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14 CARL ZEISS AG and ASML NETHERLANDS B.V.

15
16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
18

19 CARL ZEISS AG and ASML
20 NETHERLANDS B.V.,

21 Plaintiffs,

22 v.

23 NIKON CORPORATION, SENDAI
24 NIKON CORPORATION, and NIKON
25 INC.,

26 Defendants.
27
28

Case No. 2:17-cv-03225

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiffs, Carl Zeiss AG (“Zeiss”) and ASML Netherlands B.V. (“ASML”)
3 (collectively, “Plaintiffs”), by and through their attorneys, for their Complaint against
4 Nikon Corporation, Sendai Nikon Corporation, and Nikon Inc. (collectively,
5 “Defendants” or “Nikon”), hereby allege as follows:

6 **NATURE OF ACTION**

7 1. This is an action for patent infringement arising under the patent laws of
8 the United States, 35 U.S.C. § 1 et seq., specifically including 35 U.S.C. § 271.

9 **THE PARTIES**

10 2. Plaintiff Zeiss is a German corporation with its principal place of
11 business located at Carl-Zeiss-Straße 22, Oberkochen, Germany 73447.

12 3. Plaintiff ASML is a Dutch entity with a principal place of business at De
13 Run 6501, 5504 DR, Veldhoven, Netherlands.

14 4. On information and belief, Defendant Nikon Corporation is a
15 corporation organized under the laws of Japan and having a principal place of
16 business at Shinagawa Intercity Tower C, 2-15-3, Konan, Minato-ku, Tokyo 108-
17 6290, Japan.

18 5. On information and belief, Defendant Sendai Nikon Corporation is a
19 corporation organized under the laws of Japan and having a principal place of
20 business at 277, Aza-hara, Tako, Natori, Miyagi 981-1221, Japan.

21 6. On information and belief, Defendant Nikon Inc. is a corporation
22 organized under the laws of New York, having a principal place of business at 1300
23 Walt Whitman Road, Melville, NY 11747-3064. Nikon Inc. is a subsidiary of
24 Defendant Nikon Corporation.

25 7. On information and belief, Nikon conducts business operations
26 throughout the United States, including in the State of California.

1 **JURISDICTION**

2 8. This Court has jurisdiction over the subject matter of this action under
3 28 U.S.C. §§ 1331 and 1338(a).

4 **PERSONAL JURISDICTION AND VENUE**

5 9. This Court has personal jurisdiction over Nikon because, *inter alia*,
6 Nikon has conducted and continues to conduct business in this judicial district, either
7 directly, or through its subsidiaries, agents, and/or affiliates including, upon
8 information and belief, by marketing, selling, offering for sale, and servicing digital
9 camera products in the Central District of California.

10 10. On information and belief, Defendants Nikon Corporation and Sendai
11 Nikon Corporation produce digital cameras and related software outside the United
12 States that they offer for sale and sell either directly to customers in the United States,
13 including the State of California, or provide directly and/or indirectly to Defendant
14 Nikon Inc., for importation into the United States. The Court has personal
15 jurisdiction over Nikon because Nikon has placed products that practice or embody
16 the claimed inventions of the Patents-in-Suit into the stream of commerce in the
17 United States, including this district, with the reasonable expectation and/or
18 knowledge that purchasers of such products were located within this district.
19 Additionally, Nikon derives substantial revenue from the sale of infringing products
20 distributed within the district, and/or expect or should reasonably expect their actions
21 to have consequences within the district, and derive substantial revenue from
22 interstate and international commerce. Furthermore, Defendant Nikon Inc. has a
23 factory service facility located in the Central District of California, which, upon
24 information and belief, provides factory repair, photo, promotional, parts sales, and
25 other services for Nikon digital cameras and parts that practice or embody the
26 claimed inventions of the Patents-in-Suit. Additionally, upon information and belief,
27 Defendant Nikon Inc. has at least thirty authorized Nikon dealers in California,
28 including Nikon Professional Dealers and Nikon Imaging Dealers that sell, offer to

1 sell, and/or service Nikon digital cameras that practice or embody the claimed
2 inventions of the Patents-in-Suit. This Court’s exercise of personal jurisdiction over
3 Nikon would therefore comport with due process.

4 11. This Court has jurisdiction over this action against the Nikon defendants
5 because the subject matter of the action satisfies the requirements of 35 U.S.C. §
6 299(a) in that (1) it arises, at least in part, out of the same transaction, occurrence, or
7 series of transactions or occurrences relating to the making, using, importing into the
8 United States, offering for sale, and/or selling of the same digital camera products
9 that practice or embody the claimed inventions of the Patents-in-suit, and (2)
10 questions of fact common to the Nikon defendants will arise in the action.

11 12. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391
12 and 1400. Upon information and belief, Defendant Nikon Inc. makes, uses, offers to
13 sell, sells, and/or imports into this judicial district digital cameras that practice or
14 embody the claimed inventions of the Patents-in-Suit either directly or through one or
15 more Nikon Professional Dealers and/or Nikon Imaging Dealers, and has a regular
16 and established place of business including a factory service and repair center located
17 at 6420 Wilshire Blvd. #100, Los Angeles, CA 90048.

18 **PATENTS-IN-SUIT**

19 13. On October 9, 2001, United States Patent No. 6,301,440 (“the ’440
20 Patent”), entitled “System and Method for Automatically Setting Image Acquisition
21 Controls,” was duly and legally issued by the United States Patent and Trademark
22 Office (“PTO”). A true and correct copy of the ’440 Patent is attached as **Exhibit A**
23 to this Complaint.

24 14. On October 8, 2002, United States Patent No. 6,463,163 (“the ’163
25 Patent”), entitled “System and Method for Face Detection Using Candidate Image
26 Region Selection,” was duly and legally issued by the PTO. A true and correct copy
27 of the ’163 Patent is attached as **Exhibit B** to this Complaint.
28

1 15. On March 30, 2004, United States Patent No. 6,714,241 (“the ’241
2 Patent”), entitled “Efficient Dark Current Subtraction in an Image Sensor,” was duly
3 and legally issued by the PTO. A true and correct copy of the ’241 Patent is attached
4 as **Exhibit C** to this Complaint.

5 16. On May 4, 2004, United States Patent No. 6,731,335 (“the ’335 Patent”),
6 entitled “CMOS Image Sensor Having Common Outputting Transistors and Method
7 for Driving the Same,” was duly and legally issued by the PTO. A true and correct
8 copy of the ’335 Patent is attached as **Exhibit D** to this Complaint.

9 17. On December 21, 2004, United States Patent No. 6,834,128 (“the ’128
10 Patent”), entitled “Image Mosaicing System and Method Adapted to Mass-Market
11 Hand-Held Digital Cameras,” was duly and legally issued by the PTO. A true and
12 correct copy of the ’128 Patent is attached as **Exhibit E** to this Complaint.

13 18. On November 20, 2007, United States Patent No. 7,297,916 (“the ’916
14 Patent”), entitled “Optically Improved CMOS Imaging Sensor Structure to Lower
15 Imaging Lens Requirements,” was duly and legally issued by the PTO. A true and
16 correct copy of the ’916 Patent is attached as **Exhibit F** to this Complaint.

17 19. On April 26, 2011, United States Patent No. 7,933,454 (“the ’454
18 Patent”), entitled “Class-based Image Enhancement System,” was duly and legally
19 issued by the PTO. A true and correct copy of the ’454 Patent is attached as **Exhibit**
20 **G** to this Complaint.

21 20. The ’440, ’163, ’241, ’335, ’128, ’916, and ’454 Patents are collectively
22 referred to herein as the “Patents-in-Suit.” By assignment, Zeiss and ASML own all
23 right, title, and interest in and to the Patents-in-Suit. Plaintiffs have the right to sue
24 and recover damages for the infringement of the Patents-in-Suit.

25 FACTUAL BACKGROUND

26 21. Plaintiff Zeiss began operations in Jena, Germany, in 1846, originally
27 specializing in the customized production of scientific tools and instruments. By the
28

1 early 1850s Zeiss began developing observation instruments, including microscopes,
2 for the broader scientific community.

3 22. Over the past 165 years, Zeiss has expanded into nearly every major area
4 of optics, with a diverse product lineup of industrial, research, medical, and consumer
5 products. Today, Zeiss sells products ranging from microscopes, binoculars, rifle
6 scopes, and eye glass lenses to ophthalmology instruments and lithography optics.

7 23. Zeiss's broad portfolio of optics-based products includes a diverse array
8 of camera products. Cinematography lenses from Zeiss have helped to create
9 distinctive images in many famous movies, including *The Lord of the Rings* trilogy,
10 and Zeiss received three Technical Academy Awards for the lenses. Zeiss's lenses
11 for technical applications assist scientists and engineers in a wide array of
12 applications, from quality assurance to satellite optics. Zeiss monoculars with
13 integrated digital cameras help nature-watchers around the world not only observe
14 wildlife, but capture and preserve their images as well. Lenses from Zeiss are used in
15 devices all over the world, for example, in digital single-lens reflex cameras,
16 mirrorless digital cameras, and rangefinder cameras. Zeiss is actively engaged in
17 expanding its already substantial business in the field of optical devices with
18 innovative new products.

19 24. Plaintiff ASML was founded in 1984, and designs, develops,
20 manufactures, and sells lithography systems for the semiconductor industry. ASML's
21 products enable semiconductor manufacturers to create chips that power electronic,
22 communications, and information technology products.

23 25. On information and belief, Nikon designs, manufactures, markets, sells,
24 and imports into the United States digital cameras, including digital single-lens reflex
25 cameras, compact digital cameras, and mirrorless digital cameras. On information
26 and belief, Nikon Corporation and Sendai Nikon Corporation produce digital cameras
27 and related software outside the United States that they sell either directly to
28

1 customers in the United States or provide to Defendant Nikon Inc. for importation
2 into the United States.

3 26. On information and belief, Nikon's manufacture, promotion, repair,
4 servicing, use, sale and/or offer to sell in the United States, and/or importation into
5 the United States, of its digital cameras infringe one or more claims of each of the
6 Patents-in-Suit, directly or indirectly.

7 **COUNT I**

8 **(Infringement of U.S. Patent No. 6,301,440)**

9 27. Plaintiffs repeat and re-allege paragraphs 1-26 above as if fully set forth
10 herein.

11 28. On information and belief, Nikon designs, manufactures, markets,
12 imports, and sells digital cameras that infringe one or more claims of the '440 Patent,
13 either literally or under the doctrine of equivalents, including at least claims 1-4, 6-
14 10, 12-14, 16-19, 21-28, 30-35, 37-44, 46-50, and 52-56 under 35 U.S.C. §§ 271(a),
15 (b), and/or (c). These digital cameras include, but are not limited to, Nikon's Coolpix
16 S9900 digital camera, Nikon's D3300 digital camera, and Nikon's D500 digital
17 camera. An exemplary list of infringing devices is provided as **Exhibit H**.

18 29. Nikon has directly infringed, and continues to directly infringe, at least
19 one claim of the '440 Patent under 35 U.S.C. § 271(a) by making, using, selling,
20 and/or offering for sale digital cameras and components thereof within the United
21 States, and/or by importing digital cameras and components thereof into the United
22 States. **Exhibit I** to this Complaint describes a non-limiting example of Nikon's
23 infringement, based on Plaintiffs' current information and belief. Plaintiffs make this
24 preliminary and exemplary identification of infringing products and infringed claims
25 without the benefit of discovery or claim construction in this action, and expressly
26 reserve the right to augment, supplement, and revise their contentions based on
27 additional information obtained through discovery or otherwise, pursuant to the
28

1 Federal Rules of Civil Procedure, to this Court's Local Rules and any applicable
2 Patent Local Rules, and/or as is otherwise appropriate.

3 30. In addition, Nikon has induced, and continues to induce, infringement of
4 at least one claim of the '440 Patent under 35 U.S.C. § 271(b) by, among other
5 things, actively and knowingly aiding and abetting others (including Nikon's
6 authorized dealers and repair service providers, retailers, consumers, and end users)
7 to infringe the '440 patent with the specific intent to encourage their infringement,
8 through activities such as marketing Nikon's products, creating and distributing
9 promotional and product literature for infringing digital cameras, and offering
10 technical support and services for infringing digital cameras that are designed to
11 instruct, encourage, enable, and facilitate the use of the digital cameras in a manner
12 that infringes the '440 patent. Upon information and belief, Nikon induces such
13 infringing acts and knows or is willfully blind to the fact that its actions would induce
14 actual infringement of the '440 Patent. Nikon had actual notice of the Patents-in-Suit
15 at least upon the filing or service of this Complaint.

16 31. Furthermore, Nikon has contributed to, and continues to contribute to,
17 infringement of at least one claim of the '440 Patent under 35 U.S.C. § 271(c)
18 through Nikon's sale and offers to sell within the United States and/or importation
19 into the United States of digital cameras and components thereof, constituting a
20 material part of the inventions claimed in the '440 Patent, knowing the same to be
21 especially made or adapted for use in infringement of the '440 Patent, and not a staple
22 article or commodity of commerce suitable for substantial non-infringing use.

23 32. Plaintiffs are entitled to damages in accordance with 35 U.S.C. § 284.

24 COUNT II

25 (Infringement of U.S. Patent No. 6,463,163)

26 33. Plaintiffs repeat and re-allege paragraphs 1-26 above as if fully set forth
27 herein.

1 34. On information and belief, Nikon designs, manufactures, markets,
2 imports, and sells digital cameras that infringe one or more claims of the '163 Patent,
3 either literally or under the doctrine of equivalents, including at least claims 1-4, 6-7,
4 9-11, 14-16, and 19 under 35 U.S.C. §§ 271(a), (b), and/or (c). These digital cameras
5 include, but are not limited to, Nikon's Coolpix S9900 digital camera and Nikon's
6 D3300 digital camera. An exemplary list of infringing devices is provided as **Exhibit**
7 **H**.

8 35. Nikon has directly infringed, and continues to directly infringe, at least
9 one claim of the '163 Patent under 35 U.S.C. § 271(a) by making, using, selling,
10 and/or offering for sale digital cameras and components thereof within the United
11 States, and/or by importing digital cameras and components thereof into the United
12 States. **Exhibit J** to this Complaint describes a non-limiting example of Nikon's
13 infringement, based on Plaintiffs' current information and belief. Plaintiffs make this
14 preliminary and exemplary identification of infringing products and infringed claims
15 without the benefit of discovery or claim construction in this action, and expressly
16 reserve the right to augment, supplement, and revise their contentions based on
17 additional information obtained through discovery or otherwise, pursuant to the
18 Federal Rules of Civil Procedure, to this Court's Local Rules and any applicable
19 Patent Local Rules, and/or as is otherwise appropriate.

20 36. In addition, Nikon has induced, and continues to induce, infringement of
21 at least one claim of the '163 Patent under 35 U.S.C. § 271(b) by, among other
22 things, actively and knowingly aiding and abetting others (including Nikon's
23 authorized dealers and repair service providers, retailers, consumers, and end users)
24 to infringe the '163 Patent with the specific intent to encourage their infringement,
25 through activities such as marketing Nikon's products, creating and distributing
26 promotional and product literature for infringing digital cameras, and offering
27 technical support and services for infringing digital cameras that are designed to
28 instruct, encourage, enable, and facilitate the use of the digital cameras in a manner

1 that infringes the '163 Patent. Upon information and belief, Nikon induces such
2 infringing acts and knows or is willfully blind to the fact that its actions would induce
3 actual infringement of the '163 Patent. Nikon had actual notice of the Patents-in-Suit
4 at least upon the filing or service of this Complaint.

5 37. Furthermore, Nikon has contributed to, and continues to contribute to,
6 infringement of at least one claim of the '163 Patent under 35 U.S.C. § 271(c)
7 through Nikon's sale and offers to sell within the United States and/or importation
8 into the United States of digital cameras and components thereof, constituting a
9 material part of the inventions claimed in the '163 Patent, knowing the same to be
10 especially made or adapted for use in infringement of the '163 Patent, and not a staple
11 article or commodity of commerce suitable for substantial non-infringing use.

12 38. Plaintiffs are entitled to damages in accordance with 35 U.S.C. § 284.

13 COUNT III

14 (Infringement of U.S. Patent No. 6,714,241)

15 39. Plaintiffs repeat and re-allege paragraphs 1-26 above as if fully set forth
16 herein.

17 40. On information and belief, Nikon designs, manufactures, markets,
18 imports, and sells digital cameras that infringe one or more claims of the '241 Patent,
19 either literally or under the doctrine of equivalents, including at least claims 1-3, 5-
20 12, and 14-18 under 35 U.S.C. §§ 271(a), (b), and/or (c). These digital cameras
21 include, but are not limited to, Nikon's 1 V3 digital camera. An exemplary list of
22 infringing devices is provided as **Exhibit H**.

23 41. Nikon has directly infringed, and continues to directly infringe, at least
24 one claim of the '241 Patent under 35 U.S.C. § 271(a) by making, using, selling,
25 and/or offering for sale digital cameras and components thereof within the United
26 States, and/or by importing digital cameras and components thereof into the United
27 States. **Confidential Exhibit K** to this Complaint describes a non-limiting example
28 of Nikon's infringement, based on Plaintiffs' current information and belief.

1 Plaintiffs make this preliminary and exemplary identification of infringing products
2 and infringed claims without the benefit of discovery or claim construction in this
3 action, and expressly reserve the right to augment, supplement, and revise their
4 contentions based on additional information obtained through discovery or otherwise,
5 pursuant to the Federal Rules of Civil Procedure, to this Court's Local Rules and any
6 applicable Patent Local Rules, and/or as is otherwise appropriate.

7 42. In addition, Nikon has induced, and continues to induce, infringement of
8 at least one claim of the '241 Patent under 35 U.S.C. § 271(b) by, among other
9 things, actively and knowingly aiding and abetting others (including Nikon's
10 authorized dealers and repair service providers, retailers, consumers, and end users)
11 to infringe the '241 Patent with the specific intent to encourage their infringement,
12 through activities such as marketing Nikon's products, creating and distributing
13 promotional and product literature for infringing digital cameras, and offering
14 technical support and services for infringing digital cameras that are designed to
15 instruct, encourage, enable, and facilitate the use of the digital cameras in a manner
16 that infringes the '241 Patent. Upon information and belief, Nikon induces such
17 infringing acts and knows or is willfully blind to the fact that its actions would induce
18 actual infringement of the '241 Patent. Nikon had actual notice of the Patents-in-Suit
19 at least upon the filing or service of this Complaint.

20 43. Furthermore, Nikon has contributed to, and continues to contribute to,
21 infringement of at least one claim of the '241 Patent under 35 U.S.C. § 271(c)
22 through Nikon's sale and offers to sell within the United States and/or importation
23 into the United States of digital cameras and components thereof, constituting a
24 material part of the inventions claimed in the '241 Patent, knowing the same to be
25 especially made or adapted for use in infringement of the '241 Patent, and not a staple
26 article or commodity of commerce suitable for substantial non-infringing use.

27 44. Plaintiffs are entitled to damages in accordance with 35 U.S.C. § 284.
28

1 COUNT IV

2 (Infringement of U.S. Patent No. 6,731,335)

3 45. Plaintiffs repeat and re-allege paragraphs 1-26 above as if fully set forth
4 herein.

5 46. On information and belief, Nikon designs, manufactures, markets,
6 imports, and sells digital cameras that infringe one or more claims of the '335 Patent,
7 either literally or under the doctrine of equivalents, including at least claims 1-12
8 under 35 U.S.C. §§ 271(a), (b), and/or (c). These digital cameras include, but are not
9 limited to, Nikon's D4S digital camera and Nikon's Df digital camera. An exemplary
10 list of infringing devices is provided as **Exhibit H**.

11 47. Nikon has directly infringed, and continues to directly infringe, at least
12 one claim of the '335 Patent under 35 U.S.C. § 271(a) by making, using, selling,
13 and/or offering for sale digital cameras and components thereof within the United
14 States, and/or by importing digital cameras and components thereof into the United
15 States. **Confidential Exhibit L** to this Complaint describes a non-limiting example
16 of Nikon's infringement, based on Plaintiffs' current information and belief.
17 Plaintiffs make this preliminary and exemplary identification of infringing products
18 and infringed claims without the benefit of discovery or claim construction in this
19 action, and expressly reserve the right to augment, supplement, and revise their
20 contentions based on additional information obtained through discovery or otherwise,
21 pursuant to the Federal Rules of Civil Procedure, to this Court's Local Rules and any
22 applicable Patent Local Rules, and/or as is otherwise appropriate.

23 48. In addition, Nikon has induced, and continues to induce, infringement of
24 at least one claim of the '335 Patent under 35 U.S.C. § 271(b) by, among other
25 things, actively and knowingly aiding and abetting others (including Nikon's
26 authorized dealers and repair service providers, retailers, consumers, and end users)
27 to infringe the '335 Patent with the specific intent to encourage their infringement,
28 through activities such as marketing Nikon's products, creating and distributing

1 promotional and product literature for infringing digital cameras, and offering
2 technical support and services for infringing digital cameras that are designed to
3 instruct, encourage, enable, and facilitate the use of the digital cameras in a manner
4 that infringes the '335 Patent. Upon information and belief, Nikon induces such
5 infringing acts and knows or is willfully blind to the fact that its actions would induce
6 actual infringement of the '335 Patent. Nikon had actual notice of the Patents-in-Suit
7 at least upon the filing or service of this Complaint.

8 49. Furthermore, Nikon has contributed to, and continues to contribute to,
9 infringement of at least one claim of the '335 Patent under 35 U.S.C. § 271(c)
10 through Nikon's sale and offers to sell within the United States and/or importation
11 into the United States of digital cameras and components thereof, constituting a
12 material part of the inventions claimed in the '335 Patent, knowing the same to be
13 especially made or adapted for use in infringement of the '335 Patent, and not a staple
14 article or commodity of commerce suitable for substantial non-infringing use.

15 50. Plaintiffs are entitled to damages in accordance with 35 U.S.C. § 284.

16 **COUNT V**

17 **(Infringement of U.S. Patent No. 6,834,128)**

18 51. Plaintiffs repeat and re-allege paragraphs 1-26 above as if fully set forth
19 herein.

20 52. On information and belief, Nikon designs, manufactures, markets,
21 imports, and sells digital cameras that infringe one or more claims of the '128 Patent,
22 either literally or under the doctrine of equivalents, including at least claims 1-2, 4-5,
23 12-13, 16-17, and 19 under 35 U.S.C. §§ 271(a), (b), and/or (c). These digital
24 cameras include, but are not limited to, Nikon's 1 V3 digital camera, and Nikon's
25 D3300 digital camera. An exemplary list of infringing devices is provided as **Exhibit**
26 **H**.

27 53. Nikon has directly infringed, and continues to directly infringe, at least
28 one claim of the '128 Patent under 35 U.S.C. § 271(a) by making, using, selling,

1 and/or offering for sale digital cameras and components thereof within the United
2 States, and/or by importing digital cameras and components thereof into the United
3 States. **Exhibit M** to this Complaint describes a non-limiting example of Nikon's
4 infringement, based on Plaintiffs' current information and belief. Plaintiffs make this
5 preliminary and exemplary identification of infringing products and infringed claims
6 without the benefit of discovery or claim construction in this action, and expressly
7 reserve the right to augment, supplement, and revise their contentions based on
8 additional information obtained through discovery or otherwise, pursuant to the
9 Federal Rules of Civil Procedure, to this Court's Local Rules and any applicable
10 Patent Local Rules, and/or as is otherwise appropriate.

11 54. In addition, Nikon has induced, and continues to induce, infringement of
12 at least one claim of the '128 Patent under 35 U.S.C. § 271(b) by, among other
13 things, actively and knowingly aiding and abetting others (including Nikon's
14 authorized dealers and repair service providers, retailers, consumers, and end users)
15 to infringe the '128 Patent with the specific intent to encourage their infringement,
16 through activities such as marketing Nikon's products, creating and distributing
17 promotional and product literature for infringing digital cameras, and offering
18 technical support and services for infringing digital cameras that are designed to
19 instruct, encourage, enable, and facilitate the use of the digital cameras in a manner
20 that infringes the '128 Patent. Upon information and belief, Nikon induces such
21 infringing acts and knows or is willfully blind to the fact that its actions would induce
22 actual infringement of the '128 Patent. Nikon had actual notice of the Patents-in-Suit
23 at least upon the filing or service of this Complaint.

24 55. Furthermore, Nikon has contributed to, and continues to contribute to,
25 infringement of at least one claim of the '128 Patent under 35 U.S.C. § 271(c)
26 through Nikon's sale and offers to sell within the United States and/or importation
27 into the United States of digital cameras and components thereof, constituting a
28 material part of the inventions claimed in the '128 Patent, knowing the same to be

1 especially made or adapted for use in infringement of the '128 Patent, and not a staple
2 article or commodity of commerce suitable for substantial non-infringing use.

3 56. Plaintiffs are entitled to damages in accordance with 35 U.S.C. § 284.

4 **COUNT VI**

5 **(Infringement of U.S. Patent No. 7,297,916)**

6 57. Plaintiffs repeat and re-allege paragraphs 1-26 above as if fully set forth
7 herein.

8 58. On information and belief, Nikon designs, manufactures, markets,
9 imports, and sells digital cameras that infringe one or more claims of the '916 Patent,
10 either literally or under the doctrine of equivalents, including at least claims 1-9 under
11 35 U.S.C. §§ 271(a), (b), and/or (c). These digital cameras include, but are not
12 limited to, Nikon's D7100 digital camera. An exemplary list of infringing devices is
13 provided as **Exhibit H**.

14 59. Nikon has directly infringed, and continues to directly infringe, at least
15 one claim of the '916 Patent under 35 U.S.C. § 271(a) by making, using, selling,
16 and/or offering for sale digital cameras and components thereof within the United
17 States, and/or by importing digital cameras and components thereof into the United
18 States. **Confidential Exhibit N** to this Complaint describes a non-limiting example
19 of Nikon's infringement, based on Plaintiffs' current information and belief.
20 Plaintiffs make this preliminary and exemplary identification of infringing products
21 and infringed claims without the benefit of discovery or claim construction in this
22 action, and expressly reserve the right to augment, supplement, and revise their
23 contentions based on additional information obtained through discovery or otherwise,
24 pursuant to the Federal Rules of Civil Procedure, to this Court's Local Rules and any
25 applicable Patent Local Rules, and/or as is otherwise appropriate.

26 60. In addition, Nikon has induced, and continues to induce, infringement of
27 at least one claim of the '916 Patent under 35 U.S.C. § 271(b) by, among other
28 things, actively and knowingly aiding and abetting others (including Nikon's

1 authorized dealers and repair service providers, retailers, consumers, and end users)
2 to infringe the '916 Patent with the specific intent to encourage their infringement,
3 through activities such as marketing Nikon's products, creating and distributing
4 promotional and product literature for infringing digital cameras, and offering
5 technical support and services for infringing digital cameras that are designed to
6 instruct, encourage, enable, and facilitate the use of the digital cameras in a manner
7 that infringes the '916 Patent. Upon information and belief, Nikon induces such
8 infringing acts and knows or is willfully blind to the fact that its actions would induce
9 actual infringement of the '916 Patent. Nikon had actual notice of the Patents-in-Suit
10 at least upon the filing or service of this Complaint.

11 61. Furthermore, Nikon has contributed to, and continues to contribute to,
12 infringement of at least one claim of the '916 Patent under 35 U.S.C. § 271(c)
13 through Nikon's sale and offers to sell within the United States and/or importation
14 into the United States of digital cameras and components thereof, constituting a
15 material part of the inventions claimed in the '916 Patent, knowing the same to be
16 especially made or adapted for use in infringement of the '916 Patent, and not a staple
17 article or commodity of commerce suitable for substantial non-infringing use.

18 62. Plaintiffs are entitled to damages in accordance with 35 U.S.C. § 284.

19 **COUNT VII**

20 **(Infringement of U.S. Patent No. 7,933,454)**

21 63. Plaintiffs repeat and re-allege paragraphs 1-26 above as if fully set forth
22 herein.

23 64. On information and belief, Nikon designs, manufactures, markets,
24 imports, and sells digital cameras that infringe one or more claims of the '454 Patent,
25 either literally or under the doctrine of equivalents, including at least claims 1-2, 4-
26 12, and 16-28 under 35 U.S.C. §§ 271(a), (b), and/or (c). These digital cameras
27 include, but are not limited to, Nikon's Coolpix S9900 digital camera and Nikon's
28

1 D500 digital camera. An exemplary list of infringing devices is provided as **Exhibit**
2 **H**.

3 65. Nikon has directly infringed, and continues to directly infringe, at least
4 one claim of the '454 Patent under 35 U.S.C. § 271(a) by making, using, selling,
5 and/or offering for sale digital cameras and components thereof within the United
6 States, and/or by importing digital cameras and components thereof into the United
7 States. **Exhibit O** to this Complaint describes a non-limiting example of Nikon's
8 infringement, based on Plaintiffs' current information and belief. Plaintiffs make this
9 preliminary and exemplary identification of infringing products and infringed claims
10 without the benefit of discovery or claim construction in this action, and expressly
11 reserve the right to augment, supplement, and revise their contentions based on
12 additional information obtained through discovery or otherwise, pursuant to the
13 Federal Rules of Civil Procedure, to this Court's Local Rules and any applicable
14 Patent Local Rules, and/or as is otherwise appropriate.

15 66. In addition, Nikon has induced, and continues to induce, infringement of
16 at least one claim of the '454 Patent under 35 U.S.C. § 271(b) by, among other
17 things, actively and knowingly aiding and abetting others (including Nikon's
18 authorized dealers and repair service providers, retailers, consumers, and end users)
19 to infringe the '454 Patent with the specific intent to encourage their infringement,
20 through activities such as marketing Nikon's products, creating and distributing
21 promotional and product literature for infringing digital cameras, and offering
22 technical support and services for infringing digital cameras that are designed to
23 instruct, encourage, enable, and facilitate the use of the digital cameras in a manner
24 that infringes the '454 Patent. Upon information and belief, Nikon induces such
25 infringing acts and knows or is willfully blind to the fact that its actions would induce
26 actual infringement of the '454 Patent. Nikon had actual notice of the Patents-in-Suit
27 at least upon the filing or service of this Complaint.

1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs
3 demand a trial by jury on all issues on which trial by jury is available under
4 applicable law.

5
6 Dated: April 28, 2017

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