

FILED

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

Attorney for Plaintiff

UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA

SMP Logic Systems LLC,
Plaintiff,

vs.

Guangdong Yifang Pharmaceutical Co., Ltd.,
Defendant(s)

Case No.

CV 13-00564 MWF
(ASW)

Complaint for Patent Infringement

Demand for Jury Trial

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff SMP Logic Systems, LLC complains of defendant Guangdong Yifang
Pharmaceutical Co., Ltd. ("Yifang") as follows:

JURISDICTION AND VENUE

1. Jurisdiction exists under 28 U.S.C. § 1338(a) because defendant has
infringed plaintiff's patent(s). Federal law, namely the Patent Act of 1952, *as
amended*, 35 U.S.C. § 271, makes patent infringement illegal and actionable through a
private cause of action.

2. Defendant has transacted business in this judicial district by importing,
selling, offering to sell, and distributing pharmaceutical products that were

1 manufactured in violation of SMP Logic Systems, LLC's patents either in this judicial
2 district or in the United States.

3
4 3. Venue is proper under the general federal venue statute, 28 U.S.C. § 1391,
5 and under the specific venue provision relating to patent-infringement cases. 28 U.S.C.
6 § 1400(b).

8 PARTIES

9 4. SMP Logic Systems, LLC ("SMP") is a California limited liability
10 company with offices in Los Angeles, California. SMP is the assignee and owns all
11 right, title and interest in and has standing to sue for infringement of United States
12 Patent Nos. U.S. Patent Nos. 7,392,107 ("107 Patent"), 7,379,783 ("783 Patent"),
13 7,379,784 ("784 Patent"), 7,471,991 ("991 Patent") and 7,799,273 ("273 Patent")
14 (collectively, the "SMP Patents").
15
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17 5. Guangdong Yifang Pharmaceutical Co., Ltd. ("Yifang") is a company
18 organized under the laws of the People's Republic of China with its principle place of
19 business at Qifeng Industrial Zone, Lishui Town, Nanhai District, Foshan City,
20 Guangdong Province 528244, China. Yifang has previously and is presently
21 manufacturing pharmaceutical products using manufacturing methods that infringes
22 one or more claims of the '107 Patent, the 783 Patent, the 784 Patent, the 991 Patent,
23 and/or the 273 Patent. Yifang has and is presently importing, distributing, selling, or
24 offering for sell, in the United States, pharmaceutical products manufactured using the
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1 SMP Patents and has infringed each of the SMP Patents either directly or through acts
2 of contributory infringement or inducement in violation of 35 U.S.C. § 271.
3

4 **BACKGROUND**

5 6. Shane M. Popp is an individual residing in Los Angeles, California. Mr.
6 Popp is the Founder and an Officer of SMP Logic Systems, LLC. Mr. Popp is the
7 inventor of each of the SMP Patents.
8

9 7. Mr. Popp is the inventor of a number of issued and currently pending
10 patents relating to pharmaceutical manufacturing processes. The inventions which are
11 the subject of Mr. Popp's patents are used in many pharmaceutical manufacturing
12 systems.
13

14 8. SMP is a software development company focusing exclusively on
15 pharmaceutical manufacturing industries. SMP has designed numerous products to
16 meet the needs of Process Analytical Technology and Quality-by-Design objectives for
17 pharmaceutical manufacturers.
18

19 9. Yifang is a modern nutraceutical / pharmaceutical company. It mainly
20 devotes itself in researching, manufacturing, and marketing of pharmaceuticals and
21 botanical extracts from roots, stems, barks, flowers, fruits, seeds and entire grass etc.
22 The products include botanical extracts, volatile and essential oils, herbal teas, raw
23 herbs, single Traditional Chinese Medicine ("TCM") standardized granules, classic
24 TCM formulas, featured formulas, nutraceuticals, and functional foods, covering 88%
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1 of China market and also expanded to more than 20 countries in the world (including
2 the United States). Yifang is also a pharmaceutical manufacturer of spray, tablet and
3 capsule formulations. Yifang manufactures its products in China. Yifang
4 pharmaceutical formulations are imported for sale or offered for sale (in various retail
5 outlets and websites) in the United States by Yifang and its Affiliates.
6
7

8 **PATENT INFRINGEMENT**

9 ***Count I – Yifang Infringement***

10
11 10. Yifang has infringed and continues to infringe each of the SMP Patents
12 either directly or indirectly through acts of contributory infringement or inducement in
13 violation of 35 U.S.C. § 271.
14

15 11. Yifang's infringement, contributory infringement and/or inducement to
16 infringe has injured SMP and it, therefore, is entitled to recover damages adequate to
17 compensate it for such infringement, but in no event less than a reasonable royalty.
18

19 12. Yifang's infringement, contributory infringement and/or inducement to
20 infringe has been willful and deliberate because it has been given notice of or knew of
21 the SMP Patents and has nonetheless injured and will continue to injure SMP, unless
22 and until this Court enters an injunction, which prohibits further infringement and
23 specifically enjoins further manufacture, importation, use, sale and/or offer for sale of
24 products or services that come within the scope of the SMP Patents.
25
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27 **REQUEST FOR RELIEF**

1 WHEREFORE, SMP Logic Systems, LLC asks this Court to enter judgment
2
3 against Guangdong Yifang Pharmaceutical Co., Ltd. and against its respective
4 subsidiaries, affiliates, agents, servants, employees and all persons in active concert or
5 participation with the defendant(s), granting the following relief:

6 A. An award of damages adequate to compensate SMP for the infringement
7 that has occurred, together with prejudgment interest from the date infringement
8 began;


9
10 B. All other damages permitted by 35 U.S.C. § 284;

11 C. A finding that this case is exceptional and an award to SMP of its
12 attorneys' fees and costs as provided by 35 U.S.C. § 285;

13 D. An injunction prohibiting further infringement, inducement and
14 contributory infringement of any of the SMP Patents; and

15 E. Such other and further relief as this Court or a jury may deem proper and
16
17 just.

18
19
20 Dated: 25-Jan-13

21
22 By: 
23 Shane M. Popp, Esq.
24 SMP Logic Systems LLC
25 Intellectual Property Department
26 3460 Barry Avenue
27 Los Angeles, CA 90066
28 (p) 310-930-6051
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Counsel for Plaintiff SMP Logic Systems LLC

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JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, SMP requests a trial by jury on all issues presented that can properly be tried to a jury.

Dated: 25-Jan-13

By:  _____

Shane M. Popp, Esq.
SMP Logic Systems LLC
Intellectual Property Department
3460 Barry Avenue
Los Angeles, CA 90066
(p) 310-930-6051
(f) 310-861-1780
smp@smplogicsystems.com

Counsel for Plaintiff SMP Logic Systems LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Michael Fitzgerald and the assigned discovery Magistrate Judge is Andrew J. Wistrich.

The case number on all documents filed with the Court should read as follows:

CV13- 564 MWF (AJWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Shane M. Popp (BN 219668)
smp@smplogicsystems.com
SMP Logic Systems LLC
Intellectual Property Department
3460 Barry Avenue
Los Angeles, CA 90066

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SMP Logic Systems LLC

COPY

PLAINTIFF(S)

v.

Guangdong Yifang Pharmaceutical Co., Ltd.

DEFENDANT(S).

CASE NUMBER

CV 13-00564 *MWF/ALMA*

SUMMONS


TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint _____ amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Shane M. Popp, SMP Logic Systems, _____, whose address is Intellectual Property Department, 3460 Barry Avenue, Los Angeles, CA 90066. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 25-Jan-13

By: MARILYN DAVIS
Deputy Clerk
(Seal of the Court) 

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) SMP Logic Systems, LLC	DEFENDANTS Guangdong Yifang Pharmaceutical Co., Ltd.
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Shane M. Popp, Esq., SMP Logic Systems LLC, Intellectual Property Department, 3460 Barry Avenue, Los Angeles, CA 90066, (p) 310-930-6051; (f) 310-861-1780	Attorneys (If Known)

COPY

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. 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 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Patent Infringement

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	FEDERAL TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <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 Act <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 Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State 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 Loan (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 <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	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 Fed. 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 <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	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"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <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 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <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 <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"/> 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 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV 13-00564

FOR OFFICE USE ONLY: Case Number: CV11-10441 PA(SSX)
 AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): CV11-10441 PA(SSx)

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	People's Republic of China

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	California and United States of America

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date 25-Jan-13

Notice to Counsel/Parties: The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HLA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))