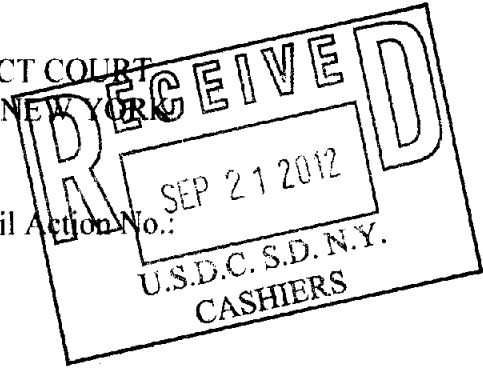


JUDGE FOR

12 CIV 7159

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Civil Action No.:

YAMA CAPITAL LLC,

Plaintiff.

vs.

CANON INC. AND CANON USA, INC.,

Defendants.

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Yama Capital, LLC, for its complaint against defendants Canon Inc. and Canon USA, Inc. (collectively "Canon"), alleges as follows:

I. NATURE OF THE ACTION

1. This is an action under the patent laws of the United States of America, 35 U.S.C. §§ 1, *et seq.*, for infringement of a patent assigned to Yama.

II. PARTIES

2. Plaintiff Yama is a limited liability company organized and existing under the laws of the State of Delaware and may be served through its registered agent The Company Corporation at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

3. On information and belief, Canon Inc. is a corporation organized and existing under the laws of Japan, with its principal place of business at 30-2, Shimomaruko 3-chome Ohta-ku, Tokyo 146-8501, Japan.

4. On information and belief, Canon USA, Inc. is a corporation organized and existing under the laws of the State of New York, with its principal place of business at 1 Canon Plaza, Lake Success, NY 11042 and may be served through its registered agent Corporation Service Company, 80 State Street, Albany, NY 12207.

5. On information and belief, Canon USA is a wholly-owned subsidiary of Canon Inc.

III. JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338, in that this is a civil action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code.

7. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

8. This Court has personal jurisdiction over Canon in accordance with the Due Process Clause of the United States Constitution and New York's long-arm statute by virtue of Canon's use, manufacture, marketing, promotion, offers for sale, sales and distribution of products, including products that are the subject of this Complaint, throughout the State of New York, and in this District. Canon has also placed or helped to place, and is continuing to place, products into the stream of commerce within the United States, within New York, and in this District, and it is reasonable to expect that such products will continue to enter and be used by consumers in New York, including in this District. In addition, this Court has personal jurisdiction over Canon as Canon USA is a New York corporation with its principal place of business in New York and exists as a wholly-owned subsidiary of Canon Inc.

IV. THE '982 PATENT, NOISE REDUCTION, AND CANON

9. Yama is the assignee and owner of U.S. Patent No. 6,069,982 (the "'982 Patent"), entitled *Estimation of Frequency Dependence and Grey-Level Dependence of Noise in an Image*. The '982 Patent generally discloses and claims technology to update default data and parameters relating to spatial noise characteristics in a digital image acquisition system.

10. Canon is one of the largest manufactures and sellers of digital cameras in the world. Canon sells the following digital cameras in this district and throughout the United States:

- EOS-1D X
- EOS 5D Mark III
- EOS 5D Mark II
- EOS 7D
- EOS 60D

- EOS Rebel T4i
- EOS Rebel T3i
- PowerShot G1X
- PowerShot S100

11. Canon's website boasts that its digital cameras include noise reduction that produces clear images particularly when shooting in low light at high ISO speeds and advertises its infringing noise-reduction technology as a product differentiator. *See, e.g.*,

http://downloads.canon.com/cpr/software/camera/EOS_System_bro_Summer2012.pdf

12. The accused digital cameras manufactured and sold by Canon include noise-reduction technology that infringes one or more claims of the '982 Patent.

V. CANON'S KNOWLEDGE OF THE '982 PATENT

13. Canon cited the '982 Patent in U.S. Patent No. 6,489,973 demonstrating knowledge of the '982 patent at least as of 2002.

14. On June 7, 2012, Yama's licensing counsel at Hunt & Jeppson, LLP sent Canon USA, Inc. a copy of the '982 Patent and invited Canon to enter licensing negotiations. On June 12, 2012, Kaora Nakamura wrote to Yama's counsel stating that the '982 patent had been received and that it had been forwarded to the worldwide headquarters of Canon Inc. in Tokyo for further investigation. As of the date of this Complaint, Canon has not responded, and continues to offer and sell digital cameras with infringing digital noise-reduction technology.

COUNT I: INFRINGEMENT OF THE '982 PATENT

15. Plaintiff repeats and realleges each and every allegation contained above as if fully set forth herein.

16. Canon has been and continues to infringe the '982 Patent, directly and/or by intentionally inducing direct infringement by its customers and/or users by making, using, selling, importing, and offering for sale, the accused digital cameras.

17. As a result of Canon's infringement of the '982 Patent, Yama has been and will continue to be damaged unless and until Canon is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Yama respectfully requests that this Court:

1. Enter a judgment in favor of Yama that Canon has directly infringed and actively induced others to infringe the '982 Patent;
2. Grant a permanent injunction enjoining Canon, its officers, directors, agents, servants, affiliates, employees, successors, assigns, divisions, branches, subsidiaries, parents and all others acting in active concert therewith from infringing, inducing others to infringe and contributing to the infringement of the of the '982 Patent;
3. Award Yama damages in an amount sufficient to compensate it for Canon's infringement and/or active inducement of infringement of the '982 Patent;
4. Award prejudgment interest to Yama under 35 U.S.C. § 284;
5. Declare this case exceptional under 35 U.S.C. § 285 and award Yama reasonable attorneys' fees; and
6. Grant Yama any and all other relief that this Court may find just and reasonable.

DEMAND FOR JURY TRIAL

Yama hereby demands a trial by jury on all issues appropriately triable by a jury.

DATED: September 21, 2012

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