

FILED 12 OCT 26 10:15 USDC-ORM

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IN PRO-SE

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

ALEKSANDR L. YUFA,
Plaintiff in Pro-Se

VS.

MET ONE INSTRUMENTS, Inc.,
and "Doe-Defendants" 1 through 10,
Defendants

Civil Case No. 1:08-cv-3016 CL

**FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT;
AND DEMAND FOR JURY TRIAL**

Judge: Hon. MARK D. CLARKE

Pursuant to the Court Order of September 24, 2012 (Doc. 61), Plaintiff, Aleksandr L. Yufa, Ph.D., hereby amends his Complaint against Defendant, Met One Instruments, Inc., so that, as so amended, it alleges as follows:

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

I. JURISDICTION

1) This Court (U.S. District Court, Central District of California) has a jurisdiction over this patent infringement law suit pursuant to 28 U.S.C., Sections 1331 and 1338(a).

II. VENUE

2) Venue is proper in this judicial district pursuant to 28 U.S.C., Sections 1391(b) and 1400(b).

III. PARTIES

3) The Defendant - Met One Instruments, Inc. ("Met One") has a Principal Place of Business (headquarter) located in Oregon (97526), Grants Pass, at 1600 Washington Blvd., (phone: 541-471-7111).

4) Plaintiff - Aleksandr L. Yufa, Ph.D. ("Yufa") is a resident of the city of Colton at 698 Cypress Avenue, San Bernardino County, California (92324-1952), (909-370-4454-phone/voice message, 909-370-1714-fax).

IV. STATEMENT OF FACTS

5) This law suit has been filed under Chapter 28 of the U.S. Civil Statute of title 35 United States Code, Chapter 28, §271 for infringement of the entire U.S. Patents No. 6,346,983 (" '983 patent") according to Cause of Action described in the Civil Cover Sheet.

6) The '983 patent, entitled "Methods and wireless communicating particle counting and measuring apparatus" [issued February 12, 2002 (Application No.: 09/015,458 filed January 29, 1998)], has been amended in compliance with the Reexamination Certificate (9186th), US 6,346,983 C1 ("amended '983 patent" or " '983 patent-in-suit") [issued August 14, 2012 for the '983 patent] (Exhibit A is a true and correct copy of the '983 patent and Exhibit B is a true and correct copy of the Ex Parte Reexamination Certificate (9186th)).

7) Later Defendant has included in this case under U.S. Civil Statute of title 35 United States Code, Chapter 28, §271 the U.S. Patents No. 6,034,769 (" '769 patent"), entitled "Method and device for counting and measuring particles" (Exhibit C is a true and correct copy of the '769 patent).

8) The '769 patent has been amended in compliance with the Reexamination Certificate (7377th), US 6,034,769 C1 ("amended '769 patent" or " '769 patent-in-suit") [issued February 23, 2010 for the '769 patent] (Exhibit D is a true and correct copy of the Ex Parte Reexamination Certificate (7377th)), and the made amendments have been confirmed in compliance with the Reexamination Certificate (8143th), US 6,034,769 C2 [issued April 5, 2011 for the '769 patent] (Exhibit E is a true and correct copy of the Ex Parte Reexamination Certificate (8143th)) and in compliance with the Reexamination Certificate (9087th), US 6,034,769 C3 [issued June 19, 2012 for the '769 patent] (Exhibit F is a true and correct copy of the Ex Parte Reexamination Certificate (9087th)).

9) Thus, this law suit is under Chapter 28 of the U.S. Civil Statute of title 35 United Sta-

tes Code, Chapter 28, §271 for infringement of the amended '983 and '769 patents ("patents-in-suit").

10) This action is to recover all damages from the infringement of the patent pursuant to 35 United States Code, Chapter 29, §§281, 283-285 including a final injunction to prevent future infringement.

11) Plaintiff has all rights to enforce the patents-in-suit against the believed infringement, and Plaintiff has an entire interest in the said patents.

V. CAUSE OF ACTION

FIRST CAUSE OF ACTION

(Infringement of the '983 patent-in-suit)

(as against Defendants: Met One)

12) Plaintiff re-alleges and incorporates herein by this reference thereto the allegations set forth in paragraphs 1) through 11).

13) The '983 patent-in-suit's claims are presented in the Reexamination Certificate (9186th), US 6,346,983 C1 (Exhibit B).

14) The valid and enforceable claims 6, 7 and 8 have been insignificantly amended during reexamination, claim 2 has been cancelled by Yufa during reexamination, and claims 1, 3-5 have been cancelled by the U. S. Patent and Trademark Office ("USPTO").

15) The '983 patent-in-suit is the valid and enforceable U.S. Patent.

16) Based on the below presented information, documents, communication(s) and evide-

nces, it is believed that Met One has infringed and does continuously infringe the claims 6, 7 and 8 of the '983 patent-in-suit.

17) On October 12, 2007 Yufa sent to Met One the letter (Certified Mail # 7006 2760 0004 3379 9412) [Exhibit G is a true and correct copy of the original document /letter/. Hereinafter all Exhibits of the mail correspondence (letters), fax communication(s), and all E-mail correspondence are the true and correct copies of the original documents)], notifying Met One about the believed infringement with the offer to license or acquire the '983 patent.

18) Yufa has not received the Met One's response to the Yufa's notifying infringement letter of October 12, 2007 (Exhibit G) to Met One.

19) On December 26, 2007 Yufa sent the Brief Follow-Up Letter (Certified Mail # 7006 2760 0004 3377 8844) (Exhibit H is a true and correct copy of the Yufa's letter of December 26, 2007 to Met One.

20) Yufa has not received the Met One's response to the Yufa's Brief Follow-Up Letter of December 26, 2007 (Exhibit H) to Met One.

21) Also, in those Yufa's notifying infringement letter of October 12, 2007 (Exhibit G) and Brief Follow-Up Letter of December 26, 2007 (Exhibit H) Yufa asked Met One regarding "... opportunity to receive the information/document(s) (including but not limited to: technical, financial documents, etc.) related to the believed infringing product mentioned above, and/or to study/inspect the mentioned above believed infringing product at the mutually convenient location(s) and time. ...". There was no any response

to the Yufa's request(s).

22) Regarding Met One products' wireless communication, Yufa found on Internet and received the satisfied information, but Yufa's request, during telephonic communication(s), to provide more specific technical details with respect to processing of the detected signals has been strictly denied.

23) Based on the materials, documents and evidences, it is believed that the structures (architecture) claimed in the claims 6, 7 and 8 of the '983 patent-in-suit are infringed by Met One by manufacturing (making), using, selling, and offering for sale of the products, including but not limited to: GT-321, GT-521, GT-526 (Exhibits I is a true and correct copy of the Met One's Web-site print-out for GT-526 Handheld Particle Counter), Aerocet 531 (Exhibits J is a true and correct copy of the Met One's Web-site print-out for Aerocet 531 Handheld Particle Mass Profiler and Counter/Dust Monitor), BT-637 (Exhibits K is a true and correct copy of the Met One's Web-site print-out for BT-637 Bench-Top (Portable) Particle Counter), 212 Ambient Particulate Profiler (Exhibits L is a true and correct copy of the Met One's Web-site print-out for 212 Ambient Particulate Profiler for aerosol particulates), and Model 804 (Exhibits M is a true and correct copy of the Met One's Web-site print-out for Model 804 Handheld Particle Counter), structured in compliance with the claims 6-8 of the '983 patent-in-suit.. Most of these Met One's products are introduced on the Met One's Web-page: {<http://www.metone.com/particle-counters.php>} (Exhibits N is a true and correct copy of the Met One's Web-site print-out of the Met One's product introduction).

24) These products include and arrange the elements (blocks, components, circuits, etc.) which are claimed in the claims 6-8 of the '983 patent-in-suit and provide the photo detector detection of the light, created by the intersection of the laser beam with the particles flowing through that laser beam, and the output appropriate to the detected scattered light.

25) Considering the Met One's refusal to provide any financial information (e.g., the sales information, etc.), it is difficult to calculate/estimate the believed damage (loss) at this time, but the damage may be timely determined later during formal Discovery and/or defined/specified/accounted by the Jury/Court during trial.

26) The estimations of the believed damage should include the Plaintiff's emotional distress caused by the believed Defendant's misrepresentation of the Plaintiff's achievements claimed in the '983 patent-in-suit as the Defendant's achievements.

27) Under the law, person has a duty of due care to determine whether or not person infringe any in-force patents. {The word "person" has a wider meaning, including but not limited to: individual, corporation, organization, etc., and a singular or plural and vice versa meaning appropriately - Yufa's remark} .

28) Based on the information, fact(s), material(s)/document(s), and evidence(s) disclosed above, it is believed, that the Defendant has manufactured (made), used, sold, offered for sale and does manufacture (make), use, sell, and offer for sale at least the described herein products operating and structured by the claims 6-8 of the '983 patent-in-suit. Therefore, based on the information, fact(s), document(s), and evidence(s) disclosed

above, it is believed, that Met One has infringed and does continuously infringe the '983 patent-in-suit.

29) The Claim comparison chart is presented in Exhibit O.

30) It is believed, that the Defendant, including but not limited to their employee(s), is/are the subscriber(s)/recipient(s) of the "CleanRooms" magazine for a very long time.

The brief description (with the patent number, inventor's name, and inventor's location [city, state]) of the Yufa's '983 patent has been published in "CleanRooms", "The Magazine of Contamination Control Technology", Volume 16, No. 6, June 2002 (Exhibit P - a true and correct copy of the front page of "CleanRooms" magazine, and Exhibit Q - a true and correct copy of the page 20 of that magazine with the '983 patent announcement/description).

31) Met One has been earlier informed and had knowledge of the Yufa's '983 patent many years ago.

32) Therefore, it is believed in the Defendant's willful infringement of the Yufa's '983 patent-in-suit.

33) By non-responding to the Yufa's letters, denying to provide more detailed information of the detected signal processing, refusal to cooperate and provide the requested technical material(s) [e.g., electrical schemes, optical system kinematics, etc.] and financial information (e.g., total sales of Met One's believed infringing product, profit, etc.), and refusal to provide the visitation of its facilities for study/inspection of the believed infringing products, Met One has indirectly confirmed the possibility of inf-

Ringement and encouraged Yufa to proceed for this lawsuit.

34) The Defendant has still not declared a non-infringement in response to the Yufa's written allegations of the infringement of the claims 6-8, as to the Yufa's best recollection.

35) Under the law the Defendant must defend.

36) The Defendant has failed to defense by non-declaring a non-infringement, thereby waiving its right for further defense.

37) The Defendant's product has structured by the claims claimed in the '983 patent-in-suit.

38) It is believed that Met One has indirectly confirmed the believed infringement considering the following facts:

a) the Defendant has indirectly confirmed the infringement of the '983 patent-in-suit by refusing to provide any evidences of non-infringement;

b) the Defendant has not declared a non-infringement in response to the Yufa's allegations of the infringement;

c) the Defendant has failed to defense by non-declaring a non-infringement.

39) As a result, the Met One's products, infringing (by manufacturing (making), using, selling, and offering for sale) the claims claimed in the '983 patent-in-suit, as well as inducing and/or contributing infringement, has caused the Plaintiff's substantial monetary income damages (losses), and emotional distress.

SECOND CAUSE OF ACTION

(Infringement of the '769 patent-in-suit)

(as against Defendant: Met One)

40) Plaintiff re-alleges and incorporates herein by this reference thereto the allegations set forth in paragraphs 1) through 39).

41) The claims 1, 4, 6 have been insignificantly amended during reexamination, claims 2, 3 have been cancelled by Yufa during reexamination (the content of the dependent claims 3 and 4 has been incorporated into independent claim 1 by amendment), and claim 5 has been affirmed as original.

42) The '769 patent-in-suit is the valid and enforceable U.S. Patent.

43) The '769 patent-in-suit's claims are presented in the Reexamination Certificate (9186th), US 6,034,769 C1 (Exhibit D).

44) Based on the below presented information, documents, communication(s) and evidences, it is believed that Met One has infringed and does continuously infringe the claims 1, 4-6 of the '769 patent-in-suit.

45) On October 12, 2007 Yufa sent to Met One the letter (Certified Mail # 7006 2760 0004 3379 9412) [Exhibit G], notifying Met One about the believed infringement of at least one of the Yufa's patents including the '769 patent.

46) Yufa has not received the Met One's response to the Yufa's notifying infringement letter of October 12, 2007 (Exhibit G) to Met One.

47) Also, in that Yufa's notifying infringement letter of October 12, 2007 (Exhibit G),

Yufa asked Met One regarding "... opportunity to receive the information/document(s) (including but not limited to: technical, financial documents, etc.) related to the believed infringing product mentioned above, and/or to study/inspect the mentioned above believed infringing product at the mutually convenient location(s) and time. ...". There was no any response to the Yufa's request(s).

48) Regarding Met One products' wireless communication, Yufa found on Internet and received the satisfied information, but Yufa's request, during telephonic communication(s), to provide more specific technical details with respect to processing of the detected signals has been strictly denied.

49) Based on the materials, documents and evidences, it is believed that the method claimed in the claim 1 of the '769 patent-in-suit is infringed by Met One by manufacturing (making), using, selling, and offering for sale of the products, including but not limited to: GT-321, GT-521, GT-526 (Exhibits I is a true and correct copy of the Met One's Web-site print-out GT-526 Handheld Particle Counter), Aerocet 531 (Exhibits J is a true and correct copy of the Met One's Web-site print-out for Aerocet 531 Handheld Particle Mass Profiler and Counter/Dust Monitor), BT-637 (Exhibits K is a true and correct copy of the Met One's Web-site print-out for BT-637 Bench-Top (Portable) Particle Counter), 212 Ambient Particulate Profiler (Exhibits L is a true and correct copy of the Met One's Web-site print-out for 212 Ambient Particulate Profiler for aerosol particulates), and Model 804 (Exhibits M is a true and correct copy of the Met One's Web-site print-out for Model 804 Handheld Particle Counter), operating in

compliance with the claim 1 of the '769 patent-in-suit.. Most of these Met One's products are introduced on the Met One's Web-page: {<http://www.metone.com/particle-counters.php>} (Exhibits N is a true and correct copy of the Met One's Web-site print-out of the Met One's product introduction).

50) These products include the steps of operation claimed in the claim 1 of the '769 patent-in-suit, which provide the steps of detection of the light, created by the intersection of the laser beam with the particles flowing through that laser beam, and the steps of forming output, which is appropriate to the detected scattered light.

51) Based on the materials, documents and evidences, it is believed that the method and structures claimed in the claims 4-6 of the '769 patent-in-suit are infringed by Met One by manufacturing (making), using, selling, and offering for sale of the products, including but not limited to: Model 831 (Exhibits R is a true and correct copy of the Met One's Web-site print-outs for Model 831 Aerosol Mass Monitor) and JP2000 (Exhibits S is a true and correct copy of the Met One's Web-site print-outs for JP2000 Ambient Hazards Monitor), believed operating and structured in compliance with the claims 4-6 of the '769 patent-in-suit.

52) These products does not describe the use of the scattered light principles, therefore, include the steps of operation claimed in the claims 4, 5 of the '769 patent-in-suit, which provide the steps of detection of the light, created by the intersection of the laser beam with the particles flowing through that laser beam, and the steps of forming output, which is appropriate to the detected light, obstructed by particles, and include the ele-

ments (blocks, components, circuitry, etc.), structured by the claim 6 of the '769 patent-in-suit.

53) Considering the Met One's refusal to provide any financial information (e.g., the sales information, etc.), it is difficult to calculate/estimate the believed damage (loss) at this time, but the damage may be timely determined later during formal Discovery and/or defined/specified/accounted by the Jury/Court during trial.

54) The estimations of the believed damage should include the Plaintiff's emotional distress caused by the believed Defendant's misrepresentation of the Plaintiff's achievements claimed in the '769 patent-in-suit as the Defendant's achievements.

55) Under the law, person has a duty of due care to determine whether or not person infringe any in-force patents.

56) Based on the information, fact(s), material(s)/document(s), and evidence(s) disclosed above, it is believed, that the Defendant has manufactured (made), used, sold, offered for sale and does manufacture (make), use, sell, and offer for sale at least the described herein products operating and structured by the claims 1, 4-6 of the '769 patent-in-suit. Therefore, based on the information, fact(s), document(s), and evidence(s) disclosed above, it is believed, that Met One has infringed and does continuously infringe the '769 patent-in-suit.

57) The Claim comparison chart is presented in Exhibit T.

58) It is believed, that the Defendant, including but not limited to their employee(s), is/are the subscriber(s)/recipient(s) of the "CleanRooms" magazine for a very long time.

The brief description (with the patent number, inventor's name, and inventor's location [city, state]) of the Yufa's '769 patent has been published in "CleanRooms", "The Magazine of Contamination Control Technology", Volume 16, No. 6, June 2002 (Exhibit P - a true and correct copy of the front page of "CleanRooms" magazine, and Exhibit Q - a true and correct copy of the page 20 of that magazine with the '769 patent announcement/description).

59) Met One has been earlier informed and had knowledge of the Yufa's '769 patent many years ago.

60) Therefore, it is believed in the Defendant's willful infringement of the '769 patent-in-suit.

61) By non-responding to the Yufa's letters, denying to provide more detailed information of the detected signal processing, refusal to cooperate and provide the requested technical material(s) [e.g., electrical schemes, optical system kinematics, etc.] and financial information (e.g., total sales of Met One's believed infringing product, profit, etc.), and refusal to provide the visitation of its facilities for study/inspection of the believed infringing products, Met One has indirectly confirmed the possibility of infringement and encouraged Yufa to proceed for this lawsuit.

62) The Defendant has still not declared a non-infringement in response to the Yufa's written allegations of the infringement of the claims 1, 4-6, as to the Yufa's best recollection.

63) Under the law the Defendant must defend.

64) The Defendant has failed to defense by non-declaring a non-infringement, thereby waiving its right for further defense.

65) The Defendant's product has operated and/or structured by the claims claimed in the '769 patent-in-suit.

66) It is believed that Met One has indirectly confirmed the believed infringement considering the following facts:

a) the Defendant has indirectly confirmed the infringement of the '769 patent-in-suit by refusing to provide any evidences of non-infringement;

b) the Defendant has not declared a non-infringement in response to the Yufa's allegations of the infringement;

c) the Defendant has failed to defense by non-declaring a non-infringement.

67) As a result, the Met One's products, infringing (by manufacturing (making), using, selling, and offering for sale) the claims claimed in the '769 patent-in-suit, as well as inducing and/or contributing infringement, has caused the Plaintiff's substantial monetary income damages (losses), and emotional distress.

THIRD CAUSE OF ACTION

(Emotional distress)

(as against Defendant: Met One)

68) Plaintiff re-alleges and incorporates herein by this reference thereto the allegations set forth in paragraphs 1) through 67).

69) Upon information, evidences and belief, TSI has caused the emotional distress of the Plaintiff, by misrepresenting Plaintiff's achievements as the Defendants' achievements and, as a result, the damage in the amount specified/assessed by the Court.

Claim I

CLAIM FOR DIRECT INFRINGEMENT OF THE '983 PATENT-IN-SUIT

70) Plaintiff re-alleges and incorporates herein by this reference thereto the allegations set forth in paragraphs 1) through 65).

71) Upon information, evidences and belief, Met One has directly infringed and continue infringe the claims of the '983 patent-in-suit by using the military products infringing '983 patent-in-suit.

72) Upon information, evidences and belief, Met One has willfully directly infringed and continue willfully directly infringe the claims of the '983 patent-in-suit by using the military products infringing '983 patent-in-suit.

73) Upon information, evidences and belief, Met One has caused the damages by the continued direct infringement, in the amount specified/accounted by the Court.

74) Upon information, evidences and belief, Met One has willfully caused the damages by the continued direct infringement, in the treble amount specified/accounted by the Court.

75) Upon information, evidences and belief, the Met One continues and will continue direct infringement unless this Court restrains Met One's infringing activity.

76) Upon information, evidences and belief, Plaintiff is entitled for award of cost, expenses, and interest, computed on the damages, in this action.

77) Upon information, evidences and belief, Plaintiff is entitled for award of attorney's fees, and cost, expenses, and interest, computed on the damages, in this action sufficiently warranted by willful infringement exceptional case.

Claim II

CLAIM FOR INDUCING INFRINGEMENT OF THE '983 PATENT-IN-SUIT

78) Plaintiff re-alleges and incorporates herein by this reference thereto the allegations set forth in paragraphs 1) through 77).

79) Upon information, evidences and belief, Met One has induced and continue the inducement of the infringement of the claims of the '983 patent-in-suit.

80) Upon information, evidences and belief, Met One has willfully induced and continue willful inducement of the infringement of the claims of the '983 patent-in-suit.

81) Upon information, evidences and belief, Met One has caused the damages by the continued inducement of the infringement, in the amount specified/accounted by the Court.

82) Upon information, evidences and belief, Met One has willfully caused the damages by the continued inducement of the infringement, in the treble amount specified/accounted by the Court.

83) Upon information, evidences and belief, the Met One continues and will continue

inducement of the infringement unless this Court restrains Met One's infringing activity.

84) Upon information, evidences and belief, Plaintiff is entitled for award of cost, expenses, and interest, computed on the damages, in this action.

85) Upon information, evidences and belief, Plaintiff is entitled for award of attorney's fees, and cost, expenses, and interest, computed on the damages, in this action sufficiently warranted by willful infringement exceptional case.

Claim III

CLAIM FOR DIRECT INFRINGEMENT OF THE '769 PATENT-IN-SUIT

86) Plaintiff re-alleges and incorporates herein by this reference thereto the allegations set forth in paragraphs 1) through 85).

87) Upon information, evidences and belief, Met One has directly infringed and continue infringe the claims of the '769 patent-in-suit by using the military products infringing '769 patent-in-suit.

88) Upon information, evidences and belief, Met One has willfully directly infringed and continue willfully directly infringe the claims of the '769 patent-in-suit by using the military products infringing '769 patent-in-suit.

89) Upon information, evidences and belief, Met One has caused the damages by the continued direct infringement, in the amount specified/accounted by the Court.

90) Upon information, evidences and belief, Met One has willfully caused the damages by the continued direct infringement, in the treble amount specified/accounted by the

Court.

91) Upon information, evidences and belief, the Met One continues and will continue direct infringement unless this Court restrains Met One's infringing activity.

92) Upon information, evidences and belief, Plaintiff is entitled for award of cost, expenses, and interest, computed on the damages, in this action.

93) Upon information, evidences and belief, Plaintiff is entitled for award of attorney's fees, and cost, expenses, and interest, computed on the damages, in this action sufficiently warranted by willful infringement exceptional case.

Claim IV

CLAIM FOR INDUCING INFRINGEMENT OF THE '769 PATENT-IN-SUIT

94) Plaintiff re-alleges and incorporates herein by this reference thereto the allegations set forth in paragraphs 1) through 93).

95) Upon information, evidences and belief, Met One has induced and continue the inducement of the infringement of the claims of the '769 patent-in-suit.

96) Upon information, evidences and belief, Met One has willfully induced and continue willful inducement of the infringement of the claims of the '769 patent-in-suit.

97) Upon information, evidences and belief, Met One has caused the damages by the continued inducement of the infringement, in the amount specified/accounted by the Court.

98) Upon information, evidences and belief, Met One has willfully caused the damages

by the continued inducement of the infringement, in the treble amount specified/accounted by the Court.

99) Upon information, evidences and belief, the Met One continues and will continue inducement of the infringement unless this Court restrains Met One's infringing activity.

100) Upon information, evidences and belief, Plaintiff is entitled for award of cost, expenses, and interest, computed on the damages, in this action.

101) Upon information, evidences and belief, Plaintiff is entitled for award of attorney's fees, and cost, expenses, and interest, computed on the damages, in this action sufficiently warranted by willful infringement exceptional case.

Claim V

CLAIM FOR EMOTIONAL DISTRESS

102) Plaintiff re-alleges and incorporates herein by this reference thereto the allegations set forth in paragraphs 1) through 101).

103) Upon information, evidences and belief, USA has caused the emotional distress, by misrepresentation of the Plaintiff's achievements as Defendants' achievements, and, as a result, the damage in the amount specified/assessed by the Court.

104) Upon information, evidences and belief, Plaintiff is entitled for award of attorney's fees, and cost, expenses, and interest, computed on the damages, in this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for and demands a judgment against Defendant as follows:

- A. For final injunction against continued infringement;
- B. For literal and/or under the doctrine of equivalents infringement of the patents-in-suit;
- C. For finding of direct infringement of the patents-in-suit by making, using, selling, offering for sale;
- D. For finding of inducing infringement of the patents-in-suit;
- E. For finding of contributing infringement of the patents-in-suit;
- F. For determination that this is an exceptional case;
- G. For finding of willful infringement pursuant to 35 U.S.C. §284.
- H. For finding of willful direct infringement;
- I. For finding of willful inducing infringement;
- J. For damages caused by the continued infringement, in the amount specified/accounted by Court;
- K. For trebled damages caused by knowing and willful infringement;
- L. For award of attorney's fees in this action sufficiently warranted by willful infringement exceptional case pursuant to 35 U.S.C. §285;
- M. For award of cost and expenses in this action.
- N. For interest on the damages computed;
- O. The Court enjoin Defendants, and its officers, president(s), directors, agents, servants,

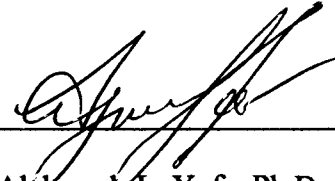
employees, and attorneys, their divisions, associated entities, distributors, resellers, and all others acting in privity or concert with them, from further infringing, contributing to, and/or inducing infringement of the patents-in-suit.

P. For emotional distress caused by misrepresentation of the Plaintiff's achievements as Defendants' achievements;

Q. For damage caused by emotional distress, in the amount specified/assessed by Court;

R. For such other and further relief as the Court deems just and proper.

October 24, 2012




Aleksandr L. Yufa, Ph.D.
Plaintiff IN PRO-SE

DEMAND FOR JURY TRIAL

Pursuant Federal Rule of Civil Procedure 38, Plaintiff respectfully requests (demands)
a jury trial as to all issues triable thereby.

Respectfully submitted:

October 24, 2012



Aleksandr L. Yufa, Ph.D.
Plaintiff IN PRO-SE