

**CIVIL COVER SHEET**

JS 44 (Rev. 12/07) (CAND Rev 1/10)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

<p><b>I. (a) PLAINTIFFS</b>                  INNOVATIVE AUTOMATION LLC</p>	<p><b>DEFENDANTS</b>                  DISCOPYLABS d/b/a DCL</p>
<p><b>(b)</b> County of Residence of First Listed Plaintiff                  (EXCEPT IN U.S. PLAINTIFF CASES)                  Santa Clara County</p>	<p>County of Residence of First Listed Defendant                  (IN U.S. PLAINTIFF CASES ONLY)                  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p>
<p><b>(c)</b> Attorney's (Firm Name, Address, and Telephone Number)                  TODD KENNEDY (State Bar No. 250267)                  GUTRIDE SAFIER LLP                  835 Douglass Street                  San Francisco, California 94114 (415) 789-6390</p>	<p>Attorneys (If Known)</p>

3/11/11 MBS

ORIGINAL

<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Incorporated or Principal Place of Business In This State</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Incorporated and Principal Place of Business In Another State</td> <td colspan="2"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Foreign Nation</td> <td colspan="2"></td> </tr> </table>	PTF	DEF		PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Citizen of This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4			Incorporated or Principal Place of Business In This State			<input type="checkbox"/> 2	<input type="checkbox"/> 2	Citizen of Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5			Incorporated and Principal Place of Business In Another State			<input type="checkbox"/> 3	<input type="checkbox"/> 3	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 6	<input type="checkbox"/> 6			Foreign Nation		
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**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES							
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<table style="width:100%;"> <tr> <th style="text-align: center;">PERSONAL INJURY</th> <th style="text-align: center;">PERSONAL INJURY</th> </tr> <tr> <td> <input type="checkbox"/> 310 Airplane  <input type="checkbox"/> 315 Airplane Product Liability  <input type="checkbox"/> 320 Assault, Libel &amp; Slander  <input type="checkbox"/> 330 Federal Employers' Liability  <input type="checkbox"/> 340 Marine  <input type="checkbox"/> 345 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle  <input type="checkbox"/> 355 Motor Vehicle Product Liability  <input type="checkbox"/> 360 Other Personal Injury                             </td> <td> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice  <input type="checkbox"/> 365 Personal Injury—Product Liability  <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <th style="text-align: center;">PERSONAL PROPERTY</th> </td></tr> <tr> <td> <input type="checkbox"/> 370 Other Fraud  <input type="checkbox"/> 371 Truth in Lending  <input type="checkbox"/> 380 Other Personal Property Damage  <input type="checkbox"/> 385 Property Damage Product Liability                             </td> <td> <input type="checkbox"/> 610 Agriculture  <input type="checkbox"/> 620 Other Food &amp; Drug  <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881  <input type="checkbox"/> 630 Liquor Laws  <input type="checkbox"/> 640 R.R. &amp; Truck  <input type="checkbox"/> 650 Airline Regs.  <input type="checkbox"/> 660 Occupational Safety/Health  <input type="checkbox"/> 690 Other                             </td> </tr> </table>	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <th style="text-align: center;">PERSONAL PROPERTY</th>	PERSONAL PROPERTY	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <th style="text-align: center;">PROPERTY RIGHTS</th>	PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
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REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY							
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <th style="text-align: center;">Habeas Corpus:</th> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	Habeas Corpus:	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <th style="text-align: center;">FEDERAL TAX SUITS</th>	FEDERAL TAX SUITS					
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609								
			IMMIGRATION								
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions								

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from another district (specify)     6 Multidistrict Litigation     7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 35 U.S.C. § 271

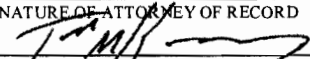
Brief description of cause:  
 Patent Infringement

**VII. REQUESTED IN COMPLAINT:**     CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23    DEMAND \$ unknown    CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**    PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE". See Notice of Related Cases, filed concurrently.

**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)**

SAN FRANCISCO/OAKLAND     SAN JOSE     EUREKA

DATE: July 12, 2011    SIGNATURE OF ATTORNEY OF RECORD: 

**FAXED**  
 FEDERAL SUPPORT SERVICES

FILED  
2011 JUL 12 P 3:39  
CLERK OF DISTRICT COURT  
SAN FRANCISCO, CALIFORNIA

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E-filing

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MEJ

**CV 11 3411**

INNOVATIVE AUTOMATION LLC,  
Plaintiff,  
v.  
DISCOPYLABS d/b/a DCL,  
Defendant.

Case No.  
**COMPLAINT FOR PATENT  
INFRINGEMENT**  
**DEMAND FOR JURY TRIAL**  
Date: July 12, 2011

1  
2  
3 Plaintiff Innovative Automation LLC states its complaint against Defendant  
4 DisCopyLabs d/b/a DCL, and alleges as follows:

5 **THE PARTIES**

6 1. Plaintiff Innovative Automation LLC (“Plaintiff” or “Innovative Automation”)  
7 is a limited liability company organized and existing under the laws of the State of  
8 California, with its principal place of business at 606 North First Street, San Jose, California  
9 95112.

10 2. On information and belief, Defendant is a corporation organized and existing  
11 under the laws of the State of California, with its principal place of business at 48641  
12 Milmont Drive, Fremont, California 94538.

13 **JURISDICTION AND VENUE**

14 3. Plaintiff realleges and incorporates by reference paragraphs the above  
15 paragraphs of this Complaint, inclusive, as though fully set forth herein.

16 4. This action is for patent infringement pursuant to the patent laws of the United  
17 States, 35 U.S.C. §§ 1 *et seq.* This Court has subject matter jurisdiction over the action  
18 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

19 5. This Court has personal jurisdiction over Defendant because, on information  
20 and belief, Defendant does and has done substantial business in this judicial District,  
21 including (i) maintaining its principal place of business in this judicial District; (ii)  
22 committing acts of patent infringement and/or contributing to or inducing acts of patent  
23 infringement by others in this judicial District and elsewhere in California; and (iii) regularly  
24 doing business or soliciting business, engaging in other persistent courses of conduct, and/or  
25 deriving substantial revenue from products and/or services provided to persons in this  
26 District and in this State.  
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1           6. Venue is proper in this judicial District pursuant to 28 U.S.C. §§ 1391 and  
2 1400(b) because Defendant resides in this judicial District, and because a substantial part of  
3 the events giving rise to the claims occurred in this judicial District.

#### CLAIM FOR RELIEF

##### (Infringement of United States Patent No. 7,174,362)

4  
5  
6           7. Plaintiff realleges and incorporates by reference paragraphs the above  
7 paragraphs of this Complaint, inclusive, as though fully set forth herein.

8           8. Plaintiff is the owner of all right, title, and interest in United States Patent No.  
9 7,174,362, entitled "Method and System for Supplying Products from Pre-Stored Digital  
10 Data in Response to Demands Transmitted via Computer Network," duly and legally issued  
11 by the United States Patent and Trademark Office on February 6, 2007 (the "'362 patent").  
12 A true and correct copy of the '362 patent is attached hereto as Exhibit A.

13           9. The '362 patent generally describes and claims a computer-implemented  
14 method of digital data duplication. In the method of claim 1 of the '362 patent, a request is  
15 taken at one or more user interfaces and is transmitted through a network to a computer.  
16 The computer contains a module to create a task log based on incoming requests; a module  
17 for storing the necessary data; and a module to create a subset of the data, download that  
18 subset to an output device, and command the device to transfer the subset onto blank media.  
19 The request is assigned to an output device, and the duplication process is executed. Claims  
20 2-8 of the '362 patent describe various other methods and a system of digital data  
21 duplication.

22           10. Defendant has infringed, and continues to infringe, literally and/or under the  
23 doctrine of equivalents, one or more claims of the '362 patent under 35 U.S.C. § 271 by  
24 using the claimed method(s) of duplicating digital data while performing DisCopyLabs'  
25 digital media duplication services such as its optical media duplication services.

26           11. The acts of infringement by Defendant have occurred with full knowledge of  
27 the '362 Patent and have been willful and deliberate, making this case exceptional within the  
28

1 meaning of the United States patent laws. In particular, after the '362 Patent issued,  
2 DisCopyLabs' CEO Norman Tu, and DisCopyLabs employee David Tu, met with the  
3 inventor of the '362 Patent, Sungil Lee, to learn about how DisCopyLabs could automate the  
4 duplication of digital media as part of its business. During that meeting, Mr. Lee described  
5 the methods of his invention, and showed a copy of the '362 Patent to these individuals.

6 12. As a result of Defendant's infringing activities, Plaintiff has suffered damages  
7 in an amount not yet ascertained. Plaintiff is entitled to recover damages adequate to  
8 compensate it for Defendant's infringing activities in an amount to be determined at trial,  
9 but in no event less than reasonable royalties, together with interest and costs.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff requests entry of judgment in its favor against Defendant as  
12 follows:

- 13 a) For a declaration that Defendant has infringed, directly and/or indirectly, the  
14 '362 patent;
- 15 b) For an award of damages adequate to compensate Plaintiff for Defendant's  
16 infringement of the '362 patent, but in no event less than a reasonable royalty, together with  
17 prejudgment and post-judgment interest and costs, in an amount according to proof;
- 18 c) For an entry of a permanent injunction enjoining Defendant, and its  
19 respective officers, agents, employees, and those acting in privity with it, from further  
20 infringement, including contributory infringement and/or inducing infringement, of the '362  
21 patent, or in the alternative, awarding a royalty for post-judgment infringement;
- 22 d) That the damages awarded against Defendant be trebled for the willful,  
23 deliberate, and intentional infringement as alleged herein, in accordance with 35 U.S.C.  
24 § 284;
- 25 e) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise  
26 permitted by law; and  
27  
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1 f) For an award to Plaintiff of such other costs and further relief as the Court  
2 may deem just and proper.

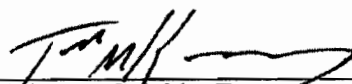
3 **DEMAND FOR JURY TRIAL**

4 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully  
5 requests a trial by jury.  
6

7 Respectfully submitted,

8 Dated: July 12, 2011

9 **GUTRIDE SAFIER LLP**

10  
11   
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26 Attorneys for Plaintiff Innovative  
27 Automation LLC  
28