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

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

12 DOCUMENT SECURITY SYSTEMS,
13 INC.,

14 Plaintiff,

15 v.

16 SEOUL SEMICONDUCTOR CO., LTD.,
and SEOUL SEMICONDUCTOR, INC.,

17 Defendants.
18

Civil Action No. 8:17-cv-00981

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 Seoul
23 Semiconductor Co., Ltd. (“Seoul Korea”) and Seoul Semiconductor, Inc. (“Seoul
24 America”) (collectively “Seoul” or “Defendants”).
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PARTIES

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

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

12 3. On information and belief, Seoul Semiconductor Co., Ltd. is a corporation
13 organized and existing under the laws of the Republic of Korea with its principal place
14 of business at 1B-25, 727, Wonsi- dong, Danwon-gu, Ansan-city, Gyeonggi-do,
15 Korea 425-851. Upon information and belief, Seoul Korea manufactures light-
16 emitting diode (“LED”) products in Korea and, through its subsidiary, Defendant
17 Seoul America, has sales offices in the United States. Defendant Seoul Korea can be
18 served with process in Korea pursuant to the Hague Convention on the Service
19 Abroad of Judicial and Extrajudicial Documents, Article 1, November 15, 1965
20 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S. Treaty 1969).

21 4. On information and belief, Seoul Semiconductor, Inc. is a California
22 corporation with its principal place of business at 1895 Beaver Ridge Circle, Suite G,
23 Norcross, Georgia 30071. Upon information and belief, Seoul America sells and/or
24 offers for sale nationwide LED products manufactured by Seoul Korea, including in
25 the State of California and in this judicial district. Defendant Seoul America can be
26 served through its registered agent, Jiyeon Jun, 5856 Corporate Avenue, Suite 240,
27 Cypress, California 90630.

JURISDICTION AND VENUE

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

6. This Court has personal jurisdiction over Defendants in this action because, among other reasons, Defendants have committed acts within the Central District of California giving rise to this action and have established minimum contacts with the forum state of California. Defendants directly and/or through subsidiaries or intermediaries (including distributors, retailers, and others), have committed and continue to commit acts of infringement in this District by, among other things, making, using, importing, offering for sale, and/or selling products and/or services that infringe the patents-in-suit. Thus, Defendants have purposefully availed themselves of the benefits of doing business in the State of California and the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

7. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(c) and 1400(b) because Defendants have a regular and established place of business in this District and have committed acts of patent infringement in this District. Defendants, for example, have a regular and established place of business at 5856 Corporate Ave, No. 240, Cypress, CA 90630, which is located in Orange County.

BACKGROUND

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

9. DSS is the owner by assignment of United States Patent No. 7,524,087 (“the ’087 Patent”) entitled “Optical Device.” The ’087 Patent was duly and legally issued by the United States Patent and Trademark Office on April 28, 2009. A true and

1 correct copy of the '087 Patent is included as Exhibit B.

2 10. DSS is the owner by assignment of United States Patent No. 7,256,486
3 ("the '486 Patent") entitled "Packing Device for Semiconductor Die, Semiconductor
4 Device Incorporating Same and Method of Making Same." The '486 Patent was duly
5 and legally issued by the United States Patent and Trademark Office on August 14,
6 2007. A true and correct copy of the '486 Patent is included as Exhibit C

7 11. DSS owns all rights, title, and interest in and to the '771, '087 and '486
8 Patents (collectively, "asserted patents" or "patents-in-suit"), including all rights to
9 sue and recover for past and future infringement.

10 **COUNT I**

11 **INFRINGEMENT OF THE '771 PATENT**

12 12. DSS references and incorporates by reference paragraphs 1 through 10 of
13 this Complaint.

14 13. Defendants make, use, offer for sale, sell, and/or import in the United
15 States products and/or services that infringe various claims of the '771 Patent, and
16 continues to do so. By way of illustrative example, Defendants' infringing products
17 include without limitation, all versions and variations, including predecessor and
18 successor models, of its T6 Series, and LEDs including the 3020, 3030 (automotive)
19 3528, and 5630 (automotive) packages. Defendants' infringing products also include
20 products, e.g., light bulbs, displays and fixtures that contain at least one infringing
21 LED product. Defendants' infringing products are collectively referred to hereinafter
22 as "'771 Accused Instrumentalities."

23 14. Defendants have directly infringed and continue to directly infringe the
24 '771 Patent by, among other things, making, using, offering for sale, selling, and/or
25 importing the '771 Accused Instrumentalities. Such products and/or services are
26 covered by one or more claims of the '771 Patent's including at least claims 1 to 8
27 because they contain each element of those claims.

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

23 17. 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 18. 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 19. DSS references and incorporates by reference paragraphs 1 through 17 of
10 this Complaint. Defendants make, use, offer for sale, sell, and/or import in the United
11 States products and/or services that infringe various claims of the ’087 Patent, and
12 continues to do so. By way of illustrative example, Defendants’ infringing products
13 include without limitation, all versions and variations, including predecessor and
14 successor models, of its 801 Series (Auto), 802 Series (Auto), 3528, 3528 (white),
15 MJT 3528, and 6050 packages. Defendants’ infringing products also include
16 products, e.g., light bulbs, displays and fixtures that contain at least one infringing
17 LED product. Defendants’ infringing products are collectively referred to hereinafter
18 as “’087 Accused Instrumentalities.”

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

24 21. By making, using, offering for sale, selling, and/or importing the ’087
25 Accused Instrumentalities infringing the ’087 Patent, Defendants have injured DSS
26 and are liable to DSS for infringement of the ’087 Patent pursuant to 35 U.S.C. §
27 271(a) directly and/or under the doctrine of equivalents.
28

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

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

25 24. As a result of Defendants' infringement of the '087 Patent, DSS has
26 suffered monetary damages in an amount adequate to compensate for Defendants'
27 infringement, but in no event less than a reasonable royalty for the use made of the
28 invention by Defendants, together with interest and costs as fixed by the Court.

COUNT III

INFRINGEMENT OF THE '486 PATENT

25. DSS references and incorporates by reference paragraphs 1 through 24 of this Complaint.

26. 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 ZPower LED – Z5M, Z5M0, Z5M1, Z5M2, Z5P, Z5, Z7, Z7-F, Z6, and P5 II LED products. 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."

27. 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.

28. 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.

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

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

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

PRAYER FOR RELIEF

Plaintiff respectfully requests the following relief from this Court:

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

B. A judgment and order requiring Defendants to pay DSS its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' acts of

1 infringement in accordance with 35 U.S.C. § 284;

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

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

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

9 **JURY TRIAL DEMANDED**

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

12
13 Dated: June 7, 2017

By: Brian Ledahl

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