

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

7  
 8 *Attorneys for Plaintiff*  
 9 *Document Security Systems, Inc.*

10  
 11  
 12 **UNITED STATES DISTRICT COURT**  
 13 **CENTRAL DISTRICT OF CALIFORNIA**

14 DOCUMENT SECURITY SYSTEMS,  
 15 INC.,

16 *Plaintiff,*

17 *v.*

18 CREE, INC.,

19 *Defendant.*  
 20  
 21

Case No. 2:17-cv-04263-JVS-JCG

**UNOPPOSED MOTION FOR  
 LEAVE TO FILE SECOND  
 AMENDED COMPLAINT**

22  
 23 Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff,  
 24 Document Security Systems, Inc. ("DSS") respectfully seeks leave of the Court to  
 25 file the attached Second Amended Complaint (Exhibit A).

26 Paragraph J of the Court's Initial Order and Case Assignment (Dkt. 13)  
 27 describes that "even where a party has amended his Complaint once or a  
 28 responsive pleading has been served, the Federal Rules provide that leave to amend

RUSS, AUGUST & KABAT

RUSS, AUGUST & KABAT

1 should be ‘freely given when justice so requires.’ F.R.Civ.P., Rule 15(a). The  
2 Ninth Circuit requires that this policy favoring amendment be applied with  
3 ‘extreme liberality.’ *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074,  
4 1079 (9th Cir. 1990).”

5 The Court has previously granted DSS, by either Minute Order or  
6 Stipulation, leave to amend its respective complaints in related cases DSS v. Seoul  
7 Semiconductor Co. Ltd., et al (8:17-cv-00981, Dkt. 36); DSS v. Everlight  
8 Electronics Co., Ltd et al (2:17-cv-04273, Dkt. 47); DSS v. OSRAM Gmbh et al  
9 (2:17-cv-0518, Dkt. 44); and DSS v. Lite-On Inc. et al (2:17-cv-06050, Dkt. 35).  
10 Pursuant to those orders, DSS has filed amended complaints in each case. DSS  
11 seeks leave to file a similar amended pleading in this case. DSS has met and  
12 conferred with Defendant Cree, Inc. (“Cree”) and Cree has indicated it does not  
13 oppose this motion.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: December 29, 2017

**RUSS AUGUST & KABAT**

By: /s/ Brian Ledahl  
Brian Ledahl  
Neil A. Rubin  
Jacob Buczko

*Attorney for Plaintiff*  
Document Security Systems, Inc.

**CERTIFICATE OF CONFERENCE**

In accordance with Local Rule 7.3, the above signatory attests that DSS met and conferred with Cree, Inc. regarding the filing of this motion.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I certify that on December 28, 2017, a true and correct copy of this document was served in accordance with Federal Rules of Civil Procedure and L.R. CV-5 on all known counsel of record by electronic service via the Court’s CM/EMF system.

/s/ Brian Ledahl  
Brian Ledahl

RUSS, AUGUST & KABAT