

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF DELAWARE

_____)	
IMMERVISION, INC.)	
)	
)	<i>Plaintiff,</i>
v.)	Civil Action No. 21-1484-MN-CJB
APPLE, INC.)	
)	JURY TRIAL DEMANDED
)	
_____)	
)	<i>Defendant.</i>

AMENDED COMPLAINT

Plaintiff ImmerVision, Inc. (“ImmerVision”), by and through its undersigned counsel, files this Amended 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 claim 21 of U.S. Patent No. 6,844,990 (the “Asserted Patent” or “the ‘990 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 November 12, 2003, Jean-Claude Artonne, Christophe Moustier, and Benjamin Blanc (“the Inventors”) filed U.S. Patent Application No. 10/706,513 (“the ‘513 Application”) entitled “Method for Capturing and Displaying a Variable Resolution Digital Panoramic Image.”

10. The ‘513 Application claims priority to International Patent Application No. PCT/FR2002/001588, filed May 10, 2002, and French Patent Application No. 0106261, filed May 11, 2001.

11. In November and December, 2003, the Inventors assigned their interest in and to the ‘513 application and all divisionals, continuations, substitutes, renewals, reissues, and reexaminations thereof and any patents that issued therefrom to ImmerVision and the assignment was recorded in the United States Patent and Trademark Office (“PTO”) on March 15, 2004 at Reel 015071, beginning at Frame 0574.

12. On January 18, 2005, the ‘990 Patent was issued by the PTO based on the ‘513 Application. A true and correct copy of the ‘990 Patent is attached hereto as Exhibit A and is incorporated by reference as if fully set forth herein.

13. On November 26, 2014, Plaintiff filed an *ex parte* reexamination proceeding regarding claims 1-4, 6, 7, 10, 11, 15-20, 22, 23, and 25 of the ‘990 patent.

14. On May 8, 2015, the PTO issued a reexamination certificate confirming the patentability of claims 2-4, 10, 11, 15, 16, and 27-47 of the ‘990 Patent and further noting that claims 5, 8, 9, 12-14, 21, 24, and 26 were not reexamined. A true and correct copy of the reexamination certificate is attached hereto as pages 25-27 of Exhibit A and is incorporated by reference as if fully set forth herein.

15. The ‘990 Patent is valid and enforceable. The term of the ‘990 Patent will expire on or about May 10, 2022.

16. Plaintiff ImmerVision possesses all rights of recovery under the ‘990 Patent, including the right to sue for infringement, recourse for damages, and to seek injunctive relief.

17. Upon information and belief, for all times relevant to this Amended Complaint, Defendant has been making, using, selling, or offering to sell products covered by claim 21 of the Asserted Patent. By way of example, these products include the Apple iPhone 13 Pro and iPhone 13 Pro Max smartphones (“the Accused Products”).

COUNT I – INFRINGEMENT OF THE ‘990 PATENT

18. Plaintiff ImmerVision realleges and incorporates by reference paragraphs 1 through 17 of this Complaint as if fully set forth herein.

19. The claims of the ‘990 Patent are presumed valid pursuant to 35 U.S.C. § 282.

20. Upon information and belief, Defendant has been and is currently infringing at least claim 21 of the ‘990 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 13 Pro infringes claim 21 of the ‘990 Patent as shown in Exhibit B.

21. 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 C.

22. As a result of Defendant’s infringement of claim 21 of the ‘990 Patent, Plaintiff ImmerVision has been damaged to an extent not yet determined.

23. Plaintiff ImmerVision is entitled to monetary damages adequate to compensate it for infringement by Defendant of claim 21 of the ‘990 Patent, together with interest, costs, and attorneys’ fees.

JURY DEMAND

24. 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 claim 21 of the ‘990 Patent;
- (b) An award to Plaintiff ImmerVision of damages that are adequate to fully compensate it for Defendant’s infringement of the ‘990 Patent, from October 22, 2021 through the expiration of the ‘990 Patent, together with prejudgment interest and costs;
- (c) A finding that this case is exceptional and award Plaintiff ImmerVision reasonable attorneys’ fees in this action; and
- (d) An award of such other and further relief, at law or in equity, as the Court may deem just and proper.

Dated: April 28, 2022

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