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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 DOCUMENT SECURITY SYSTEMS,  
12 INC.,

13 Plaintiff,

14 v.

15 OSRAM GMBH; OSRAM OPTO  
SEMICONDUCTORS GMBH & CO.;  
16 OSRAM Licht AG; and OSRAM  
SYLVANIA INC.,  
17

18 Defendants.

Civil Action No. 2:17-cv-05184

**JURY TRIAL DEMANDED**

19 **FIRST AMENDED 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 OSRAM GMBH (“OSRAM”); OSRAM OPTO SEMICONDUCTORS GMBH &  
24 CO.; (“OOS”), OSRAM Licht AG (OSAG) and OSRAM Sylvania, Inc. (“OSI”)  
25 (collectively “Defendants”).  
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27  
28

**PARTIES**

1  
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, OSRAM GmbH (“OSRAM”) is a foreign  
13 corporation under the laws of Germany with a principal place of business located at  
14 Hellabrunner Strasse 1, 81543 Munich, Germany. Upon information and belief,  
15 OSRAM manufactures light-emitting diode (“LED”) products and, through its  
16 subsidiaries, Defendants OSRAM Opto Semiconductor GmbH & Co. (“OOS”) and  
17 OSRAM Sylvania Inc. (“OSI”), has sales offices in the United States. Defendant  
18 OSRAM can be served with process in Germany pursuant to The Hague Convention  
19 on the Service Abroad of Judicial and Extrajudicial Documents, Article 1, November  
20 15, 1965 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S. Treaty 1969).

21 4. On information and belief, OOS is a foreign corporation under the laws of  
22 Germany with a principal place of business located at Leibnizstr 4, 93055  
23 Regensburg, Germany. Upon information and belief, OOS is a subsidiary of OSRAM  
24 and /or OLAG and sells and/or offers for sale in the United States LED products  
25 manufactured by it and/or OSRAM and/or OSAG, including in the State of California  
26 and in this judicial district.

27 5. On information and belief, OSI is a Delaware corporation, having its  
28 principal place of business at 100 Endicott Street, Danvers, Massachusetts 01923.

1 Upon information and belief, OOS is a wholly-owned subsidiary of OSRAM and sells  
2 and/or offers for sale in the United States LED products manufactured by it and/or  
3 OSRAM, including in the State of California and in this judicial district.

4 6. On information and belief, OSRAM Licht AG (“OSAG”) is a foreign  
5 corporation under the laws of Germany with a principal place of business located at  
6 Hellabrunner Strasse 1, 81543 Munich, Germany. Upon information and belief,  
7 OSAG wholly owns, directly or indirectly, OOS, OSRAM and OSI and, through these  
8 corporate relationships as a joint enterprise and alone, engages in marketing, sales,  
9 and/or development of infringing products sold in the State of California and in this  
10 judicial district.

#### 11 **JURISDICTION AND VENUE**

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

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

26 9. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(c) and 1400(b)  
27 because Defendants have a regular and established place of business in this District  
28 and have committed acts of patent infringement in this District. Defendants, for

1 example, have a regular and established place of business in this District at 1651 S.  
2 Archibald Ave., Ontario, CA 91761.

3 **BACKGROUND**

4 10.DSS is the owner by assignment of United States Patent No. 6,949,771 (“the  
5 ’771 Patent”) entitled “Light Source.” The ’771 Patent was duly and legally issued by  
6 the United States Patent and Trademark Office on September 27, 2005. A true and  
7 correct copy of the ’771 Patent is included as Exhibit A.

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

12 12. DSS is the owner by assignment of United States Patent No. 7,256,486  
13 (“the ’486 Patent”) entitled “Packing Device for Semiconductor Die, Semiconductor  
14 Device Incorporating Same and Method of Making Same.” The ’486 Patent was duly  
15 and legally issued by the United States Patent and Trademark Office on August 14,  
16 2007. A true and correct copy of the ’486 Patent is included as Exhibit C.

17 13. DSS is the owner by assignment of United States Patent No. 7,652,297  
18 (“the ’297 Patent”) entitled “Light Emitting Device.” The ’297 Patent was duly and  
19 legally issued by the United States Patent and Trademark Office on January 26, 2010.  
20 A true and correct copy of the ’297 Patent is included as Exhibit D

21 14. DSS owns all rights, title, and interest in and to the ’771, ’087, ’486 and  
22 ’297 Patents (collectively, “asserted patents” or “patents-in-suit”), including all rights  
23 to sue and recover for past and future infringement.

24 **COUNT I**

25 **INFRINGEMENT OF THE ’771 PATENT**

26 15. DSS references and incorporates by reference paragraphs 1 through 14 of  
27 this Complaint.  
28

1           16. Defendants make, use, offer for sale, sell, and/or import in the United  
2 States products and/or services that infringe various claims of the '771 Patent, and  
3 continues to do so. By way of illustrative example, Defendants' infringing products  
4 include without limitation, all versions and variations, including predecessor and  
5 successor models, of their Advanced Power TOPLED; Advanced Power TOPLED  
6 Plus; Displex LRTB; Firefly E1608; Golden DRAGON; Golden DRAGON Plus  
7 White; Golden DRAGON Plus Colors; Mini TOPLED; MultiLED; MultiTOPLED;  
8 Platinum DRAGON; PointLED; Power TOPLED; Power TOPLED Lens; Power  
9 SIDELED; SIDELED; TOPLED; TOPLED Lens; TOPLED Reverse Gullwing;  
10 TOPLED Black; TOPLED Black Surface; and Synios P2720 packages. Defendants'  
11 infringing products also include products, e.g., light bulbs, displays and fixtures that  
12 contain at least one infringing LED product. Defendants' infringing products are  
13 collectively referred to hereinafter as "'771 Accused Instrumentalities."

14           17. Defendants have directly infringed and continue to directly infringe the  
15 '771 Patent by, among other things, making, using, offering for sale, selling, and/or  
16 importing the '771 Accused Instrumentalities. Such products and/or services are  
17 covered by one or more claims of the '771 Patent's including at least claims 1 to 8  
18 because they contain each element of those claims.

19           18. As an illustrative example, Defendants import, sell and offer to sell their  
20 Advanced Power TOPLED series products. Defendant's Advanced Power TOPLED  
21 infringes, for example, Claim 3 of the '771 patent because it is a light source  
22 comprising a substrate having opposing first and second surfaces, the substrate  
23 defining an aperture extending from the first surface to the second surface, said  
24 aperture having a first opening in the first surface and second opening in said second  
25 surface:

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