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

16 DOCUMENT SECURITY SYSTEMS,
 17 INC.,

18 *Plaintiff,*

19 v.

20 CREE, INC.,

21 *Defendant.*

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

23 **SECOND AMENDED COMPLAINT**
 24 **FOR PATENT INFRINGEMENT**

25 JURY TRIAL DEMANDED

1 This is an action for patent infringement arising under the Patent Laws of the
2 United States of America, 35 U.S.C. § 1 *et seq.* in which Document Security Systems,
3 Inc. (“DSS” or “Plaintiff”) makes the following allegations against Defendant Cree, Inc.
4 (“Cree” or “Defendant”).

5 PARTIES

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

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

16 3. On information and belief, Cree, Inc. is a North Carolina corporation with its
17 principal place of business at 4600 Silicon Drive, Durham, North Carolina 27703-
18 8475. Defendant Cree, Inc. can be served through its registered agent, CT
19 Corporation System, 818 W 7th St. Suite 930, Los Angeles, CA 90017.

20 JURISDICTION AND VENUE

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

24 5. This Court has personal jurisdiction over Defendant in this action because,
25 among other reasons, Defendant has committed acts within the Central District of
26 California giving rise to this action and has established minimum contacts with the
27 forum state of California. Defendant directly and/or through subsidiaries or
28 intermediaries (including distributors, retailers, and others), has committed and

1 continues to commit acts of infringement in this District by, among other things,
2 making, using, importing, offering for sale, and/or selling products and/or services
3 that infringe the patents-in-suit. Thus, Defendant purposefully availed itself of the
4 benefits of doing business in the State of California and the exercise of jurisdiction
5 over Defendant would not offend traditional notions of fair play and substantial
6 justice. Cree is registered to do business in the State of California, and has an office
7 and regular and established place of business at 340 Storke Road, Goleta, California
8 93117.

9 6. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(c) and 1400(b)
10 because Defendant has a regular and established place of business in this District and
11 has committed acts of patent infringement in this District. Defendant, for example,
12 has a regular and established place of business at 340 Storke Road, Goleta, California
13 93117.

14 **BACKGROUND**

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

19 8. DSS is the owner by assignment of United States Patent No. 7,256,486 (“the
20 ’486 Patent”) entitled “Packing Device for Semiconductor Die, Semiconductor Device
21 Incorporating Same and Method of Making Same.” The ’486 Patent was duly and
22 legally issued by the United States Patent and Trademark Office on August 14, 2007.
23 A true and correct copy of the ’486 Patent is included as Exhibit B.

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

28 10. DSS is the owner by assignment of United States Patent No. 7,919,787

1 (“the ’787 Patent”) entitled “Semiconductor Device with a Light Emitting
2 Semiconductor Die.” The ’787 Patent was duly and legally issued by the United
3 States Patent and Trademark Office on April 5, 2011. A true and correct copy of the
4 ’787 Patent is included as Exhibit D.

5 11. DSS owns all rights, title, and interest in and to the ’771, ’486, ’087, and
6 ’787 Patents (collectively, “asserted patents” or “patents-in-suit”), including all rights
7 to sue and recover for past and future infringement.

8 **COUNT I**

9 **INFRINGEMENT OF THE ’771 PATENT**

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

12 13. On information and belief, Defendant makes, uses, offers for sale, sells,
13 and/or imports in the United States products and/or services that infringe various
14 claims of the ’771 Patent, and continues to do so. By way of illustrative example,
15 Defendant’s infringing products include without limitation, all versions and variations,
16 including predecessor and successor models, of its XLamp ML-B, XLamp ML-C,
17 XLamp ML-E, Xlamp MX-3S, XLamp XR-C, XLamp XR-E, XLamp MC-E, CLM1
18 Series Color, CLM2 Series, CLM3 Series Color, CLM4 Series, CLP6 Series White,
19 CLP6 Series Color, SMD Full Color, and SMD Full Color Side-View LED products.
20 Defendant’s infringing products also include products, e.g., light bulbs, displays and
21 fixtures that contain at least one infringing LED product. Defendant’s infringing
22 products are collectively referred to hereinafter as “’771 Accused Instrumentalities.”

23 14. On information and belief, Defendant has directly infringed and
24 continues to directly infringe the ’771 Patent by, among other things, making, using,
25 offering for sale, selling, and/or importing the ’771 Accused Instrumentalities. On
26 information and belief, such products and/or services are covered by one or more
27 claims of the ’771 Patent’s including at least claims 1 through 8 because they contain
28 each element of those claims.

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15. As an illustrative example, Defendant imports, sells and offers to sell its CLM1 Series Color LED products. Defendant’s CLM1 Series Color infringes, for example, Claim 3 of the ‘771 patent because it is a light source comprising a substrate having opposing first and second surfaces, the substrate defining an aperture extending from the first surface to the second surface, said aperture having a first opening in the first surface and second opening in said second surface:



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