IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

FORMLABS, INC., Plaintiff, v. DWS S.R.L., Defendant.	CIVIL ACTION NO.

COMPLAINT WITH JURY DEMAND

Plaintiff Formlabs, Inc. ("Formlabs"), by its undersigned attorneys, demands a trial by jury on all issues so triable and brings this action against Defendant DWS S.R.L. ("DWS") as follows:

NATURE OF THE ACTION

1. This is a civil action seeking a declaratory judgment that Formlabs does not infringe any claim of U.S. Patent No. 8,945,456 ("the '456 patent").

THE PARTIES

2. Formlabs is a Delaware corporation with its principal office at 35 Medford Street, Suite 306, Somerville, Massachusetts 02143.

3. On information and belief, DWS is an Italian Corporation with its principal office at Viale della Meccanica, 21 Thiene (VI) Italy, I-36010.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 101 *et seq.*, and the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. An actual, substantial, and continuing justiciable controversy exists between Formlabs and DWS regarding the infringement of the '456 patent. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, and 2201.

5. As amended by the Leahy-Smith America Invents Act, 35 U.S.C. § 293 provides, in relevant part, that in cases involving a "patentee not residing in the United States," this Court "shall have the same jurisdiction to take any action respecting the patent or rights thereunder that it would have if the patentee were personally within the jurisdiction of the court."

6. On information and belief, DWS is the owner and assignee of the '456 patent and, as an Italian corporation, is a "patentee not residing in the United States" under 35 U.S.C. § 293. On information and belief, DWS has not provided "a written designation stating the name and address of a person residing within the United States on whom may be served process or notice of proceedings affecting the patent or rights thereunder." 35 U.S.C. § 293. Thus, DWS is subject to this Court's personal jurisdiction under Section 293.

7. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(3) as DWS is subject to personal jurisdiction in this Court under Section 293.

FORMLABS' INNOVATIVE FORM 2 PRODUCT

8. Formlabs is a well-known manufacturer of 3D printers. Formlabs' 3D printers create three-dimensional objects from photopolymer resins through stereolithography ("SLA") whereby a laser is used to harden each layer of the manufactured object. Formlabs' 3D printers, such as the Form 2, allow manufacturers and startups to rapidly prototype and manufacture new designs, including complex and intricate devices. By reducing manufacturing times and expenses, Formlabs' 3D printers have been touted as "a model for manufacturing moving forward, giving companies a way to keep their production lines open in the United States." Exhibit E.

9. The Form 2, shown below holding a manufactured object, is one of Formlabs' 3D printers and was recently recognized as the "BEST SLA Printer" by Make: magazine. Exhibit F.

THE PRESENCE OF AN ACTUAL CONTROVERSY

10. On information and belief, Defendant DWS is the owner by assignment of the '456 patent. A true and correct copy of the '456 patent is attached as Exhibit A.

11. A current and actual controversy exists between the parties because DWS has demonstrated an intent to enforce the '456 patent against Formlabs based on activities related to

the Form 2. As described below, DWS has engaged, and continues to engage, in a pattern of filing lawsuits against Formlabs and/or its subsidiaries or resellers and asserting that the Form 2 infringes the claims of certain foreign patents related to the ’456 patent, including claims of the foreign patents that are virtually identical to the claims of the ’456 patent. Formlabs denies that the Form 2, or Formlabs’ associated activities, infringe any claim of the ’456 patent or its related foreign counterparts.

THE FOREIGN PATENTS AND FOREIGN SUITS

12. On information and belief, DWS is the owner by assignment of Italian Patent No. 1395683 (“the ’683 IT patent”).

13. On information and belief, DWS is the owner by assignment of European Patent No. 2461963 (“the ’963 EP patent”). A true and correct copy of the ’963 EP patent is attached as Exhibit C.

14. On January 4, 2017, DWS filed a complaint in Italy against Formlabs (“the Italian Lawsuit”) and certain resellers of the Form 2, asserting that Formlabs and the identified resellers infringed the ’683 IT patent and the ’963 EP patent based on activities related to the Form 2. DWS served Formlabs with an English translation of the complaint which is attached as Exhibit B and contains an English translation of claims 1 and 11 of the ’683 IT patent.

15. On August 22, 2017, DWS filed a complaint in Germany against Formlabs GmbH, a wholly-owned subsidiary of Formlabs, asserting that Formlabs’ subsidiary infringed the ’963 EP patent based on activities related to the Form 2 (“the German Lawsuit”). A copy of the complaint for the German Lawsuit is attached as Exhibit G.

16. On information and belief, DWS is the owner by assignment of Turkish Patent No. 2016-09280 (“the ’280 TR patent”).

17. On December 18, 2017, DWS filed a complaint in Turkey against Formlabs ("the Turkey Lawsuit") and a reseller of the Form 2, asserting that Formlabs and the identified reseller infringed the '280 TR patent. DWS served Formlabs with an English translation of the complaint which is attached as Exhibit D and contains an English translation of claims 1 and 11 of the '280 TR patent.

18. Each of the '456 patent, the '683 IT patent, the '963 EP patent, and the '280 TR patent claims priority to Italian application no. VI2009A0207. Thus, the '683 IT patent, the '963 EP patent, and the '280 TR patent (collectively, the "Foreign Counterparts") are foreign counterparts to the '456 patent.

19. In addition to sharing a priority claim with the Foreign Counterparts, the claims of the '456 patent are nearly identical to the claims of the Foreign Counterparts.

20. For example, the '456 patent and the Foreign Counterparts each have only one independent apparatus claim.

21. As the following table demonstrates, independent claim 1 of the '456 patent is virtually identical to claim 1 of the '683 IT patent.

Element	**'456 patent – claim 1**	**'683 IT patent – claim 1**
Preamble	A stereolithography machine comprising:	Stereolithography machine (1) comprising:
Container	a container suited to contain a fluid substance, said container having a transparent bottom;	a container (3) suited to contain a fluid substance and provided with a transparent bottom (3a);
Support Plate	a support plate provided with a hole, said support plate being designed to house said container so that said transparent bottom faces said hole;	a support plate (2) provided with a hole (2a), said support plate (2) being designed to house said container (3) so that said transparent bottom (3a) faces said hole (2a);
Radiation Source	a radiation source arranged below said support plate, said radiation source suited to convey a radiation beam towards said transparent bottom through said hole; and	a radiation source (4) arranged below said support plate (2), suited to convey a radiation beam towards said transparent bottom (3a) through said hole (2a);

Element	'456 patent – claim 1	'683 IT patent – claim 1
Temperature Control Unit	a temperature control unit suited to maintain said support plate at a predetermined temperature, wherein said support plate at said predetermined temperature maintains said container and said fluid substance at said predetermined temperature.	characterized in that it comprises a temperature control unit (5) suited to maintain said support plate (2) at a predetermined temperature.

22. As the following table demonstrates, independent claim 1 of the '456 patent is virtually identical to claim 1 of the '963 EP patent.

Element	'456 patent – claim 1	'963 EP patent – claim 1
Preamble	A stereolithography machine comprising:	Stereolithography machine (1) comprising:
Container	a container suited to contain a fluid substance, said container having a transparent bottom;	a container (3) suited to contain a fluid substance and provided with a transparent bottom (3a);
Support Plate	a support plate provided with a hole, said support plate being designed to house said container so that said transparent bottom faces said hole;	a support plate (2) provided with a hole (2a), said support plate (2) being designed to house said container (3) so that said transparent bottom (3a) faces said hole (2a);
Radiation Source	a radiation source arranged below said support plate, said radiation source suited to convey a radiation beam towards said transparent bottom through said hole; and	a radiation source (4) arranged below said support plate (2), suited to convey a radiation beam towards said transparent bottom (3a) through said hole (2a);
Temperature Control Unit	a temperature control unit suited to maintain said support plate at a predetermined temperature, wherein said support plate at said predetermined temperature maintains said container and said fluid substance at said predetermined temperature.	a temperature control unit (5) suited to maintain said support plate (2) at a predetermined temperature; characterized in that said temperature control unit (5) comprises at least one heating element (6) thermally coupled with said support plate (2), and heat conduction allows said support plate (2) to heat said container (3).

23. As the following table demonstrates, independent claim 1 of the '456 patent is virtually identical to claim 1 of the '280 TR patent.

Element	'456 patent – claim 1	'280 TR patent – claim 1

Element	'456 patent – claim 1	'280 TR patent – claim 1
Preamble	A stereolithography machine comprising:	Stereolithography machine (1) comprising:
Container	a container suited to contain a fluid substance, said container having a transparent bottom;	a container (3) suited to contain a fluid substance and provided with a transparent bottom (3a);
Support Plate	a support plate provided with a hole, said support plate being designed to house said container so that said transparent bottom faces said hole;	a support plate (2) provided with a hole (2a), said support plate (2) being designed to house said container (3) so that said transparent bottom (3a) faces said hole (2a);
Radiation Source	a radiation source arranged below said support plate, said radiation source suited to convey a radiation beam towards said transparent bottom through said hole; and	a radiation source (4) arranged below said support plate (2), suited to convey a radiation beam towards said transparent bottom (3a) through said hole (2a);
Temperature Control Unit	a temperature control unit suited to maintain said support plate at a predetermined temperature, wherein said support plate at said predetermined temperature maintains said container and said fluid substance at said predetermined temperature.	a temperature control unit (5) suited to maintain said support plate (2) at a predetermined temperature; characterized in that said temperature control unit (5) comprises at least one heating element (6) thermally coupled with said support plate (2), and heat conduction allows said support plate (2) to heat said container (3).

24. Similarly, the '456 patent and the Foreign Counterparts each have only one independent method claim.

25. As the following table demonstrates, independent claim 11 of the '456 patent is virtually identical to independent claim 11 of the '683 IT patent.

Element	'456 patent – claim 11	'683 IT patent – claim 11
Preamble	Stereolithography method comprising the following operations:	Stereolithography method comprising the following operations:
Preparing Fluid	preparing a fluid substance suited to solidify when exposed to a predetermined radiation beam;	preparing fluid substance suite to solidify when exposed to a predetermined radiation beam;

Element	'456 patent – claim 11	'683 IT patent – claim 11
Preparing Container	preparing a container suited to contain said fluid substance and provided with a transparent bottom;	preparing a container (3) suited to contain said fluid substance and provided with a transparent bottom (3a);
Filling Container	filling said container with said fluid substance;	filling said container (3) with said fluid substance;
Associating Step	associating said container with a support plate provided with a hole for the passage of said radiation beam, so that the transparent bottom of said container faces said hole;	associating said container (3) with a support plate (2) provided with a hole (2a) for the passage of said radiation beam, so that the transparent bottom (3a) of said container (3) faces said hole (2a);
Radiation Step	conveying said radiation beam towards said transparent bottom through said hole;	conveying said radiation beam towards said transparent bottom (3a) through said hole (2a);
Fluid Composition	wherein said fluid substance is a mixture of different components that tend to separate at room temperature, and	characterized in that said fluid substance is a mixture of different components that tend to separate at room temperature, and
Heating Operation	wherein said method comprises the operation of heating said container so as to maintain said fluid substance at a predetermined temperature, suited to prevent said separation of said components.	in that said method comprises the operation of heating said container (3) so as to maintain said fluid substance at a predetermined temperature, suited to prevent said separation of said components.

26. As the following table demonstrates, independent claim 11 of the '456 patent is virtually identical to independent claim 11 of the '963 EP patent.

Element	'456 patent – claim 11	'963 EP patent – claim 11
Preamble	Stereolithography method comprising the following operations:	Stereolithography method comprising the following operations:
Preparing Fluid	preparing a fluid substance suited to solidify when exposed to a predetermined radiation beam;	preparing a fluid substance suited to solidify when exposed to a predetermined radiation beam;
Preparing Container	preparing a container suited to contain said fluid substance and provided with a transparent bottom;	preparing a container (3) suited to contain said fluid substance and provided with a transparent bottom (3a);
Filling Container	filling said container with said fluid substance;	filling said container (3) with said fluid substance;

Element	'456 patent – claim 11	'963 EP patent – claim 11
Associating Step	associating said container with a support plate provided with a hole for the passage of said radiation beam, so that the transparent bottom of said container faces said hole;	associating said container (3) with a support plate (2) provided with a hole (2a) for the passage of said radiation beam, so that the transparent bottom (3a) of said container (3) faces said hole (2a);
Radiation Step	conveying said radiation beam towards said transparent bottom through said hole;	conveying said radiation beam towards said transparent bottom (3a) through said hole (2a);
Fluid Composition	wherein said fluid substance is a mixture of different components that tend to separate at room temperature, and	characterized in that said fluid substance is a mixture of different components that tend to separate at room temperature, and
Heating Operation	wherein said method comprises the operation of heating said container so as to maintain said fluid substance at a predetermined temperature, suited to prevent said separation of said components.	in that said method comprises the operation of heating said container (3) so as to maintain said fluid substance at a predetermined temperature, suited to prevent said separation of said components.

27. As the following table demonstrates, independent claim 11 of the '456 patent is virtually identical to independent claim 11 of the '280 TR patent.

Element	'456 patent – claim 11	'280 TR patent – claim 11
Preamble	Stereolithography method comprising the following operations:	Stereolithography method comprising the following operations:
Preparing Fluid	preparing a fluid substance suited to solidify when exposed to a predetermined radiation beam;	repairing a fluid substance suited to solidify when exposed to a predetermined radiation beam;
Preparing Container	preparing a container suited to contain said fluid substance and provided with a transparent bottom;	preparing a container (3) suited to contain said fluid substance and provided with a transparent bottom (3a);
Filling Container	filling said container with said fluid substance;	filling said container (3) with said fluid substance;
Associating Step	associating said container with a support plate provided with a hole for the passage of said radiation beam, so that the transparent bottom of said container faces said hole;	associating said container (3) with a support plate (2) provided with a hole (2a) for the passage of said radiation beam, so that the transparent bottom (3a) of said container (3) faces said hole (2a);

Element	'456 patent – claim 11	'280 TR patent – claim 11
Radiation Step	conveying said radiation beam towards said transparent bottom through said hole;	conveying said radiation beam towards said transparent bottom (3a) through said hole (2a);
Fluid Composition	wherein said fluid substance is a mixture of different components that tend to separate at room temperature, and	characterized in that said fluid substance is a mixture of different components that tend to separate at room temperature, and
Heating Operation	wherein said method comprises the operation of heating said container so as to maintain said fluid substance at a predetermined temperature, suited to prevent said separation of said components.	in that said method comprises the operation of heating said container (3) so as to maintain said fluid substance at a predetermined temperature, suited to prevent said separation of said components.

28. In view of the virtual identity between the claims of the related patents (i.e., the '456 patent, the '683 IT patent, the '963 EP patent, and the '280 TR patent), and the fact that the Form 2 printers sold in Germany, Italy, Turkey, and the United States are all manufactured and operate in the same manner, DWS's assertion that the Form 2, or Formlabs' associated activities, infringe the claims of the '683 IT patent, the '963 EP patent, and the '280 TR patent is tantamount to an assertion that the Form 2, or Formlabs' associated activities, infringe the claims of the '456 patent. Thus, as a result of the foreign allegations made by DWS against Formlabs, its subsidiary, and/or its resellers, there is an immediate and actual case or controversy between Formlabs and DWS regarding the infringement of the '456 patent as it pertains to the Form 2.

29. Formlabs has a direct and substantial interest in defeating any patent infringement claims relating to the Form 2. Because DWS's foreign assertions directly implicate the Form 2, and Formlabs' associated activities, as infringing the '456 patent, Formlabs is entitled to a declaratory judgment of non-infringement.

COUNT I

DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '456 PATENT

30. Formlabs re-alleges, as if fully set forth herein, the allegations set forth in the preceding paragraphs.

31. Formlabs has not infringed, induced infringement of, or contributed to the infringement of the '456 patent through its manufacture, use, sale, offer to sell, or importation into the United States of the Form 2.

32. For example, independent apparatus claim 1 of the '456 patent (and therefore its dependent claims) requires "a temperature control unit suited to maintain said support plate at a predetermined temperature wherein said support plate at said predetermined temperature maintains said container and said fluid substance at said predetermined temperature" which the Form 2 does not satisfy. Therefore, Formlabs cannot infringe claim 1 (or its dependents) through its activities associated with the Form 2.

33. For example, independent method claim 11 of the '456 patent (and therefore its dependent claims) requires "said temperature control unit heating said support plate to a predetermined temperature; and said support plate at said temperature heating said container and said fluid substance, to said predetermined temperature," which the Form 2 does not satisfy. Therefore, Formlabs cannot infringe claim 11 (or its dependents) through its activities associated with the Form 2.

34. There is a real, substantial, immediate, and justiciable controversy between Formlabs and DWS concerning whether Formlabs has infringed any claim of the '456 patent based, in part, on DWS's foreign assertions that Formlabs and/or its subsidiary or resellers have

infringed the claims of the Foreign Counterparts (which are nearly identical to the claims of the '456 patent) through activities relating to the Form 2.

35. The controversy between the parties is amenable to specific relief through a decree of a conclusive character. Formlabs is entitled to a judicial declaration that Formlabs has not and will not infringe, directly or indirectly, any claim of the '456 patent through its activities associated with the Form 2.

PRAYER FOR RELIEF

WHEREFORE, Formlabs respectfully requests that the Court enter judgment as follows:

A. Declaring that Formlabs has not infringed, and does not infringe, any claim of U.S. Patent No. 8,945,456.

B. Declaring that this is an exceptional case in favor of Formlabs and awarding attorneys' fees pursuant to 35 U.S.C. § 285.

C. Awarding any and all such other relief as the Court determines to be just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial of all issues so triable.

Dated: June 29, 2018

Respectfully Submitted,

/s/

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