants
21 have contributorily infringed, and continue to contributorily infringe, at least claim
22 1 of the '317 patent under 35 U.S.C. § 271(c).

23 44. The DJI Defendants' acts of infringement of the '317 patent have been
24 willful and intentional under the standard of *Halo Elecs., Inc. v. Pulse Elecs., Inc.*,
25 136 S. Ct. 1923 (2016). Since at least October 4, 2017, the DJI Defendants have
26 willfully infringed the '317 patent by refusing to take a license and continuing the
27 foregoing infringement. Instead of taking a license to the '317 patent, the DJI
28 Defendants have made the business decision to “efficiently infringe” the '317

1 patent. In doing so, the DJI Defendants willfully infringe the '317 patent.

2 45. The DJI Defendants' acts of direct and indirect infringement have
3 caused, and continue to cause, damage to MPV, and MPV is entitled to recover
4 damages sustained as a result of the DJI Defendants' wrongful acts in an amount
5 subject to proof at trial.

6 **COUNT 2: INFRINGEMENT OF THE '485 PATENT**

7 46. The allegations of paragraphs 1-45 of this Complaint are incorporated
8 by reference as though fully set forth herein.

9 47. MPV owns by assignment the entire right, title, and interest in the
10 '485 patent.

11 48. The '485 patent was issued by the United States Patent and Trademark
12 Office on July 6, 2004 and is titled "Nonlinearly Modifying a Rendered Digital
13 Image." A true and correct copy of the '485 patent is attached as Exhibit B.

14 49. Pursuant to 35 U.S.C. § 282, the '485 patent is presumed valid.

15 50. The inventions claimed in the '485 patent were not well-understood,
16 routine, or conventional at the time of the invention. At the time of the '485 patent,
17 methods for correcting for exposure errors in rendered digital images captured by a
18 digital camera suffered from drawbacks. '485 patent at 1:34-56. Digital images
19 captured by digital cameras have to be rendered so that they can be properly viewed
20 on a display. *Id.* at 1:27-30. The resulting digital images are often referred to as
21 being in a "rendered" image space, where relationship between the image code
22 values and the scene luminance values is very non-linear. *Id.* at 1:30-34. Digital
23 images often contain exposure errors, where subjects of the picture are lighter or
24 darker than desired by the user, due to imperfect exposure determination algorithms
25 in the digital camera that created the digital image. *Id.* at 1:34-39. At the time of
26 the invention, conventional imaging applications permitted the user to adjust the
27 "brightness", "contrast", and/or "gamma" of the image by sliding using one or more
28 "sliders" controlled by a mouse. *Id.* at 1:39-43. Each control adjusts one of the

1 slope, x-intercept, or exponential function applied to the image, typically using a
2 look-up table, in order to modify the tone reproduction of the image when it is
3 displayed or printed. *Id.* at 1:43-46. However, none of these conventional
4 applications directly adjusted the scene *exposure*, they did not properly compensate
5 for digital camera exposure errors. *Id.* at 1:46-48. Some applications, such as
6 Adobe Photoshop, also permitted the user to user to modify a “lookup table” by
7 inputting a curve of arbitrary shape. *Id.* at 1:52-53. However, only a skilled user is
8 able to determine what curve shape provides the best image, and only then using a
9 tedious trial-and-error process. *Id.* at 1:53-55.

10 51. The inventive solution of the claimed inventions of the '485 patent
11 provides a method for processing a rendered image using a single user adjustable
12 exposure setting that overcomes one or more problems of the prior art. *Id.* at 1:59-
13 2:12. The method includes allowing a single user adjustable exposure setting to be
14 changed. *Id.* at 13:17-20. In response to changes in the single user adjustable
15 exposure setting, the method selects an exposure modification transform. *Id.* at
16 13:21-14:3. The transform accounts for a rendering used to produce the rendered
17 image that appears as if a different exposure level was used to capture the image.
18 *Id.* at 14:1-3. The method further uses the selected transform to transform the
19 rendered image. *Id.* at 14:5-6.

20 52. A person of ordinary skill in the art reading the '485 patent and its
21 claims would understand that the patents' disclosures and claims are drawn to
22 solving a specific, technical problems uniquely in the field of digital photography
23 arising from issues involved in rendering digital images captured by digital
24 cameras. Moreover, a person of ordinary skill in the art would understand that the
25 claimed subject matter of the '485 patent presents advancements in field of digital
26 photography and digitally-captured image processing and, more particularly, to
27 correcting for exposure in rendered digital images captured by a digital camera.
28 Indeed, the time of invention is less than twenty-five years after Kodak's prior

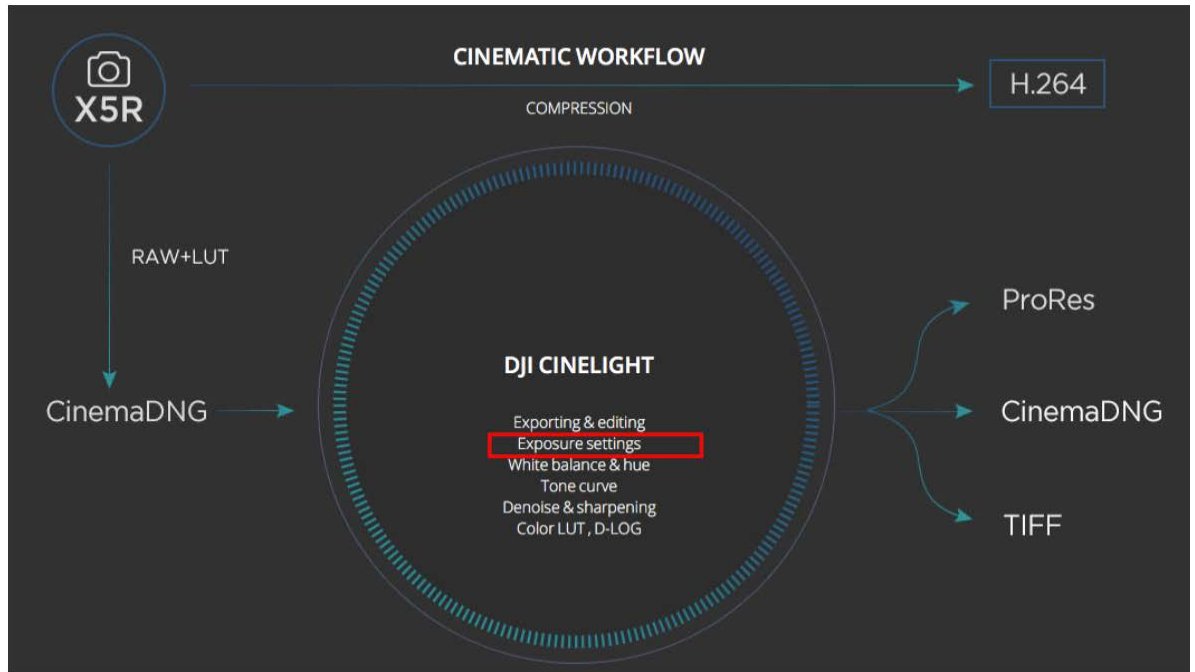
1 invention of the first self-contained digital camera in 1975. And, as detailed by the
2 specification, the prior methods for correcting for exposure errors in rendered
3 digital images captured by a digital camera suffered from drawbacks such that a
4 new and novel method was required. The inventions of the '485 patent do not and
5 cannot apply to analog photography and are indigenous to the then nascent field of
6 digital photography.

7 53. In light of the foregoing, a person of ordinary skill in the art would
8 understand that claim 21 of the '485 patent is directed to processing a rendered
9 image by using a single user adjustable exposure setting and an exposure
10 modification transform to effect a change that appears as if the different exposure
11 level was used to capture the image. Further a person of ordinary skill in the art
12 would understand that claim 21 of the '485 patent contains the inventive concept of
13 processing a rendered image by using a single user adjustable exposure setting and
14 an exposure modification transform to effect a change that appears as if the
15 different exposure level was used to capture the image.

16 54. Upon information and belief, the DJI Defendants have directly
17 infringed at least claim 21 of the '485 patent by making, using, testing, selling,
18 offering for sale, importing and/or licensing in the United States without authority
19 their post processing software, such as CineLight software, (“the '485 Infringing
20 Instrumentalities”) in an exemplary manner as described below.

21 55. One or more of the '485 Infringing Instrumentalities meet all the
22 limitations of claim 21 of the '485 patent. In particular, the '485 Infringing
23 Instrumentalities perform a method for processing a rendered image, including
24 allowing a single user adjustable exposure setting to be changed.
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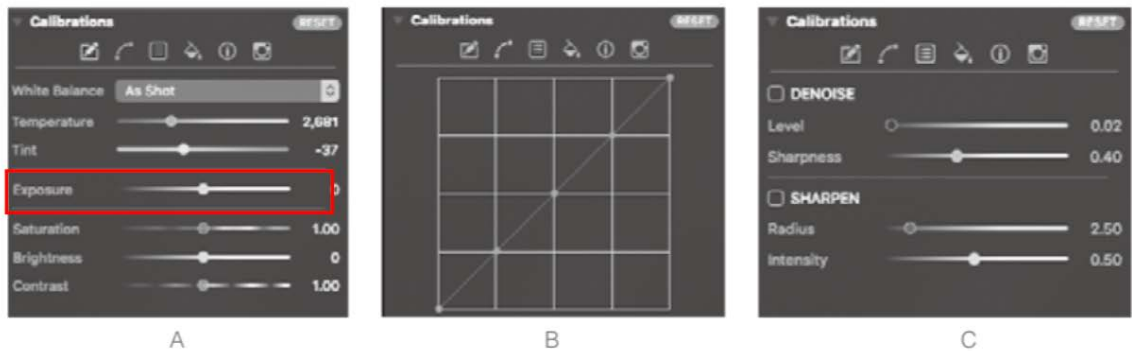
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<https://www.dji.com/zenmuse-x5r>

[16] Color Calibrations

- A. Basic: Adjust the white balance, exposure and saturation.
- B. Tone Curve: Adjust up to 5 points on the tone curve.
- C. Denoise and Sharpen
Adjust the denoise and sharpening values.



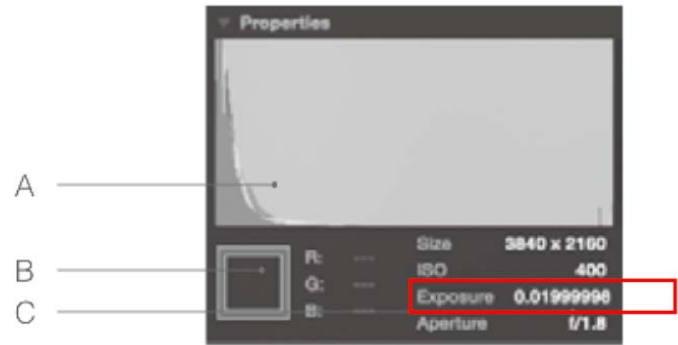
https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_160324.pdf

56. The '485 Infringing Instrumentalities also select an exposure modification transform responsive to changes in the exposure setting the transform accounting for a rendering used to produce the rendered image and effecting a

change that appears as if a different exposure level was used to capture the image.

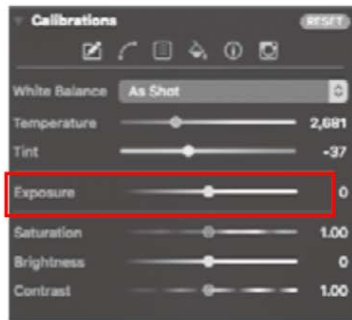
[15] Properties

- A. RGB Histogram
- B. Hover Pixel Color
- C. Image Information



[16] Color Calibrations

- A. Basic: Adjust the white balance, exposure and saturation.
- B. Tone Curve: Adjust up to 5 points on the tone curve.
- C. Denoise and Sharpen
Adjust the denoise and sharpening values.



A



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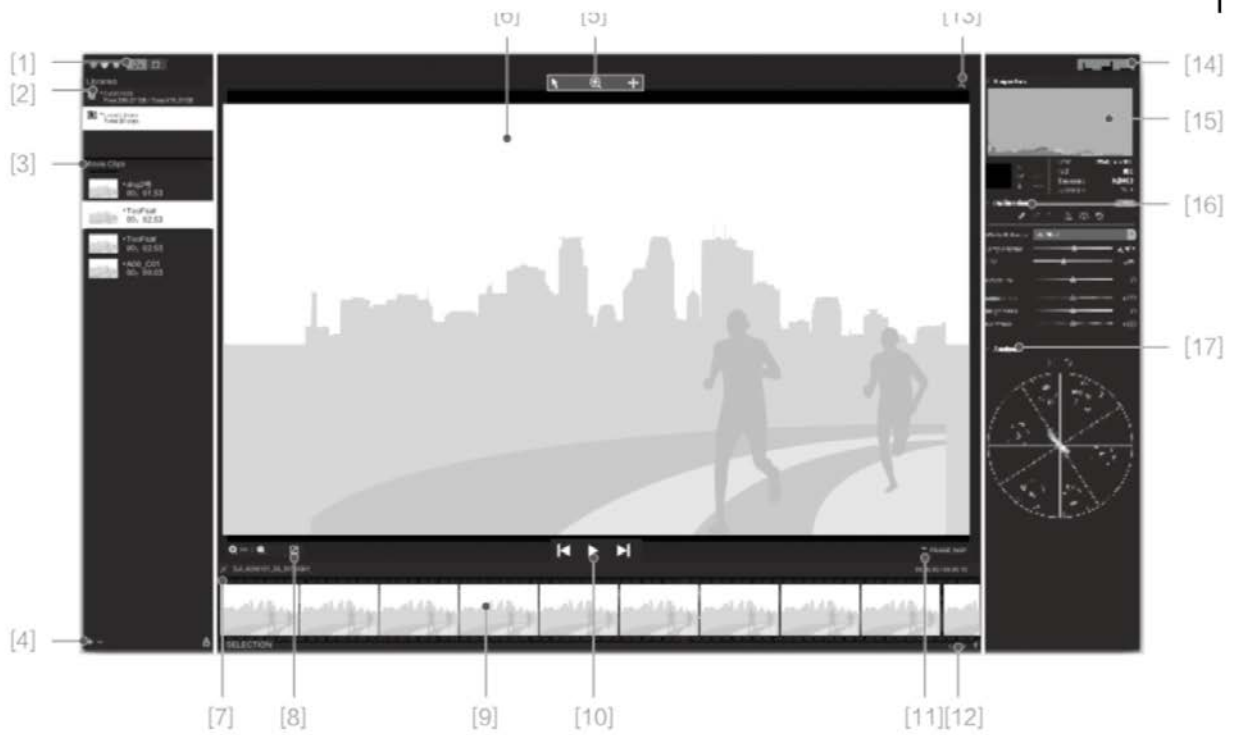
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https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_160324.pdf

57. The '485 Infringing Instrumentalities also use the selected exposure modification transform to transform the rendered image.

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https://www.youtube.com/watch?v=NuAS_Ytk3Z4

58. The DJI Defendants have thus infringed and continue to infringe at least claim 21 of the '485 patent by making, using, testing, selling, offering for sale, importing and/or licensing the '485 Infringing Instrumentalities, and operating such

1 that all steps of at least claim 21 are performed.

2 59. The users, customers, agents and/or other third parties of the '485
3 Infringing Instrumentalities (collectively, "third-party infringers") have been and
4 are now infringing, including under 35 U.S.C. § 271(a), at least claim 21 of the
5 '485 patent by using the '485 Infringing Instrumentalities.

6 60. The DJI Defendants have, since at least no later than October 4, 2017,
7 known or been willfully blind to the fact that the third-party infringers' use of the
8 '485 Infringing Instrumentalities directly infringe the '485 patent.

9 61. The DJI Defendants' knowledge of the '485 patent, which covers
10 operating the '485 Infringing Instrumentalities in their intended manner and such
11 that all limitations of at least claim 21 of the '485 patent are met, made it known to
12 the DJI Defendants that the third-party infringers' use of the '485 Infringing
13 Instrumentalities would directly infringe the '485 patent, or, at the very least, render
14 the DJI Defendants willfully blind to such infringement.

15 62. Having known or been willfully blind to the fact that the third-party
16 infringers' use of the '485 Infringing Instrumentalities in their intended manner and
17 such that all limitations of at least claim 21 of the '485 patent would directly
18 infringe the '485 patent, the DJI Defendants, upon information and belief, actively
19 encouraged and continue to actively encourage the third-party infringers to directly
20 infringe the '485 patent by making, using, testing, selling, offering for sale,
21 importing and/or licensing said '485 Infringing Instrumentalities, and by, for
22 example, marketing '485 Infringing Instrumentalities to the third-party infringers;
23 supporting and managing the third-party infringers' continued use of the '485
24 Infringing Instrumentalities; and providing technical assistance to the third-party
25 infringers during their continued use of the '485 Infringing Instrumentalities. *See,*
26 *e.g.*, DJI Cinelight User Manual at pp. 3-7,
27 [https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_](https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_160324.pdf)
28 [160324.pdf](https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_160324.pdf), instructing users to adjust the exposure using a single exposure setting

1 in a manner that performs the claimed method.

2 63. The DJI Defendants induce the third-party infringers to infringe at
3 least claim 21 of the '485 patent by directing or encouraging them to operate the
4 '485 Infringing Instrumentalities which, alone or in combination with the third-
5 party infringers' devices, satisfy all limitations of claim 21 of the '485 patent. For
6 example, the DJI Defendants advertise and promote the features of the '485
7 Infringing Instrumentalities on their website and encourage the third-party
8 infringers to operate the '485 Infringing Instrumentalities in an infringing manner.
9 The DJI Defendants further provide technical assistance as to how the '485
10 Infringing Instrumentalities should be used by the third-party infringers (*see, e.g.*,
11 DJI Cinelight User Manual at pp. 3-7,
12 https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_160324.pdf,
13 https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_160324.pdf,
14 instructing users to adjust the exposure using a single exposure setting
15 in a manner that performs the claimed method). In response, the third-party
16 infringers acquire and operate the '485 Infringing Instrumentalities such that all
17 limitations of claim 21 of the '485 patent are practiced.

18 64. Thus, the DJI Defendants have specifically intended to induce, and
19 have induced, the third-party infringers to infringe at least claim 21 of the '485
20 patent, and the DJI Defendants have known of or been willfully blind to such
21 infringement. The DJI Defendants have advised, encouraged, and/or aided the
22 third-party infringers to engage in direct infringement, including through their
23 encouragement, advice, and assistance to the third-party infringers to use the '485
24 Infringing Instrumentalities.

25 65. Based on, among other things, the foregoing facts, the DJI Defendants
26 have induced, and continue to induce, infringement under 35 U.S.C. § 271(b) of at
27 least claim 21 of the '485 patent.

28 66. Further, the DJI Defendants sell, provide and/or license to the third-
party infringers '485 Infringing Instrumentalities that are especially made and

1 adapted—and specifically intended by the DJI Defendants—to be used as
2 components and material parts of the inventions covered by the '485 patent. For
3 example, the DJI Defendants provide hardware and related image processing
4 software which the third-party infringers use in a manner such that all limitations of
5 at least claim 21 of the '485 patent are met, and without which the third-party
6 infringers would be unable to use and avail themselves of the '485 Infringing
7 Instrumentalities in their intended manner.

8 67. Upon information and belief, the DJI Defendants also knew that the
9 '485 Infringing Instrumentalities operate in a manner that satisfy all limitations of
10 at least claim 21 of the '485 patent.

11 68. The image processing / exposure modification transform technology in
12 the '485 Infringing Instrumentalities is specially made and adapted to infringe at
13 least claim 21 of the '485 patent. Upon information and belief, the image
14 processing / exposure modification transform technology in the '485 Infringing
15 Instrumentalities is not a staple article or commodity of commerce, and, because the
16 functionality is designed to work with the '485 Infringing Instrumentalities solely
17 in a manner that is covered by the '485 patent, it does not have a substantial non-
18 infringing use. At least by no later than October 4, 2017, based on the foregoing
19 facts, the DJI Defendants have known or been willfully blind to the fact that such
20 functionality is especially made and adapted for—and is in fact used in—the '485
21 Infringing Instrumentalities in a manner that is covered by the '485 patent.

22 69. Based on, among other things, the foregoing facts, the DJI Defendants
23 have contributorily infringed, and continue to contributorily infringe, at least claim
24 21 of the '485 patent under 35 U.S.C. § 271(c).

25 70. The DJI Defendants' acts of infringement of the '485 patent have been
26 willful and intentional under the standard of *Halo Elecs., Inc. v. Pulse Elecs., Inc.*,
27 136 S. Ct. 1923 (2016). Since at least October 4, 2017, the DJI Defendants have
28 willfully infringed the '485 patent by refusing to take a license and continuing the

1 foregoing infringement. Instead of taking a license to the '485 patent, the DJI
2 Defendants have made the business decision to “efficiently infringe” the '485
3 patent. In doing so, the DJI Defendants willfully infringe the '485 patent.

4 71. The DJI Defendants’ acts of direct and indirect infringement have
5 caused, and continue to cause, damage to MPV, and MPV is entitled to recover
6 damages sustained as a result of the DJI Defendants’ wrongful acts in an amount
7 subject to proof at trial

8 **COUNT 3: INFRINGEMENT OF THE '713 PATENT**

9 72. The allegations of paragraphs 1-71 of this Complaint are incorporated
10 by reference as though fully set forth herein.

11 73. MPV owns by assignment the entire right, title, and interest in the '713
12 patent.

13 74. The '713 patent was issued by the United States Patent and Trademark
14 Office on August 24, 2004 and is titled “Correcting Exposure in a Rendered Digital
15 Image.” A true and correct copy of the '713 patent is attached as Exhibit C.

16 75. Pursuant to 35 U.S.C. § 282, the '713 patent is presumed valid.

17 76. The inventions claimed in the '713 patent were not well-understood,
18 routine, or conventional at the time of the invention. At the time of the '713 patent,
19 methods for correcting for exposure errors in rendered digital images captured by a
20 digital camera suffered from drawbacks. '713 patent at 1:35-57. Digital images
21 captured by digital cameras have to be rendered so that they can be properly viewed
22 on a display. *Id.* at 1:28-31. The resulting digital images are often referred to as
23 being in a “rendered” image space, where relationship between the image code
24 values and the scene luminance values is very non-linear. *Id.* at 1:31-34. Digital
25 images often contain exposure errors, where subjects of the picture are lighter or
26 darker than desired by the user, due to imperfect exposure determination algorithms
27 in the digital camera that created the digital image. *Id.* at 1:35-40. At the time of
28 the invention, conventional imaging applications permitted the user to adjust the

1 “brightness”, “contrast”, and/or “gamma” of the image by sliding using one or more
2 “sliders” controlled by a mouse. *Id.* at 1:40-44. Each control adjusts one of the
3 slope, x-intercept, or exponential function applied to the image, typically using a
4 look-up table, in order to modify the tone reproduction of the image when it is
5 displayed or printed. *Id.* at 1:44-47. However, none of these conventional
6 applications directly adjusted the scene *exposure*, they did not properly compensate
7 for digital camera exposure errors. *Id.* at 1:47-49. Some applications, such as
8 Adobe Photoshop, also permitted the user to user to modify a “lookup table” by
9 inputting a curve of arbitrary shape. *Id.* at 1:53-55. However, only a skilled user is
10 able to determine what curve shape provides the best image, and only then using a
11 tedious trial-and-error process. *Id.* at 1:55-57.

12 77. The inventive solution of the claimed inventions of the ’713 patent
13 provides a method for changing the exposure in a digital image captured by an
14 image capture device using a single user adjustable exposure setting that overcomes
15 one or more problems of the prior art. *Id.* at 1:61-2:19. The method includes
16 allowing a single user adjustable exposure setting to be changed. *Id.* at 14:34-36.
17 In response to changes in the single user adjustable exposure setting, the method
18 selects an exposure modification transform. *Id.* at 14:37-38. The transform
19 accounts for a rendering used to produce the rendered digital image and which
20 appears as if a different exposure level was used by the image capture device. *Id.* at
21 14:39-41. The method further uses the selected transform to transform the image,
22 and then displays the transformed image as the exposure setting is changed.

23 78. A person of ordinary skill in the art reading the ’713 patent and its
24 claims would understand that the patents’ disclosures and claims are drawn to
25 solving a specific, technical problems uniquely in the field of digital photography
26 arising from issues involved in rendering digital images captured by digital
27 cameras. Moreover, a person of ordinary skill in the art would understand that the
28 claimed subject matter of the ’713 patent presents advancements in field of digital

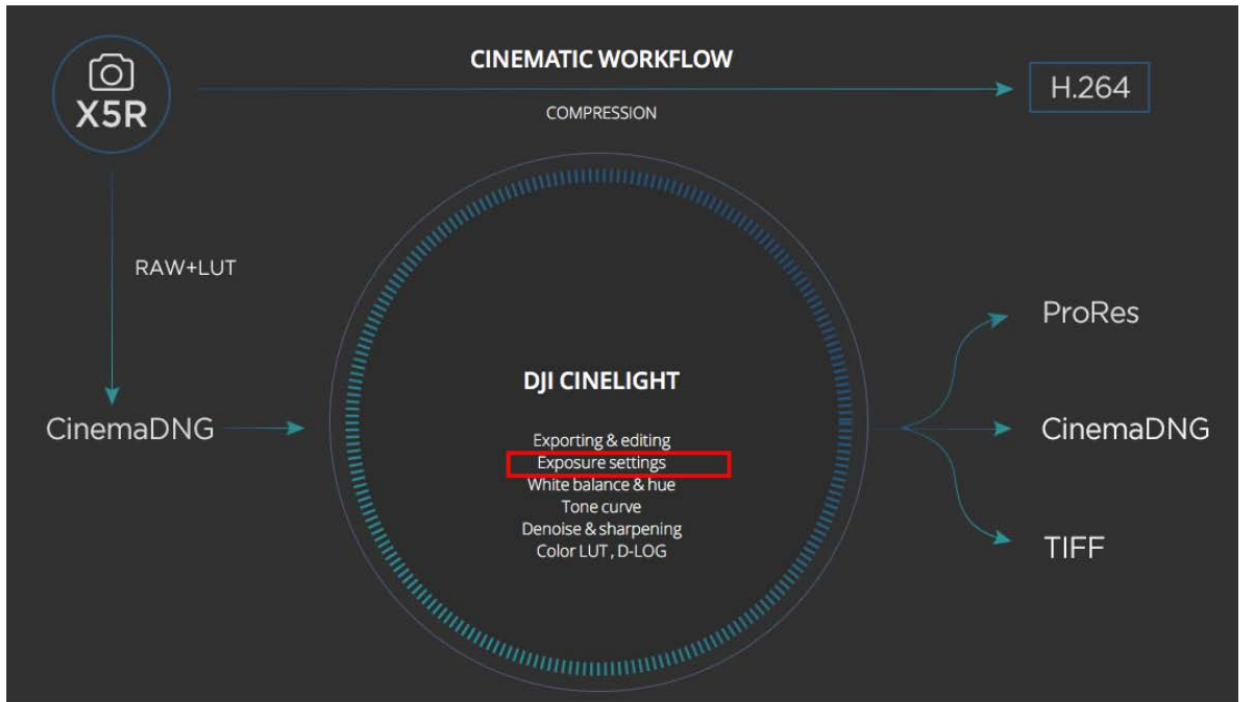
1 photography and digitally-captured image processing and, more particularly, to
2 correcting for exposure in rendered digital images captured by a digital camera.
3 Indeed, the time of invention is less than twenty-five years after Kodak’s prior
4 invention of the first self-contained digital camera in 1975. And, as detailed by the
5 specification, the prior methods for correcting for exposure errors in rendered
6 digital images captured by a digital camera suffered from drawbacks such that a
7 new and novel method was required. The inventions of the ’713 patent do not and
8 cannot apply to analog photography and are indigenous to the then nascent field of
9 digital photography.

10 79. In light of the foregoing, a person of ordinary skill in the art would
11 understand that claim 25 of the ’713 patent is directed to processing rendered
12 captured image using a single user adjustable exposure setting and an exposure
13 modification transform. Moreover, a person of ordinary skill in the art would
14 understand that claim 25 of the ’713 patent contains the inventive concept of
15 processing rendered captured image using a single user adjustable exposure setting
16 and an exposure modification transform.

17 80. Upon information and belief, the DJI Defendants have directly
18 infringed at least claim 25 of the ’713 patent by making, using, testing, selling,
19 offering for sale, importing and/or licensing in the United States without authority
20 their post processing software, such as CineLight software, (“the ’713 Infringing
21 Instrumentalities”) in an exemplary manner as described below.

22 81. One or more of the ’713 Infringing Instrumentalities meet all the
23 limitations of claim 25 of the ’713 patent. In particular, the ’713 Infringing
24 Instrumentalities perform a method for processing an image, including allowing a
25 single user adjustable exposure setting to be changed.

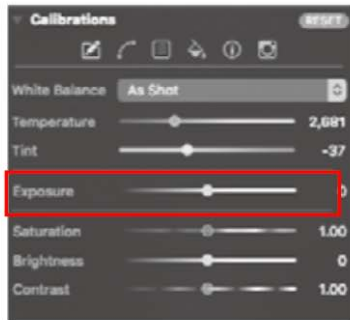
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<https://www.dji.com/zenmuse-x5r>

[16] Color Calibrations

- A. Basic: Adjust the white balance, exposure and saturation.
- B. Tone Curve: Adjust up to 5 points on the tone curve.
- C. Denoise and Sharpen
Adjust the denoise and sharpening values.



A



B



C

https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_160324.pdf

82. The '713 Infringing Instrumentalities also select an exposure modification transform responsive to changes in the exposure setting which transform accounts for a rendering used to produce the rendered digital image and which appears as if a different exposure level was used by the image capture device.

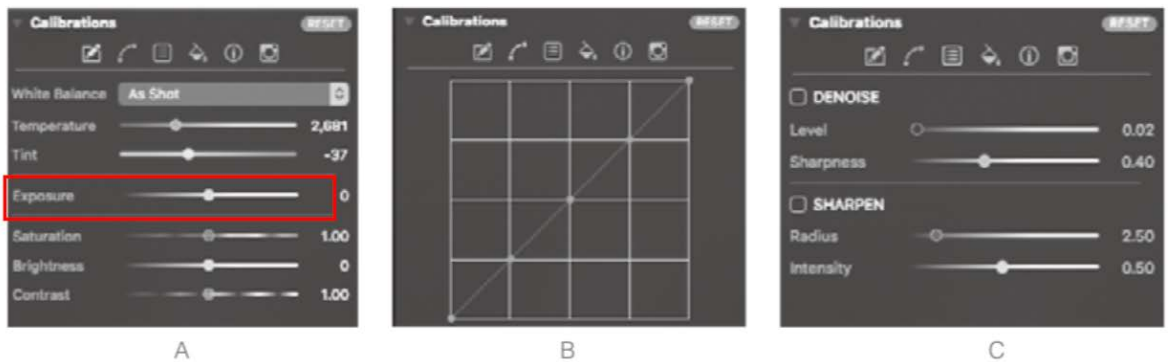
1 [15] Properties

- 2 A. RGB Histogram
- 3 B. Hover Pixel Color
- 4 C. Image Information



13 [16] Color Calibrations

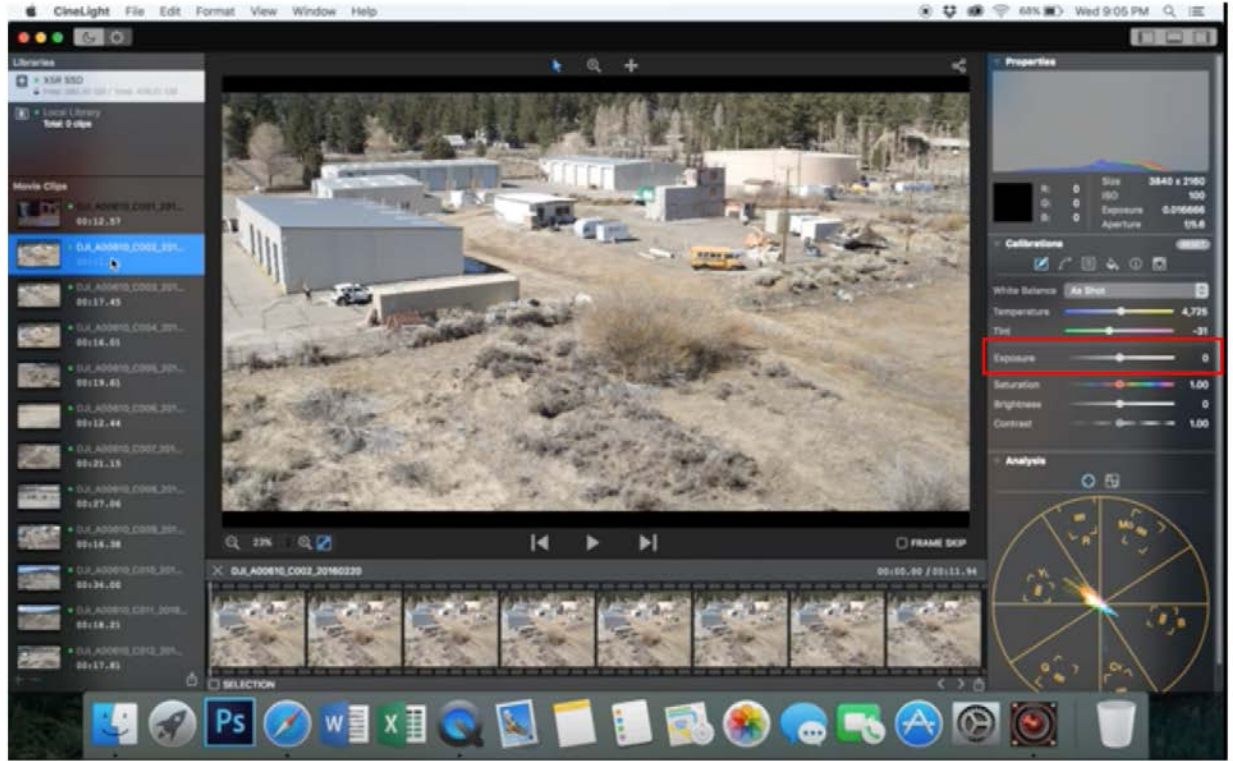
- 14 A. Basic: Adjust the white balance, exposure and saturation.
 - 15 B. Tone Curve: Adjust up to 5 points on the tone curve.
 - 16 C. Denoise and Sharpen
- Adjust the denoise and sharpening values.



23 https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_160324.pdf

24 83. The '713 Infringing Instrumentalities also use the selected transform to
25 transform the image and display the image as the exposure setting is changed.

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https://www.youtube.com/watch?v=NuAS_Ytk3Z4

84. The DJI Defendants have thus infringed and continue to infringe at least claim 25 of the '713 patent by making, using, testing, selling, offering for sale, importing and/or licensing the '713 Infringing Instrumentalities, and operating such

1 that all steps of at least claim 25 are performed.

2 85. The users, customers, agents and/or other third parties of the '713
3 Infringing Instrumentalities (collectively, "third-party infringers") have been and
4 are now infringing, including under 35 U.S.C. § 271(a), at least claim 25 of the
5 '713 patent by using the '713 Infringing Instrumentalities.

6 86. The DJI Defendants have, since at least no later than October 4, 2017,
7 known or been willfully blind to the fact that the third-party infringers' use of the
8 '713 Infringing Instrumentalities directly infringe the '713 patent.

9 87. The DJI Defendants' knowledge of the '713 patent, which covers
10 operating the '713 Infringing Instrumentalities in their intended manner and such
11 that all limitations of at least claim 25 of the '713 patent are met, made it known to
12 the DJI Defendants that the third-party infringers' use of the '713 Infringing
13 Instrumentalities would directly infringe the '713 patent, or, at the very least, render
14 the DJI Defendants willfully blind to such infringement.

15 88. Having known or been willfully blind to the fact that the third-party
16 infringers' use of the '713 Infringing Instrumentalities in their intended manner and
17 such that all limitations of at least claim 25 of the '713 patent would directly
18 infringe the '713 patent, the DJI Defendants, upon information and belief, actively
19 encouraged and continue to actively encourage the third-party infringers to directly
20 infringe the '713 patent by making, using, testing, selling, offering for sale,
21 importing and/or licensing said '713 Infringing Instrumentalities, and by, for
22 example, marketing '713 Infringing Instrumentalities to the third-party infringers;
23 supporting and managing the third-party infringers' continued use of the '713
24 Infringing Instrumentalities; and providing technical assistance to the third-party
25 infringers during their continued use of the '713 Infringing Instrumentalities. *See,*
26 *e.g.*, DJI Cinelight User Manual at pp. 3-7,
27 [https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_](https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_160324.pdf)
28 [160324.pdf](https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_160324.pdf), instructing users to adjust the exposure using a single exposure setting

1 in a manner that performs the claimed method.

2 89. The DJI Defendants induce the third-party infringers to infringe at
3 least claim 25 of the '713 patent by directing or encouraging them to operate the
4 '713 Infringing Instrumentalities which, alone or in combination with the third-
5 party infringers' devices, satisfy all limitations of claim 25 of the '713 patent. For
6 example, the DJI Defendants advertise and promote the features of the '713
7 Infringing Instrumentalities on their website and encourage the third-party
8 infringers to operate the '713 Infringing Instrumentalities in an infringing manner.
9 The DJI Defendants further provide technical assistance as to how the '713
10 Infringing Instrumentalities should be used by the third-party infringers (*see, e.g.*,
11 DJI Cinelight User Manual at pp. 3-7,
12 https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_160324.pdf,
13 https://dl.djicdn.com/downloads/zenmuse_x5s/en/DJI_Cinelight_User_Manual_en_160324.pdf,
14 instructing users to adjust the exposure using a single exposure setting
15 in a manner that performs the claimed method). In response, the third-party
16 infringers acquire and operate the '713 Infringing Instrumentalities such that all
17 limitations of claim 25 of the '713 patent are practiced.

18 90. Thus, the DJI Defendants have specifically intended to induce, and
19 have induced, the third-party infringers to infringe at least claim 25 of the '713
20 patent, and the DJI Defendants have known of or been willfully blind to such
21 infringement. The DJI Defendants have advised, encouraged, and/or aided the
22 third-party infringers to engage in direct infringement, including through their
23 encouragement, advice, and assistance to the third-party infringers to use the '713
24 Infringing Instrumentalities.

25 91. Based on, among other things, the foregoing facts, the DJI Defendants
26 have induced, and continue to induce, infringement under 35 U.S.C. § 271(b) of at
27 least claim 25 of the '713 patent.

28 92. Further, the DJI Defendants sell, provide and/or license to the third-
party infringers '713 Infringing Instrumentalities that are especially made and

1 adapted—and specifically intended by the DJI Defendants—to be used as
2 components and material parts of the inventions covered by the '713 patent. For
3 example, the DJI Defendants provide hardware and related image processing
4 software which the third-party infringers use in a manner such that all limitations of
5 at least claim 25 of the '713 patent are met, and without which the third-party
6 infringers would be unable to use and avail themselves of the '713 Infringing
7 Instrumentalities in their intended manner.

8 93. Upon information and belief, the DJI Defendants also knew that the
9 '713 Infringing Instrumentalities operate in a manner that satisfy all limitations of
10 at least claim 25 of the '713 patent.

11 94. The image processing / exposure modification transform technology in
12 the '713 Infringing Instrumentalities is specially made and adapted to infringe at
13 least claim 25 of the '713 patent. Upon information and belief, the image
14 processing / exposure modification transform technology in the '713 Infringing
15 Instrumentalities is not a staple article or commodity of commerce, and, because the
16 functionality is designed to work with the '713 Infringing Instrumentalities solely
17 in a manner that is covered by the '713 patent, it does not have a substantial non-
18 infringing use. At least by no later than October 4, 2017, based on the foregoing
19 facts, the DJI Defendants have known or been willfully blind to the fact that such
20 functionality is especially made and adapted for—and is in fact used in—the '713
21 Infringing Instrumentalities in a manner that is covered by the '713 patent.

22 95. Based on, among other things, the foregoing facts, the DJI Defendants
23 have contributorily infringed, and continue to contributorily infringe, at least claim
24 25 of the '713 patent under 35 U.S.C. § 271(c).

25 96. The DJI Defendants' acts of infringement of the '713 patent have been
26 willful and intentional under the standard of *Halo Elecs., Inc. v. Pulse Elecs., Inc.*,
27 136 S. Ct. 1923 (2016). Since at least October 4, 2017, the DJI Defendants have
28 willfully infringed the '713 patent by refusing to take a license and continuing the

1 foregoing infringement. Instead of taking a license to the '713 patent, the DJI
2 Defendants have made the business decision to “efficiently infringe” the '713
3 patent. In doing so, the DJI Defendants willfully infringe the '713 patent.

4 97. The DJI Defendants’ acts of direct and indirect infringement have
5 caused, and continue to cause, damage to MPV, and MPV is entitled to recover
6 damages sustained as a result of the DJI Defendants’ wrongful acts in an amount
7 subject to proof at trial

8 **COUNT 4: INFRINGEMENT OF THE '112 PATENT**

9 98. The allegations of paragraphs 1-97 of this Complaint are incorporated
10 by reference as though fully set forth herein.

11 99. MPV owns by assignment the entire right, title, and interest in the
12 '112 patent.

13 100. The '112 patent was issued by the United States Patent and
14 Trademark Office on August 9, 2011 and is titled “Imaging Device Providing
15 Capture Location Guidance.” A true and correct copy of the '112 patent is attached
16 as Exhibit D.

17 101. Pursuant to 35 U.S.C. § 282, the '112 patent is presumed valid.

18 102. The inventions claimed in the '112 patent were not well-understood,
19 routine, or conventional at the time of the invention. At the time of the '112 patent,
20 mobile phones, tablet computers, networked cameras, and other portable devices
21 incorporating camera modules and network connections to the Internet have opened
22 up opportunities for new and exciting gaming, entertainment, and structured
23 learning experiences. '112 patent at 1:37-41. This technology was used to create
24 geocache treasure hunt games and photo-based scavenger hunt games. *Id.* at 1:41-
25 43. However, these experiences were relatively static. *Id.* at 1:45. Typically, the
26 game or experience was designed once and played many times in a similar manner
27 by all the users. *Id.* at 1:45-47
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1 103. The inventive solution of the claimed inventions of the '112 patent is
2 an image capture device which provides guidance for capturing images at different
3 locations as well as a dynamic, compelling, photo-based experience responsive to
4 the user, situation, and conditions. *Id.* at 2:38-3:3. The claimed image capture
5 device has the advantages of providing an appropriate experience for capturing
6 images at different locations as well as guidance to a user in order to adapt the
7 experience for different users, situations, or conditions. *Id.* at 3:4-10. It is a feature
8 of the invention that the guidance is provided after analyzing the pixel data of a
9 captured digital image, in order to determine a second possible image capture
10 location based on the user, situation, or condition. *Id.* at 3:11-14.

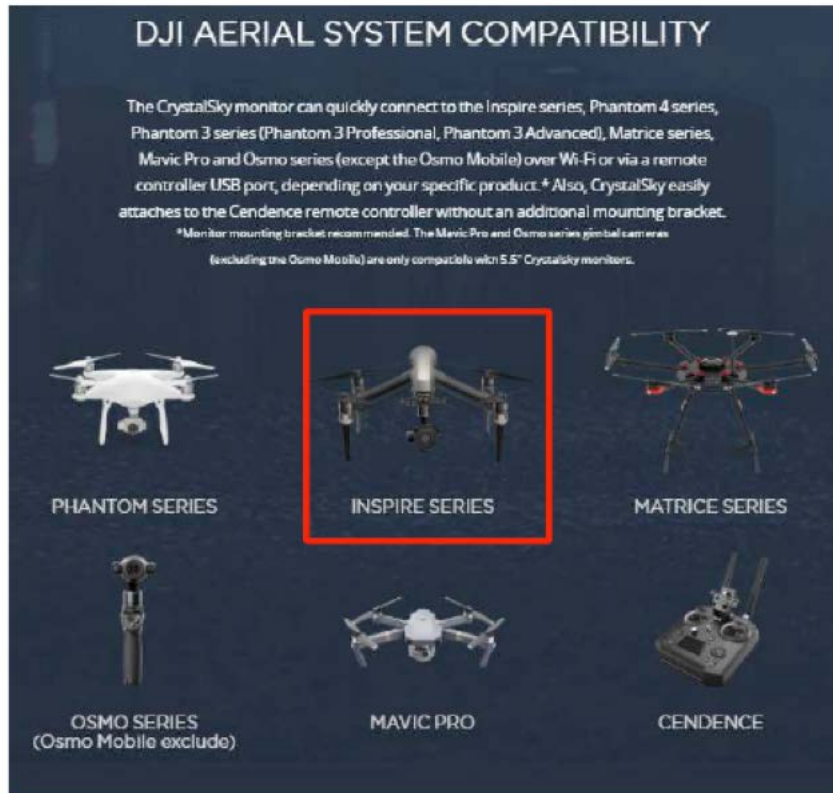
11 104. A person of ordinary skill in the art reading the '112 patent and its
12 claims would understand that the patent's disclosure and claim are drawn to solving
13 a specific, technical problem arising in providing guidance for capturing digital
14 images at different locations. Moreover, a person of ordinary skill in the art would
15 understand that the claimed subject matter of the '112 patent presents advancements
16 in image capture devices which provide guidance for capturing images at different
17 locations. As detailed by the specification, there was no mechanism for using
18 guidance information to capture a digital image at a first scene and analyzing the
19 pixel data of the captured digital image to determine guidance information for
20 locating a second scene that is at a different location. The inventions of the '112
21 patent do not and cannot apply to analog photography and are indigenous to the
22 then nascent field of digital photography

23 105. In light of the foregoing, a person of ordinary skill in the art would
24 understand that claim 12 of the '112 patent is directed to using guidance
25 information to capture a digital image at a first scene and analyzing the pixel data of
26 the captured digital image to determine guidance information for locating a second
27 scene that is at a different location. Moreover, a person of ordinary skill in the art
28 would understand that claim 12 of the '112 patent contains the inventive concept of

1 using guidance information to capture a digital image at a first scene and analyzing
2 the pixel data of the captured digital image to determine guidance information for
3 locating a second scene that is at a different location.

4 106. Upon information and belief, the DJI Defendants have directly
5 infringed at least claim 12 of the '112 patent by making, using, testing, selling,
6 offering for sale, importing and/or licensing in the United States without authority
7 their DJI drone cameras (e.g., Inspire 2) with the CrystalSky Monitor running the
8 DJI GO 4 application (“the '112 Infringing Instrumentalities”) in an exemplary
9 manner as described below.

10 107. One or more of the '112 Infringing Instrumentalities meet all the
11 limitations of claim 12 of the '112 patent. In particular, the '112 Infringing
12 Instrumentalities practice a method for displaying guidance information for
13 capturing a digital image at a location of a first scene:



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27 <https://www.dji.com/crystalsky>.
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DJI GO 4 APP

DJI GO 4 is a powerful, convenient app that offers full control and customization of the Inspire 2. It can be used to check the flight status of the aircraft in real time, trigger automatic take off or Return to Home, control camera settings, enable Intelligent Flight Modes and much more, all with just a few taps of the screen.

<http://www.dji.com/inspire-2?site=brandsite&from=nav>.

DJI GO 4 App

The DJI GO 4 app is a new mobile app designed specifically for the Inspire 2. Use this app to control the gimbal, camera and other features of your flight system. The app also comes with Map, Store a User Center, for configuring your aircraft and sharing your content with friends. It is recommended that you use a tablet for the best experience.



https://dl.djicdn.com/downloads/inspire_2/20170711/INSPIRE_2_UM_V1.4_EN.pdf

TapFly

Introduction

With the TapFly feature, users can now tap on the mobile device screen to fly in the designated direction without using the remote controller. The aircraft will automatically avoid obstacles it sees or brake and hover provided that the lighting is appropriate (< 300 lux) nor too bright (> 10,000 lux).


Using TapFly

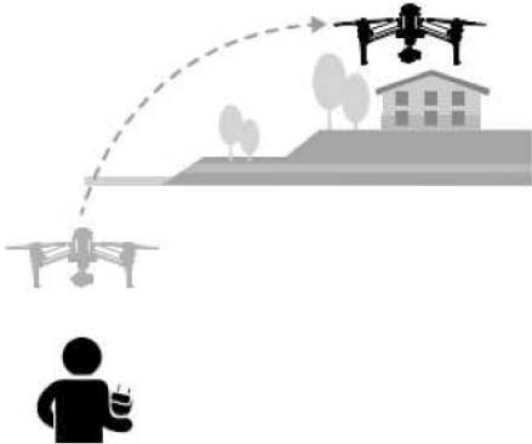
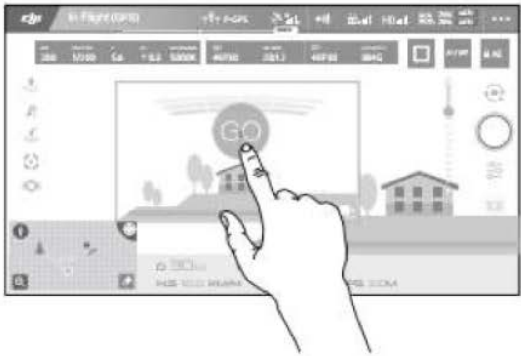
Ensure the battery level is more than 50% for the Intelligent Flight Battery. And the aircraft is in P-mode. Then follow the steps below to use TapFly:

2. Launch the DJI GO 4 app and tap , then tap , read and understand the prompts.



https://dl.djicdn.com/downloads/inspire_2/20170711/INSPIRE_2_UM_V1.4_EN.pdf

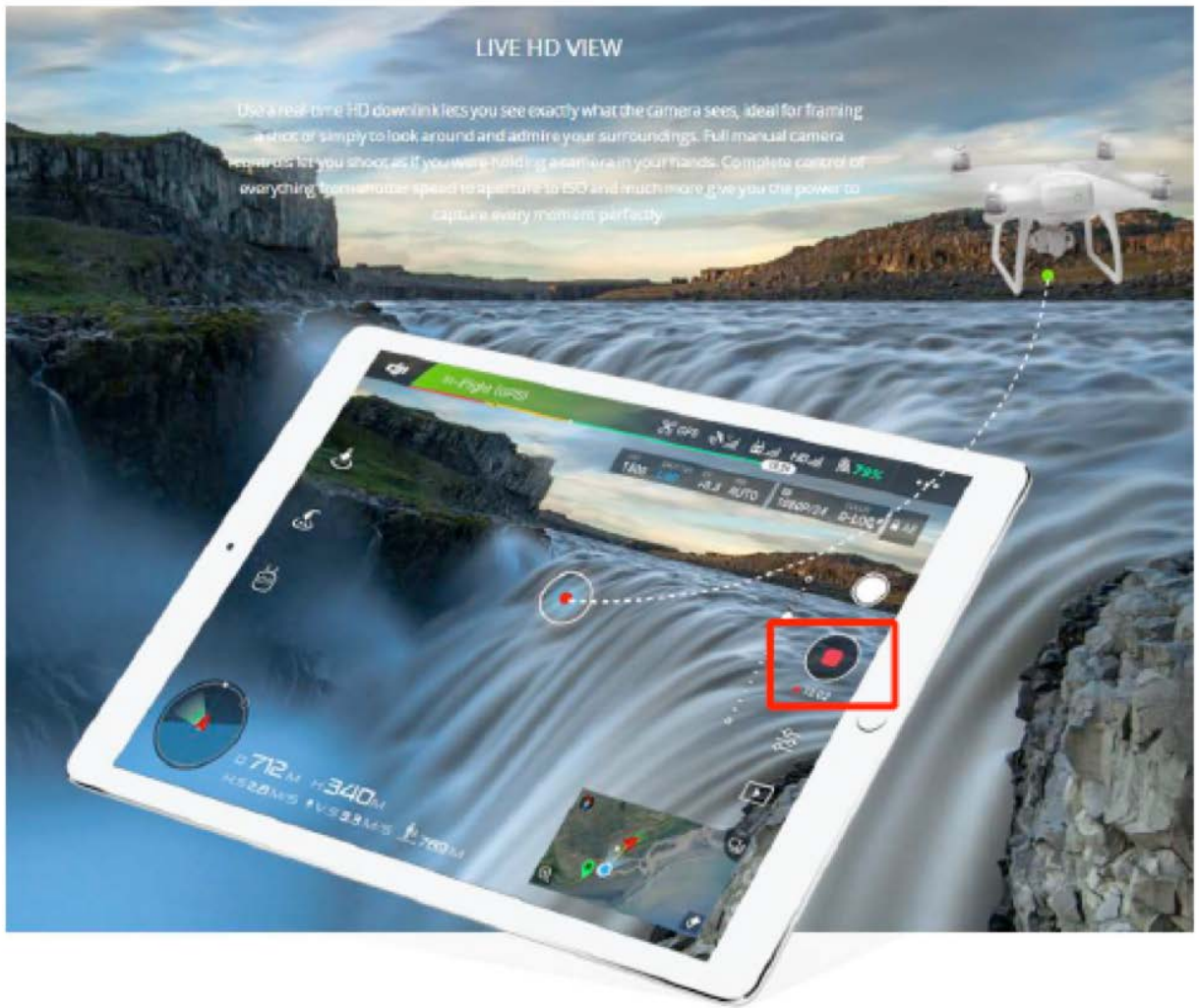
3. Tap once on the target direction and wait for  icon to appear. Tap again to confirm the selection and the aircraft will automatically fly towards the target direction.



https://dl.djicdn.com/downloads/inspire_2/20170711/INSPIRE_2_UM_V1.4_EN.pdf

108. The '112 Infringing Instrumentalities capture a digital image of a first scene using the guidance information:

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<https://www.dji.com/goapp>.

109. The '112 Infringing Instrumentalities analyze pixel data of the first digital image to determine a location of a second scene and guidance information for locating the second scene. The location of the second scene is selected from a plurality of locations and differs from the location of the first scene.

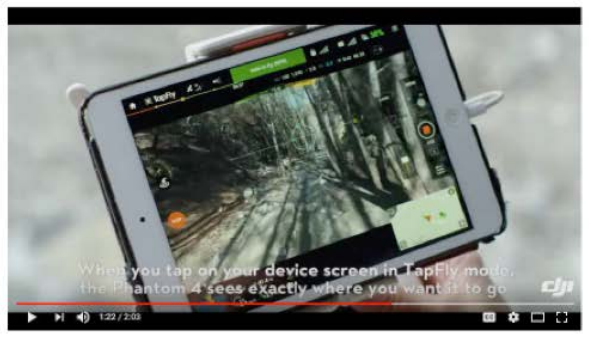
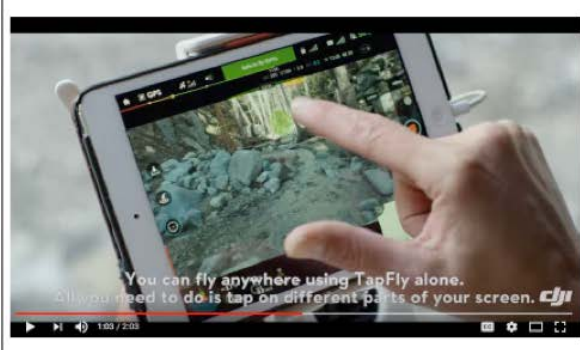
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SMART RETURN TO HOME

Forward and downward vision systems allow the Inspire 2 to create a real-time map of its flight route as it flies. If the video transmission system signal is lost and Smart Return Home is enabled, it is able to fly home along its original route, and change to a straight line when it regains a signal. As it returns, it will use the primary camera to identify obstacles as far as 200m in front, allowing it to plan a safe route home. It is also able to reconnect more quickly after losing connection.



<http://www.dji.com/inspire-2?site=brandsite&from=nav>.

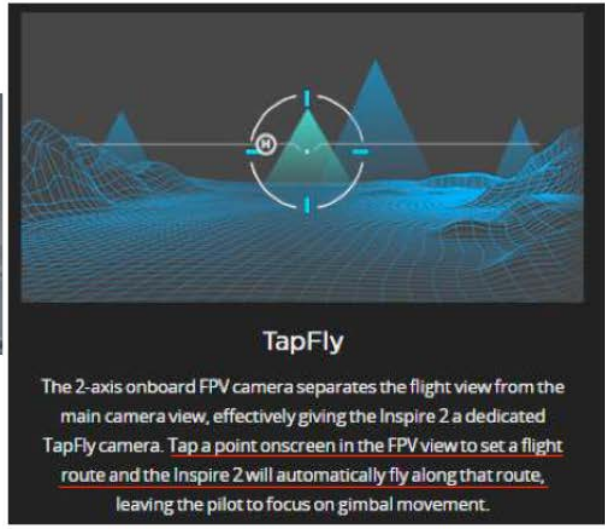


<https://www.youtube.com/watch?v=FEHXTREckAQ>.

110. The '112 Infringing Instrumentalities display the guidance information for locating the second scene:

VIDEO TRANSMISSION SYSTEM

The latest update to DJI Lightbridge technology has an effective transmission distance of up to 4.3mi (7km)* and is capable of delivering both 1080p/720p video as well as the FPV view to pilot and camera operator. Users can also switch between 2.4GHz and 5.8GHz** control frequencies to cut through noise for greater signal stability.



<http://www.dji.com/inspire-2?site=brandsite&from=nav>.

1 111. The DJI Defendants have thus infringed and continue to infringe at
2 least claim 12 of the '112 patent by making, using, testing, selling, offering for sale,
3 importing and/or licensing the '112 Infringing Instrumentalities, and operating such
4 that all steps of at least claim 12 are performed, including within this District.

5 112. The users, customers, agents and/or other third parties of the '112
6 Infringing Instrumentalities (collectively, "third-party infringers") have been and
7 are now infringing, including under 35 U.S.C. § 271(a), at least claim 12 of the
8 '112 patent by using the '112 Infringing Instrumentalities.

9 113. The DJI Defendants have, since at least no later than October 4, 2017,
10 known or been willfully blind to the fact that the third-party infringers' use of the
11 '112 Infringing Instrumentalities directly infringe the '112 patent.

12 114. The DJI Defendants' knowledge of the '112 patent, which covers
13 operating the '112 Infringing Instrumentalities in their intended manner and such
14 that all limitations of at least claim 12 of the '112 patent are met, made it known to
15 the DJI Defendants that the third-party infringers' use of the '112 Infringing
16 Instrumentalities would directly infringe the '112 patent, or, at the very least, render
17 the DJI Defendants willfully blind to such infringement.

18 115. Having known or been willfully blind to the fact that the third-party
19 infringers' use of the '112 Infringing Instrumentalities in their intended manner and
20 such that all limitations of at least claim 12 of the '112 patent would directly
21 infringe the '112 patent, the DJI Defendants, upon information and belief, actively
22 encouraged and continue to actively encourage the third-party infringers to directly
23 infringe the '112 patent by making, using, testing, selling, offering for sale,
24 importing and/or licensing said '112 Infringing Instrumentalities, and by, for
25 example, marketing '112 Infringing Instrumentalities to the third-party infringers;
26 supporting and managing the third-party infringers' continued use of the '112
27 Infringing Instrumentalities; and providing technical assistance to the third-party
28 infringers during their continued use of the '112 Infringing Instrumentalities. *See,*

1 *e.g.*,

2 [https://dl.djicdn.com/downloads/inspire_2/20170711/INSPIRE_2_UM_V1.4_EN.p](https://dl.djicdn.com/downloads/inspire_2/20170711/INSPIRE_2_UM_V1.4_EN.pdf)
3 [df](https://dl.djicdn.com/downloads/inspire_2/20170711/INSPIRE_2_UM_V1.4_EN.pdf).

4 116. The DJI Defendants induce the third-party infringers to infringe at
5 least claim 12 of the '112 patent by directing or encouraging them to operate the
6 '112 Infringing Instrumentalities which, alone or in combination with the third-
7 party infringers' devices, satisfy all limitations of claim 12 of the '112 patent. For
8 example, the DJI Defendants advertise and promote the features of the '112
9 Infringing Instrumentalities on <https://www.dji.com> and encourage the third-party
10 infringers to operate the '112 Infringing Instrumentalities in an infringing manner.
11 The DJI Defendants further provide technical assistance as to how the '112
12 Infringing Instrumentalities should be used by the third-party infringers (*see, e.g.*,
13 [https://dl.djicdn.com/downloads/inspire_2/20170711/INSPIRE_2_UM_V1.4_EN.p](https://dl.djicdn.com/downloads/inspire_2/20170711/INSPIRE_2_UM_V1.4_EN.pdf)
14 [df](https://dl.djicdn.com/downloads/inspire_2/20170711/INSPIRE_2_UM_V1.4_EN.pdf)). In response, the third-party infringers acquire and operate the '112 Infringing
15 Instrumentalities such that all limitations of claim 12 of the '112 patent are
16 practiced.

17 117. Thus, the DJI Defendants have specifically intended to induce, and
18 have induced, the third-party infringers to infringe at least claim 12 of the '112
19 patent, and the DJI Defendants have known of or been willfully blind to such
20 infringement. The DJI Defendants have advised, encouraged, and/or aided the
21 third-party infringers to engage in direct infringement, including through their
22 encouragement, advice, and assistance to the third-party infringers to use the '112
23 Infringing Instrumentalities.

24 118. Based on, among other things, the foregoing facts, the DJI Defendants
25 have induced, and continue to induce, infringement under 35 U.S.C. § 271(b) of at
26 least claim 12 of the '112 patent.

27 119. Further, the DJI Defendants sell, provide and/or license to the third-
28 party infringers '112 Infringing Instrumentalities that are especially made and

1 adapted—and specifically intended by the DJI Defendants—to be used as
2 components and material parts of the inventions covered by the '112 patent. For
3 example, the DJI Defendants provide the Inspire 2 which the third-party infringers
4 use in a manner such that all limitations of at least claim 12 of the '112 patent are
5 met, and without which the third party infringers would be unable to use and avail
6 themselves of the '112 Infringing Instrumentalities in their intended manner.

7 120. Upon information and belief, the DJI Defendants also knew that the
8 '112 Infringing Instrumentalities operate in a manner that satisfy all limitations of
9 at least claim 12 of the '112 patent.

10 121. The Intelligent Flight technology in the '112 Infringing
11 Instrumentalities is specially made and adapted to infringe at least claim 12 of the
12 '112 patent. Upon information and belief, the Intelligent Flight technology in the
13 '112 Infringing Instrumentalities is not a staple article or commodity of commerce,
14 and, because the functionality is designed to work with the '112 Infringing
15 Instrumentalities solely in a manner that is covered by the '112 patent, it does not
16 have a substantial non-infringing use. At least by no later than October 4, 2017,
17 based on the foregoing facts, the DJI Defendants have known or been willfully
18 blind to the fact that such functionality is especially made and adapted for—and is
19 in fact used in—the '112 Infringing Instrumentalities in a manner that is covered by
20 the '112 patent.

21 122. Based on, among other things, the foregoing facts, the DJI Defendants
22 have contributorily infringed, and continue to contributorily infringe, at least claim
23 12 of the '112 patent under 35 U.S.C. § 271(c).

24 123. The DJI Defendants' acts of infringement of the '112 patent have been
25 willful and intentional under the standard of *Halo Elecs., Inc. v. Pulse Elecs., Inc.*,
26 136 S. Ct. 1923 (2016). Since at least October 4, 2017, the DJI Defendants have
27 willfully infringed the '112 patent by refusing to take a license and continuing the
28 foregoing infringement. Instead of taking a license to the '112 patent, the DJI

1 Defendants have made the business decision to “efficiently infringe” the ’112
2 patent. In doing so, the DJI Defendants willfully infringe the ’112 patent.

3 124. The DJI Defendants’ acts of direct and indirect infringement have
4 caused, and continue to cause, damage to MPV, and MPV is entitled to recover
5 damages sustained as a result of the DJI Defendants’ wrongful acts in an amount
6 subject to proof at trial.

7 **COUNT 5: INFRINGEMENT OF THE ’674 PATENT**

8 125. The allegations of paragraphs 1-124 of this Complaint are
9 incorporated by reference as though fully set forth herein.

10 126. MPV owns by assignment the entire right, title, and interest in the
11 ’674 patent.

12 127. The ’674 patent was issued by the United States Patent and
13 Trademark Office on June 10, 2014 and is titled “Remotely Controllable Digital
14 Camera System.” A true and correct copy of the ’674 patent is attached as Exhibit
15 E.

16 128. Pursuant to 35 U.S.C. § 282, the ’674 patent is presumed valid.

17 129. The inventions claimed in the ’674 patent were not well-understood,
18 routine, or conventional at the time of the invention. At the time of the ’674 patent,
19 it was important for a digital video camera system to provide a high quality audio
20 signal, in order to enable the user to produce compelling videos. ’674 patent at
21 2:43-45. This required that the microphone used to capture the audio signals be
22 positioned at an appropriate location, to record audio signals at appropriate times.
23 *Id.* at 2:45-48. This was especially important when the digital video system
24 includes an image capture unit and an image recording unit that can be located at
25 different positions and pointed in different directions. *Id.* at 2:48-51. Thus, there
26 remained a need to provide a digital video camera system having separate capture
27 and recording units that provides an improved way of recording audio and image
28 signals. *Id.* at 2:51-54.

1 130. The inventive solution of the claimed inventions of the '674 patent is a
2 digital video camera system that has three advantages over the prior art systems.
3 First, the inventive solution has the advantage that the capture of digital video
4 signals at a first location can be controlled by a user from a second location. *Id.* at
5 3:36-38. Second, it has the additional advantage that the pointing direction of the
6 optical system in the image capture unit can be remotely controlled. *Id.* at 3:39-41.
7 Finally, the pointing direction can be controlled using various user controls
8 including an orientation sensor or a touch screen interface. *Id.* at 3:41-43.

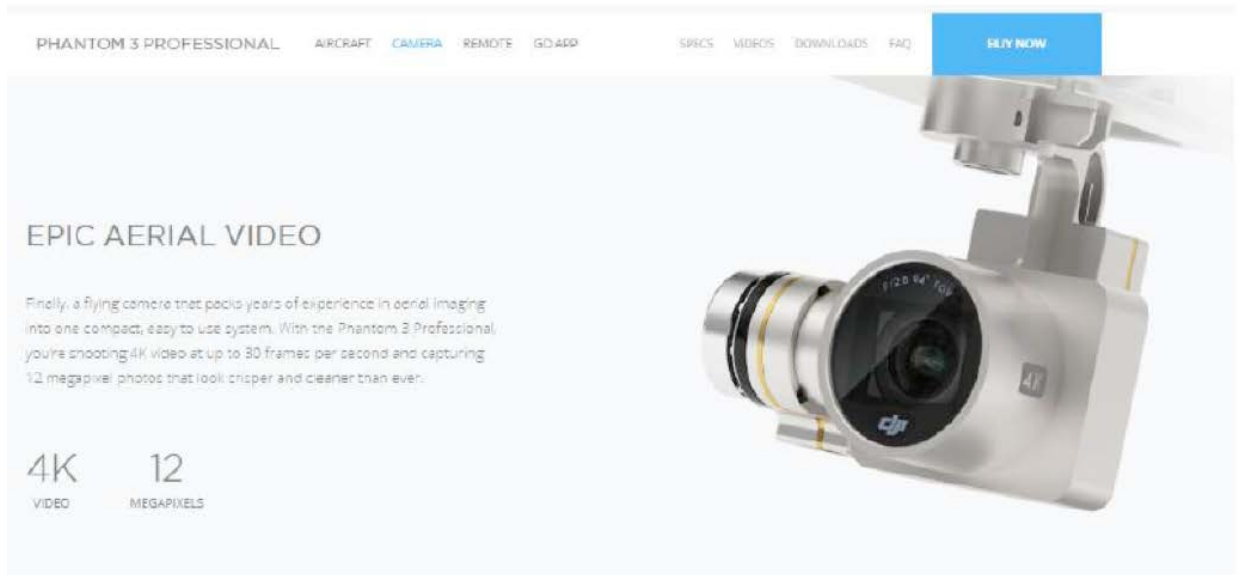
9 131. A person of ordinary skill in the art reading the '674 patent and its
10 claims would understand that the patent's disclosure and claim are drawn to solving
11 a specific, technical problem arising in digital video camera systems. Moreover, a
12 person of ordinary skill in the art would understand that the claimed subject matter
13 of the '674 patent presents advancements in the field of digital video camera
14 systems having a wireless connection. Indeed, the time of invention is less than
15 twenty-five years after Kodak's prior invention of the first self-contained digital
16 camera in 1975.

17 132. In light of the foregoing, a person of ordinary skill in the art would
18 understand that claim 20 of the '674 patent is directed to a specific method of
19 wirelessly controlling an image recording unit by using a tilting mechanism to
20 adjust the pointing direction of the optical system on the image recording unit in
21 response to the detection of changes in the orientation of the image recording unit.
22 Moreover, a person of ordinary skill in the art would understand that claim 20 of
23 the '674 patent contains the inventive concept of wirelessly controlling an image
24 recording unit by using a tilting mechanism to adjust the pointing direction of the
25 optical system on the image recording unit in response to the detection of changes
26 in the orientation of the image recording unit.

27 133. Upon information and belief, the DJI Defendants have directly
28 infringed at least claim 20 of the '674 patent by making, using, testing, selling,

1 offering for sale, importing and/or licensing in the United States without authority
2 their CrystalSky monitor and compatible drones with imaging units (e.g., Phantom
3 3 Professional) (“the ’674 Infringing Instrumentalities”) in an exemplary manner as
4 described below.

5 134. One or more of the ’674 Infringing Instrumentalities meet all the
6 limitations of claim 20 of the ’674 patent. In particular, the ’674 Infringing
7 Instrumentalities capture a digital video signal using an image sensor:



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18 <http://www.dji.com/phantom-3-pro/camera#sub-feature>.

19 135. The ’674 Infringing Instrumentalities form an image of a scene onto
20 the image sensor:

21 **Camera and Gimbal**

22 **Camera Profile**

23 The on-board camera uses the 1/2.3 inch CMOS sensor to capture video (up to 4096x2160p at 24fps or
24 4K at up to 30fps with the Phantom 3 Professional) and 12 megapixel stills. You may choose to record
25 the video in either MOV or MP4 format. Available picture shooting modes include burst, continuous, and
26 time-lapse mode. A live preview of what the camera sees can be monitored on the connected mobile
27 device via the DJI GO app.

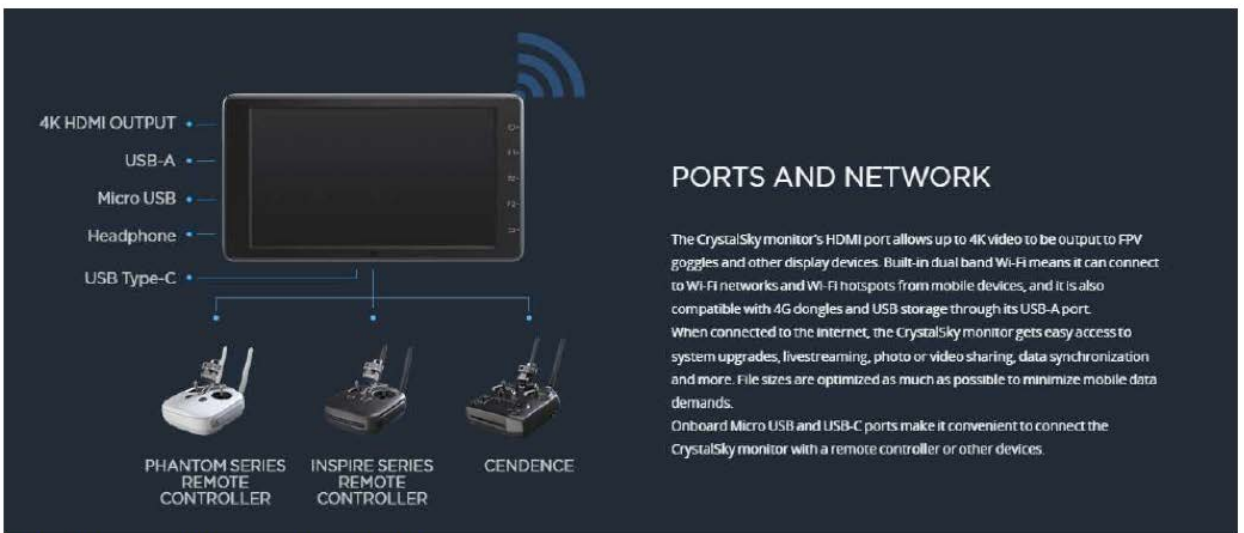
28 https://dl.djicdn.com/downloads/phantom_3/en/Phantom+3+Professional+User+Manual+v1.8_en_20160719.pdf.

1 136. The '674 Infringing Instrumentalities wirelessly receive a digital video
2 signal from the image recording unit:
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14 <http://www.dji.com/crystalsky>.

15 137. The '674 Infringing Instrumentalities wirelessly receive a wireless
16 communication from a second wireless communication system onboard the DJI
17 image recording unit:
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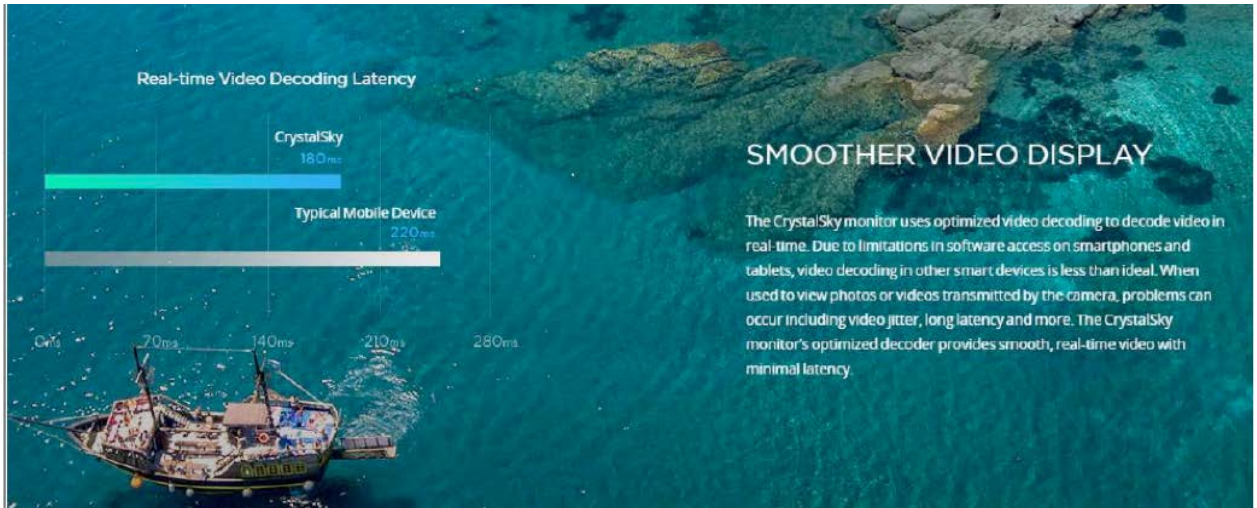


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26 <http://www.dji.com/crystalsky>.

27 138. The '674 Infringing Instrumentalities display the received digital video
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1 signal on an image display:

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<http://www.dji.com/crystalsky>.

139. The '674 Infringing Instrumentalities detect an orientation of the image recording unit using an orientation sensor:

STABLE FOOTAGE

Securing and stabilizing your camera in place is DJI's trusted aerial stabilization technology. This 3-axis gimbal keeps your camera perfectly level in any flight conditions, resulting in beautiful, stable footage throughout every flight.



<http://www.dji.com/phantom-3-pro/camera#sub-feature>.

140. The '674 Infringing Instrumentalities enable a user to customize control of the imaging unit:

DJI GO/GO 4 App

Press the Power Button until the Monitor powers on, then enter the DJI GO/GO 4 app.

Use the built-in DJI GO/DJI GO 4 app to control the gimbal, camera and other features of your flight system. The app also comes with a map, a store, and a user center, for configuring your aircraft and sharing your content.



http://dl.djicdn.com/downloads/CrystalSky/20170424_1/Crystalsky_User_Guide_v1.0_multi.pdf



<http://www.dji.com/crystalsky>

1 141. The '674 Infringing Instrumentalities allow a user to select a gimbal
 2 operation mode that will adjust the pointing direction of the optical system in
 3 response to detecting a change in the orientation of the image recording unit:

4 **Gimbal Operation Modes**

5 Two gimbal operation modes are available. Switch between the different operation modes on the
 6 camera settings page of the DJI GO app. Note that your mobile device must be connected to the remote
 controller for changes to take effect. Refer to the table below for details:

	Follow Mode	The angle between gimbal's orientation and aircraft's nose remains constant at all times.
	FPV Mode	The gimbal will synchronize with the movement of the aircraft to provide a first-person perspective flying experience.

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- 11 • A gimbal motor error may occur in these situations: (1) the aircraft is placed on uneven ground or the gimbal's motion is obstructed (2) the gimbal has been subjected to an excessive external force, such as a collision. Please take off from flat, open ground and protect the gimbal at all times.
- 12
- 13 • Flying in heavy fog or clouds may make the gimbal wet, leading to temporary failure. The gimbal will recover full functionality after it dries.
- 14

15 https://dl.djicdn.com/downloads/phantom_3/en/Phantom+3+Professional+User+Manual+v1.8_en_20160719.pdf.

16 142. The '674 Infringing Instrumentalities store the received digital video
 17 signal in a digital media file:



26 <http://www.dji.com/crystalsky>.

27 143. The DJI Defendants have thus infringed and continue to infringe at
 28 least claim 20 of the '674 patent by making, using, testing, selling, offering for sale,

1 importing and/or licensing the '674 Infringing Instrumentalities, and operating such
2 that all steps of at least claim 20 are performed, including within this District.

3 144. The users, customers, agents and/or other third parties of the '674
4 Infringing Instrumentalities (collectively, "third-party infringers") have been and
5 are now infringing, including under 35 U.S.C. § 271(a), at least claim 20 of the
6 '674 patent by using the '674 Infringing Instrumentalities.

7 145. The DJI Defendants have, since at least no later than October 4, 2017,
8 known or been willfully blind to the fact that the third-party infringers' use of the
9 '674 Infringing Instrumentalities directly infringe the '674 patent.

10 146. The DJI Defendants' knowledge of the '674 patent, which covers
11 operating the '674 Infringing Instrumentalities in their intended manner and such
12 that all limitations of at least claim 20 of the '674 patent are met, made it known to
13 the DJI Defendants that the third party infringers' use of the '674 Infringing
14 Instrumentalities would directly infringe the '674 patent, or, at the very least, render
15 the DJI Defendants willfully blind to such infringement.

16 147. Having known or been willfully blind to the fact that the third-party
17 infringers' use of the '674 Infringing Instrumentalities in their intended manner and
18 such that all limitations of at least claim 20 of the '674 patent would directly
19 infringe the '674 patent, the DJI Defendants, upon information and belief, actively
20 encouraged and continue to actively encourage the third-party infringers to directly
21 infringe the '674 patent by making, using, testing, selling, offering for sale,
22 importing and/or licensing said '674 Infringing Instrumentalities, and by, for
23 example, marketing '674 Infringing Instrumentalities to the third-party infringers;
24 supporting and managing the third-party infringers' continued use of the '674
25 Infringing Instrumentalities; and providing technical assistance to the third party
26 infringers during their continued use of the '674 Infringing Instrumentalities. *See,*
27 *e.g.,*

28 https://dl.djicdn.com/downloads/phantom_3/en/Phantom+3+Professional+User+Ma

1 [nual+v1.8_en_20160719.pdf](https://dl.djicdn.com/downloads/phantom_3/en/Phantom+3+Professional+User+Manual+v1.8_en_20160719.pdf).

2 148. The DJI Defendants induce the third-party infringers to infringe at
3 least claim 20 of the '674 patent by directing or encouraging them to operate the
4 '674 Infringing Instrumentalities which, alone or in combination with the third-
5 party infringers' devices, satisfy all limitations of claim 20 of the '674 patent. For
6 example, the DJI Defendants advertise and promote the features of the '674
7 Infringing Instrumentalities on www.dji.com and encourage the third-party
8 infringers to operate the '674 Infringing Instrumentalities in an infringing manner.
9 The DJI Defendants further provide technical assistance as to how the '674
10 Infringing Instrumentalities should be used by the third party infringers (*see, e.g.*,
11 [https://dl.djicdn.com/downloads/phantom_3/en/Phantom+3+Professional+User+Ma](https://dl.djicdn.com/downloads/phantom_3/en/Phantom+3+Professional+User+Manual+v1.8_en_20160719.pdf)
12 [nual+v1.8_en_20160719.pdf](https://dl.djicdn.com/downloads/phantom_3/en/Phantom+3+Professional+User+Manual+v1.8_en_20160719.pdf)). In response, the third-party infringers acquire and
13 operate the '674 Infringing Instrumentalities such that all limitations of claim 20 of
14 the '674 patent are practiced.

15 149. Thus, the DJI Defendants have specifically intended to induce, and
16 have induced, the third-party infringers to infringe at least claim 20 of the '674
17 patent, and the DJI Defendants have known of or been willfully blind to such
18 infringement. The DJI Defendants have advised, encouraged, and/or aided the
19 third-party infringers to engage in direct infringement, including through their
20 encouragement, advice, and assistance to the third-party infringers to use the '674
21 Infringing Instrumentalities.

22 150. Based on, among other things, the foregoing facts, the DJI Defendants
23 have induced, and continue to induce, infringement under 35 U.S.C. § 271(b) of at
24 least claim 20 of the '674 patent.

25 151. Further, the DJI Defendants sell, provide and/or license to the third-
26 party infringers '674 Infringing Instrumentalities that are especially made and
27 adapted—and specifically intended by the DJI Defendants—to be used as
28 components and material parts of the inventions covered by the '674 patent. For

1 example, the DJI Defendants provide CrystalSky monitor and compatible drones
2 with imaging units (e.g., Phantom 3 Professional) which the third-party infringers
3 use in a manner that all limitations of at least claim 20 of the '674 patent are met,
4 and without which the third party infringers would be unable to use and avail
5 themselves of the '674 Infringing Instrumentalities in their intended manner.

6 152. Upon information and belief, the DJI Defendants also knew that the
7 '674 Infringing Instrumentalities operate in a manner that satisfy all limitations of
8 at least claim 20 of the '674 patent.

9 153. The CrystalSky technology in the '674 Infringing Instrumentalities is
10 specially made and adapted to infringe at least claim 20 of the '674 patent. Upon
11 information and belief, the CrystalSky technology in the '674 Infringing
12 Instrumentalities is not a staple article or commodity of commerce, and, because the
13 functionality is designed to work with the '674 Infringing Instrumentalities solely
14 in a manner that is covered by the '674 patent, it does not have a substantial non-
15 infringing use. At least by no later than October 4, 2017, based on the foregoing
16 facts, the DJI Defendants have known or been willfully blind to the fact that such
17 functionality is especially made and adapted for—and is in fact used in—the '674
18 Infringing Instrumentalities in a manner that is covered by the '674 patent.

19 154. Based on, among other things, the foregoing facts, the DJI Defendants
20 have contributorily infringed, and continue to contributorily infringe, at least claim
21 20 of the '674 patent under 35 U.S.C. § 271(c).

22 155. The DJI Defendants' acts of infringement of the '674 patent have been
23 willful and intentional under the standard of *Halo Elecs., Inc. v. Pulse Elecs., Inc.*,
24 136 S. Ct. 1923 (2016). Since at least October 4, 2017, the DJI Defendants have
25 willfully infringed the '674 patent by refusing to take a license and continuing the
26 foregoing infringement. Instead of taking a license to the '674 patent, the DJI
27 Defendants have made the business decision to “efficiently infringe” the '674
28 patent. In doing so, the DJI Defendants willfully infringe the '674 patent.

1 156. The DJI Defendants’ acts of direct and indirect infringement have
2 caused, and continue to cause, damage to MPV, and MPV is entitled to recover
3 damages sustained as a result of the DJI Defendants’ wrongful acts in an amount
4 subject to proof at trial.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, MPV respectfully requests the following relief:

7 WHEREFORE, MPV respectfully requests the following relief:

- 8 A. A judgment that the DJI Defendants have willfully infringed the ’317
9 patent;
- 10 B. A judgment that the DJI Defendants have willfully infringed the ’485
11 patent;
- 12 C. A judgment that the DJI Defendants have willfully infringed the ’713
13 patent;
- 14 D. A judgment that the DJI Defendants have willfully infringed the ’112
15 patent;
- 16 E. A judgment that the DJI Defendants have willfully infringed the ’674
17 patent;
- 18 F. A judgment that MPV be awarded damages adequate to compensate it
19 for the DJI Defendants’ past infringement and any continuing or future
20 infringement of the ’317 patent, the ’485 patent, the ’713 patent, the ’112 patent,
21 and the ’674 patent, including pre-judgment and post-judgment interest costs and
22 disbursements as justified under 35 U.S.C. § 284 and an accounting;
- 23 G. That this be determined to be an exceptional case under 35 U.S.C. §
24 285 and that MPV be awarded enhanced damages up to treble damages for willful
25 infringement as provided by 35 U.S.C. § 284;
- 26 H. That MPV be granted its reasonable attorneys’ fees in this action;
- 27 I. That this Court award MPV its costs; and
- 28 J. That this Court award MPV such other and further relief as the Court

1 deems proper.

2 **DEMAND FOR JURY TRIAL**

3 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, MPV
4 demands a trial by jury for all issues so triable.

5 Dated: May 31, 2018

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