

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF DELAWARE

IMMERVISION, INC.)	
)	
)	
)	
)	Civil Action No. _____
v.)	
APPLE, INC.)	JURY TRIAL DEMANDED
)	
)	
)	

COMPLAINT

Plaintiff ImmerVision, Inc. (“ImmerVision”), by and through its undersigned counsel, files this Complaint against Defendant Apple, Inc. (“Apple” or “Defendant”), and alleges as follows:

NATURE OF ACTION

1. This is an action for patent infringement against Defendant for its infringement of U.S. Patent No. 10,795,120 (“the ‘120 Patent” or “the Asserted Patent”).

PARTIES

2. Plaintiff ImmerVision is a Canadian corporation having a principal place of business at 2020 Robert-Bourassa Boulevard, Suite 2320, Montreal, Quebec H3A 2A5, Canada.

3. On information and belief, Defendant Apple is a California corporation, with a regular and established place of business at 125 Christiana Mall, Newark, DE 19702.

JURISDICTION AND VENUE

4. This action arises under the United States Patent Act, codified at 35 U.S.C. § 1 *et seq.*, and in particular, 35 U.S.C. §§ 271 and 281-285.

5. This Court has original jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Apple because, on information and belief, Apple has committed acts of infringement in and from this Judicial District and continues to commit acts of infringement in and from this Judicial District.

7. Venue in this District is proper over Apple under 28 U.S.C. § 1400(b) because, on information and belief, Apple has committed acts of infringement and has a regular and established place of business in this District.

FACTS

8. Plaintiff ImmerVision is the worldwide leader in wide angle imaging. ImmerVision licenses its patented optical and software technology to global lens producers, product manufacturers and software developers for wide angle panomorphic lenses, imaging, and solutions.

9. On June 5, 2019, Jocelyn Parent, Simon Thibault, Patrice Roulet, Hu Zhang, Pascale Nini, and Pierre Konen (“the Inventors”) filed U.S. Patent Application No. 16/432,180 (“the ‘180 Application”) entitled “Miniature Wide-Angle Imaging Lens.”

10. The ‘180 Application claims priority to U.S. Patent Application No. 15/384,900, filed December 20, 2016; U.S. Provisional Patent Application No. 62/298,795, filed February 23, 2016; and U.S. Provisional Patent Application No. 62/387,409, filed December 23, 2015.

11. In January 2017, the Inventors assigned their interest in and to Application No. 15/384,900 and all divisionals, continuations, substitutes, renewals, reissues, and reexaminations thereof and any patents that issued therefrom (including the ‘180 Application) to ImmerVision and the assignment was recorded in the United States Patent and Trademark Office (“PTO”) on June 7, 2019 at Reel 049403, beginning at Frame 0370.

12. On October 6, 2020, the ‘120 Patent was issued by the PTO based on the ‘180 Application. A true and correct copy of the ‘120 Patent is attached hereto as Exhibit A and is incorporated by reference as if fully set forth herein.

13. The ‘120 Patent is valid and enforceable. The term of the ‘120 Patent will expire on or about December 20, 2036.

14. Plaintiff ImmerVision possesses all rights of recovery under the ‘120 Patent, including the right to sue for infringement, recourse for damages, and to seek injunctive relief.

15. Upon information and belief, for all times relevant to this Complaint, Defendant has been making, using, selling, or offering to sell products covered by at least claim 1 of the ‘120 Patent. By way of example, these products include, but are not limited to, the Apple iPhone 11, 11 Pro, 11 Pro Max, 12, 12 Mini, 12 Pro, 12 Pro Max, 13, 13 Mini, 13 Pro, and 13 Pro Max smartphones and the iPad 2021 tablet (“the Accused Products”).

COUNT I – INFRINGEMENT OF THE ‘120 PATENT

16. Plaintiff ImmerVision realleges and incorporates by reference paragraphs 1 through 15 of this Complaint as if fully set forth herein.

17. The claims of the ‘120 Patent are presumed valid pursuant to 35 U.S.C. § 282.

18. Upon information and belief, Defendant has been and is currently infringing at least claim 1 of the ‘120 Patent, either literally or under the doctrine of equivalents, by making, causing to be made, using, selling, offering to sell, or importing into the United States, without license or authority, at least the Accused Products. The iPhone 11 Pro, 12, 13 Mini, and 13 Pro and iPad 2021 infringe claim 1 of the ‘120 Patent as shown in Exhibits B-F.

19. Upon information and belief, the iPhone 11 and 11 Pro Max contain the same ultra wide lens apparatus as the iPhone 11 Pro as shown, for example, in the publicly available information in Exhibit G.

20. Upon information and belief, the iPhone 12 Mini, 12 Pro, and 12 Pro Max contain the same ultra wide lens apparatus as the iPhone 12 as shown, for example, in the publicly available information in Exhibit H.

21. Upon information and belief, the iPhone 13 contains the same ultra wide lens apparatus as the iPhone 13 Mini as shown, for example, in the publicly available information in Exhibit I.

22. Upon information and belief, the iPhone 13 Pro Max contains the same ultra wide lens apparatus as the iPhone 13 Pro as shown, for example, in the publicly available information in Exhibit J.

23. As a result of Defendant's infringement of claim 1 of the '120 Patent, Plaintiff ImmerVision has been damaged to an extent not yet determined.

24. Plaintiff ImmerVision is entitled to monetary damages adequate to compensate it for infringement by Defendant of the '120 Patent, together with interest, costs, and attorneys' fees.

JURY DEMAND

25. Plaintiff hereby demands a jury trial on all issues triable by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff ImmerVision prays for judgment in its favor and against Defendant Apple Inc. for the following:

- (a) A judgment that Defendant has infringed the '120 Patent;
- (b) An award to Plaintiff ImmerVision of damages that are adequate to fully compensate it for Defendant's infringement of the '120 Patent from the date of this Complaint through the expiration of the '120 Patent, together with prejudgment interest and costs;
- (c) A permanent injunction enjoining Defendant and those in active concert or

participation with Defendant from infringing the '120 Patent;

(d) A finding that this case is exceptional and award Plaintiff ImmerVision reasonable attorneys' fees in this action; and

(e) An award of such other and further relief, at law or in equity, as the Court may deem just and proper.

Dated: November 3, 2021

PANITCH SCHWARZE BELISARIO &
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