

1 RUSS AUGUST & KABAT
Brian Ledahl (CA SB No. 186579)
2 Neil A. Rubin (CA SB No. 250761)
Jacob Buczko (CA SB No. 269408)
3 RUSS AUGUST & KABAT
12424 Wilshire Boulevard 12th Floor
4 Los Angeles, California 90025
Telephone: 310-826-7474
5 Facsimile: 310-826-6991
E-mail: bledahl@raklaw.com
6 E-mail: nrubin@raklaw.com
E-mail: jbuczko@raklaw.com
7

8 *Attorneys for Plaintiff Document Security Systems, Inc.*

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11 DOCUMENT SECURITY SYSTEMS,
12 INC.,

13 Plaintiff,

14 v.

15 EVERLIGHT ELECTRONICS CO.,
16 LTD., and EVERLIGHT AMERICAS,
17 INC.,

18 Defendants.

Civil Action No. 2:17-cv-04273

JURY TRIAL DEMANDED

19 **COMPLAINT FOR PATENT INFRINGEMENT**

20 This is an action for patent infringement arising under the Patent Laws of the
21 United States of America, 35 U.S.C. § 1 *et seq.* in which Document Security Systems,
22 Inc. (“DSS” or “Plaintiff”) makes the following allegations against Defendants
23 Everlight Electronics Co., Ltd. (“Everlight Electronics”) and Everlight Americas, Inc.
24 (“Everlight Americas”) (collectively “Everlight” or “Defendants”).

25 **PARTIES**

26 1. Document Security Systems, Inc. is a publicly-traded New York
27 corporation. Founded in 1984, DSS is a global leader in brand protection, digital
28 security solutions and anti-counterfeiting technologies.

1 2. In November 2016, DSS acquired a portfolio of patents covering
2 technologies used in Light-Emitting Diode (“LED”) lighting products, including the
3 patents-in-suit. The patents in this portfolio were originally assigned to Agilent
4 Technologies, Inc. and/or the successors of its LED business. Since its recent
5 acquisition of these patents, DSS has worked to expand its business efforts regarding
6 LED technology. DSS is pursuing both licensing and commercialization of this
7 technology acquisition, and is establishing those activities within its Plano location.

8 3. On information and belief, Everlight Electronics Co., Ltd., is a
9 corporation organized and existing under the laws of Taiwan with its principal place
10 of business at No. 6-8, Zhonghua Rd., Shulin Dist., New Taipei City, Taiwan 23860.
11 Upon information and belief, Everlight manufactures light-emitting diode (“LED”)
12 products in Taiwan and, through its subsidiary, Defendant Everlight Americas, Inc.,
13 imports, sells and/or offers to sell LED products the State of California and elsewhere
14 in the United States.

15 4. On information and belief, Everlight Americas, Inc. is a Delaware
16 corporation with its principal place of business at 3220 Commander Dr., Suite 100,
17 Carrollton, Texas, 75006. Upon information and belief, Everlight Americas imports,
18 sells and/or offers for sale nationwide LED products manufactured by Everlight
19 Electronics, including in the State of California and in this judicial district. Defendant
20 Everlight Americas can be served through its registered agent, Tao Wang, 4226 Via
21 Angelo, Montclair CA 91763.

22 **JURISDICTION AND VENUE**

23 5. This action arises under the patent laws of the United States, Title 35 of
24 the United States Code. Accordingly, this Court has subject matter jurisdiction under
25 28 U.S.C. §§ 1331 and 1338(a).

26 6. This Court has personal jurisdiction over Defendants in this action
27 because, among other reasons, Defendants have committed acts within the Central
28 District of California giving rise to this action and have established minimum contacts

1 with the forum state of California, including by establishing a regular and established
2 place of business within this District at 4237 East Airport Dr., Ontario, CA 91761.
3 Defendants directly and/or through subsidiaries or intermediaries (including
4 distributors, retailers, and others), have committed and continue to commit acts of
5 infringement in this District by, among other things, making, using, importing,
6 offering for sale, and/or selling products and/or services that infringe the patents-in-
7 suit. Thus, Defendants have purposefully availed themselves of the benefits of doing
8 business in the State of California and the exercise of jurisdiction over Defendants
9 would not offend traditional notions of fair play and substantial justice. Everlight
10 Americas is registered to do business in the State of California, and has appointed Tao
11 Wang, 4226 Via Angelo, Montclair CA 91763 as its agent for service of process.

12 7. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(c) and 1400(b)
13 because Defendants have a regular and established place of business in this District
14 and have committed acts of patent infringement in this District.

15 **BACKGROUND**

16 8. DSS is the owner by assignment of United States Patent No. 6,949,771
17 (“the ’771 Patent”) entitled “Light Source.” The ’771 Patent was duly and legally
18 issued by the United States Patent and Trademark Office on September 27, 2005. A
19 true and correct copy of the ’771 Patent is included as Exhibit A.

20 9. DSS is the owner by assignment of United States Patent No. 7,524,087
21 (“the ’087 Patent”) entitled “Optical Device.” The ’087 Patent was duly and legally
22 issued by the United States Patent and Trademark Office on April 28, 2009. A true
23 and correct copy of the ’087 Patent is included as Exhibit B.

24 10. DSS is the owner by assignment of United States Patent No. 7,919,787
25 (“the ’787 Patent”) entitled “Semiconductor Device with a Light Emitting
26 Semiconductor Die.” The ’787 Patent was duly and legally issued by the United
27 States Patent and Trademark Office on April 5, 2011. A true and correct copy of the
28 ’787 Patent is included as Exhibit C.

1 16. By making, using, offering for sale, selling, and/or importing the '771
2 Accused Instrumentalities infringing the '771 Patent, Defendants have injured DSS
3 and are liable to DSS for infringement of the '771 Patent pursuant to 35 U.S.C. §
4 271(a) directly and/or under the doctrine of equivalents.

5 17. In addition, Defendants are actively inducing others, such as their
6 customers and end users of Accused Instrumentalities, services based thereupon, and
7 related products and/or processes, to directly infringe each and every claim limitation,
8 including without limitation claims 1 to 8 of the '771 Patent, in violation of 35 U.S.C.
9 § 271(b). Upon information and belief, Defendants' customers and/or end users have
10 directly infringed and are directly infringing each and every claim limitation,
11 including without limitation claims 1 to 8 of the '771 Patent. Defendants have had
12 actual knowledge of the '771 Patent at least as of service of this Complaint.
13 Defendants are knowingly inducing their customers and/or end users to directly
14 infringe the '771 Patent, with the specific intent to encourage such infringement, and
15 knowing that the induced acts constitute patent infringement. Defendants'
16 inducement includes, for example, providing technical guides, product data sheets,
17 demonstrations, software and hardware specifications, installation guides, and other
18 forms of support that induce their customers and/or end users to directly infringe the
19 '771 Patent. The '771 Accused Instrumentalities are designed in such a way that
20 when they are used for their intended purpose, the user infringes the '771 Patent.
21 Defendants know and intend that customers that purchase the '771 Accused
22 Instrumentalities will use those products for their intended purpose.

23 18. Defendants have been aware of the '771 Patent and of its infringement as
24 of a date no later than the date they were served with this Complaint in this action. To
25 the extent facts learned in discovery show that Defendants' infringement of the '771
26 Patent is or has been willful, or to the extent that Defendants' actions subsequent to
27 the filing of this Complaint—such as their behavior as litigants or their failure to take
28

1 remedial actions—render their infringement egregious, DSS reserves the right to
2 request such a finding at time of trial.

3 19. As a result of Defendants’ infringement of the ’771 Patent, DSS has
4 suffered monetary damages in an amount adequate to compensate for Defendants’
5 infringement, but in no event less than a reasonable royalty for the use made of the
6 invention by Defendants, together with interest and costs as fixed by the Court.

7 **COUNT II**

8 **INFRINGEMENT OF THE ’087 PATENT**

9 20. DSS references and incorporates by reference paragraphs 1 through 19 of
10 this Complaint. On information and belief, Defendants make, use, offer for sale, sell,
11 and/or import in the United States products and/or services that infringe various
12 claims of the ’087 Patent, and continues to do so. By way of illustrative example,
13 Defendants’ infringing products include without limitation, all versions and
14 variations, including predecessor and successor models of its PLCC Top View SMD
15 LED, 2214 package series, 3020 package series, 3232 package series, 3527 package
16 series, 3528 package series, 5050 package series, and 7450 package series.

17 Defendants’ infringing products also include products, e.g., light bulbs, displays and
18 fixtures that contain at least one infringing LED product. Defendants’ infringing
19 products are collectively referred to hereinafter as “’087 Accused Instrumentalities.”

20 21. On information and belief, Defendants have directly infringed and
21 continue to directly infringe the ’087 Patent by, among other things, making, using,
22 offering for sale, selling, and/or importing the ’087 Accused Instrumentalities. On
23 information and belief, such products and/or services are covered by one or more
24 claims of the ’087 Patent’s including at least claim 1 because they contain each
25 element of that claim.

26 22. By making, using, offering for sale, selling, and/or importing the ’087
27 Accused Instrumentalities infringing the ’087 Patent, Defendants have injured DSS
28

1 and are liable to DSS for infringement of the '087 Patent pursuant to 35 U.S.C. §
2 271(a) directly and/or under the doctrine of equivalents.

3 23. In addition, Defendants are actively inducing others, such as their
4 customers and end users of Accused Instrumentalities, services based thereupon, and
5 related products and/or processes, to directly infringe each and every claim limitation,
6 including without limitation claim 1 of the '087 Patent, in violation of 35 U.S.C. §
7 271(b). Upon information and belief, Defendants' customers and/or end users have
8 directly infringed and are directly infringing each and every claim limitation,
9 including without limitation claim 1 of the '087 Patent. Defendants have had actual
10 knowledge of the '087 Patent at least as of service of this Complaint. Defendants are
11 knowingly inducing their customers and/or end users to directly infringe the '087
12 Patent, with the specific intent to encourage such infringement, and knowing that the
13 induced acts constitute patent infringement. Defendants' inducement includes, for
14 example, providing technical guides, product data sheets, demonstrations, software
15 and hardware specifications, installation guides, and other forms of support that
16 induce their customers and/or end users to directly infringe the '087 Patent. The '087
17 Accused Instrumentalities are designed in such a way that when they are used for their
18 intended purpose, the user infringes the '087 Patent. Defendants know and intend that
19 customers that purchase the '087 Accused Instrumentalities will use those products for
20 their intended purpose.

21 24. Defendants have been aware of the '087 Patent and of its infringement as
22 of a date no later than the date they were served with this Complaint in this action. To
23 the extent facts learned in discovery show that Defendants' infringement of the '087
24 Patent is or has been willful, or to the extent that Defendants' actions subsequent to
25 the filing of this Complaint—such as their behavior as litigants or their failure to take
26 remedial actions—render their infringement egregious, DSS reserves the right to
27 request such a finding at time of trial.

1 related products and/or processes, to directly infringe each and every claim limitation,
2 including without limitation claims 1 and 7 of the '787 Patent, in violation of 35
3 U.S.C. § 271(b). Upon information and belief, Defendants' customers and/or end
4 users have directly infringed and are directly infringing each and every claim
5 limitation, including without limitation claims 1 and 7 of the '787 Patent. Defendants
6 have had actual knowledge of the '787 Patent at least as of service of this Complaint.
7 Defendants are knowingly inducing their customers and/or end users to directly
8 infringe the '787 Patent, with the specific intent to encourage such infringement, and
9 knowing that the induced acts constitute patent infringement. Defendants'
10 inducement includes, for example, providing technical guides, product data sheets,
11 demonstrations, software and hardware specifications, installation guides, and other
12 forms of support that induce their customers and/or end users to directly infringe the
13 '787 Patent. The '787 Accused Instrumentalities are designed in such a way that
14 when they are used for their intended purpose, the user infringes the '787 Patent.
15 Defendants know and intend that customers that purchase the '787 Accused
16 Instrumentalities will use those products for their intended purpose.

17 31. Defendants have been aware of the '787 Patent and of its infringement as
18 of a date no later than the date they were served with this Complaint in this action. To
19 the extent facts learned in discovery show that Defendants' infringement of the '787
20 Patent is or has been willful, or to the extent that Defendants' actions subsequent to
21 the filing of this Complaint—such as their behavior as litigants or their failure to take
22 remedial actions—render their infringement egregious, DSS reserves the right to
23 request such a finding at time of trial.

24 32. As a result of Defendants' infringement of the '787 Patent, DSS has
25 suffered monetary damages in an amount adequate to compensate for Defendants'
26 infringement, but in no event less than a reasonable royalty for the use made of the
27 invention by Defendants, together with interest and costs as fixed by the Court.
28

COUNT IV

INFRINGEMENT OF THE '486 PATENT

33. DSS references and incorporates by reference paragraphs 1 through 32 of this Complaint.

34. On information and belief, Defendants make, use, offer for sale, sell, and/or import in the United States products and/or services that infringe various claims of the '486 Patent, and continues to do so. By way of illustrative example, Defendants' infringing products include without limitation, all versions and variations, including predecessor and successor models, of its 3045 package series. Defendants' infringing products also include products, e.g., light bulbs, displays and fixtures that contain at least one infringing LED product. Defendants' infringing products are collectively referred to hereinafter as "'486 Accused Instrumentalities."

35. On information and belief, Defendants have directly infringed and continues to directly infringe the '486 Patent by, among other things, making, using, offering for sale, selling, and/or importing the '486 Accused Instrumentalities. On information and belief, such products are covered by one or more claims of the '486 Patent including at least claim 1 because they contain each element of that claim.

36. By making, using, offering for sale, selling, and/or importing the '486 Accused Instrumentalities infringing the '486 Patent, Defendants have injured DSS and is liable to DSS for infringement of the '486 Patent pursuant to 35 U.S.C. § 271(a) directly and/or under the doctrine of equivalents.

37. In addition, Defendants are actively inducing others, such as their customers and end users of Accused Instrumentalities, services based thereupon, and related products and/or processes, to directly infringe each and every claim limitation, including without limitation claim 1 of the '486 Patent, in violation of 35 U.S.C. § 271(b). Defendants' customers and/or end users have directly infringed and are directly infringing each and every claim limitation, including without limitation claim 1 of the '486 Patent. Defendants have had actual knowledge of the '486 Patent at

1 least as of service of this Complaint. Defendants are knowingly inducing their
2 customers and/or end users to directly infringe the '486 Patent, with the specific intent
3 to encourage such infringement, and knowing that the induced acts constitute patent
4 infringement. Defendants' inducement includes, for example, providing technical
5 guides, product data sheets, demonstrations, software and hardware specifications,
6 installation guides, and other forms of support that induce their customers and/or end
7 users to directly infringe the '486 Patent. The '087 Accused Instrumentalities are
8 designed in such a way that when they are used for their intended purpose, the user
9 infringes the '486 Patent. Defendants know and intend that customers that purchase
10 the '087 Accused Instrumentalities will use those products for their intended purpose.

11 38. Defendants have been aware of the '486 Patent and of its infringement as
12 of a date no later than the date they were served with this Complaint in this action. To
13 the extent facts learned in discovery show that Defendants' infringement of the '486
14 Patent is or has been willful, or to the extent that Defendants' actions subsequent to
15 the filing of this Complaint—such as their behavior as litigants or their failure to take
16 remedial actions—render their infringement egregious, DSS reserves the right to
17 request such a finding at time of trial.

18 39. As a result of Defendants' infringement of the '486 Patent, DSS has
19 suffered monetary damages in an amount adequate to compensate for Defendants'
20 infringement, but in no event less than a reasonable royalty for the use made of the
21 invention by Defendants, together with interest and costs as fixed by the Court.

22 **PRAYER FOR RELIEF**

23 Plaintiff respectfully requests the following relief from this Court:

24 A. A judgment that Defendants have infringed one or more claims of the
25 '771, '087, '787, and/or '486 Patents;

26 B. A judgment and order requiring Defendants to pay DSS its damages,
27 costs, expenses, and prejudgment and post-judgment interest for Defendants' acts of
28 infringement in accordance with 35 U.S.C. § 284;

1 C. A judgment and order requiring Defendants to provide accountings and
2 to pay supplemental damages to DSS, including, without limitation, prejudgment and
3 post-judgment interest;

4 D. A judgment and order finding that this is an exceptional case within the
5 meaning of 35 U.S.C. § 285 and awarding to DSS its reasonable attorneys' fees
6 against Defendants; and

7 E. Any and all other relief to which DSS may show itself to be entitled.

8 **JURY TRIAL DEMANDED**

9 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, DSS requests a
10 trial by jury of any issues so triable by right.

11
12 Dated: June 8, 2017

By: Brian Ledahl

13 RUSS AUGUST & KABAT
14 Brian Ledahl (CA SB No. 186579)
15 Neil A. Rubin (CA SB No. 250761)
16 Jacob Buczko (CA SB No. 269408)
17 RUSS AUGUST & KABAT
18 12424 Wilshire Boulevard 12th Floor
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20 Telephone: 310-826-7474
21 Facsimile: 310-826-6991
22 E-mail: bledahl@raklaw.com
23 E-mail: nrubin@raklaw.com
24 E-mail: jbuczko@raklaw.com

25 Attorneys for Plaintiff,
26 *Document Security Systems, Inc.*
27
28