

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION**

<p>Theta Chip LLC, Plaintiff, v. Fujifilm USA, Inc., Defendant.</p>	<p>Case No. _____ Patent Case Jury Trial Demanded</p>
---	---

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Theta Chip, LLC (“Theta Chip”), through its attorneys, complains of Fujifilm USA, Inc. (“Fujifilm”), and alleges the following:

PARTIES

1. Plaintiff Theta Chip is a corporation organized and existing under the laws of Texas and maintains its principal place of business at 6009 W. Parker Rd, Ste 149-1004, Plano, TX 75093-8121.

2. Defendant Fujifilm, Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 120 White Plains Road, Tarrytown, NY 10591.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Fujifilm because it has engaged in systematic and continuous business activities in this District. As described below, Fujifilm has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Fujifilm has committed acts of patent infringement in this District, and has an established place of business in this District's state. In addition, Theta Chip has suffered harm in this district.

PATENT-IN-SUIT

7. Theta Chip is the assignee of all right, title and interest in United States Patent Nos. 6,937,356 (the "'356 Patent" or "Patent-in-Suit"), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Theta Chip possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Fujifilm.

The '356 Patent

8. The '356 Patent is entitled "Digital Imaging System," and issued August 30, 2005. The application leading to the '356 Patent was filed on September 3, 1998. A true and correct copy of the '356 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '356 Patent is valid and enforceable.

COUNT I: INFRINGEMENT OF THE '356 PATENT

10. Theta Chip incorporates the above paragraphs herein by reference.

11. **Direct Infringement.** Fujifilm has been and continues to directly infringe one or more claims of the '356 Patent in at least this District by making, using, offering to sell, selling

and/or importing, without limitation, at least Fujifilm X-E1 Camera (“Exemplary Fujifilm Products”) that infringe at least exemplary claims 10-11, 13, 17-18 of the ‘356 Patent (the “Exemplary ‘356 Patent Claims”) literally or by the doctrine of equivalence. On information and belief, numerous other devices that infringe the claims of the Patent-in-Suit have been made, used, sold, imported, and offered for sale by Fujifilm and/or its customers.

12. Exhibit B includes charts comparing the Exemplary ‘356 Patent Claims to the Exemplary Fujifilm Products. As set forth in these charts, the Exemplary Fujifilm Products practice the technology claimed by the ‘356 Patent. Accordingly, the Exemplary Fujifilm Products incorporated in these charts satisfy all elements of the Exemplary ‘356 Patent Claims.

13. Theta Chip therefore incorporates by reference in its allegations herein the claim charts of Exhibit B.

14. Theta Chip is entitled to recover damages adequate to compensate for Fujifilm’s infringement.

JURY DEMAND

15. Under Rule 38(b) of the Federal Rules of Civil Procedure, Theta Chip respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Theta Chip respectfully requests the following relief:

- A. A judgment that the ‘356 Patent is valid and enforceable.
- B. A judgment that Fujifilm has infringed, contributorily infringed, and/or induced infringement of one or more claims of the ‘356 Patent;
- C. An accounting of all damages not presented at trial;

- D. A judgment that awards Theta Chip all appropriate damages under 35 U.S.C. § 284 for Fujifilm’s past infringement, and any continuing or future infringement of the Patent-in-Suit, up until the date such judgment is entered, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Theta Chip for Defendant’s infringement, an accounting:
- i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Theta Chip be awarded its reasonable attorneys’ fees against Fujifilm that it incurs in prosecuting this action;
 - ii. that Theta Chip be awarded costs, and expenses that it incurs in prosecuting this action; and
 - iii. that Theta Chip be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: May 29, 2019

Respectfully submitted,

/s/ Isaac Rabicoff
Isaac Rabicoff
Rabicoff Law LLC
73 W Monroe St
Chicago, IL 60603
(773) 669-4590
isaac@rabilaw.com

Counsel for Plaintiff
Theta Chip, LLC