

1 Scott Shaw
2 MERCHANT & GOULD, LLP
3 8383 Wilshire Boulevard, Suite 935
4 Beverly Hills, CA 90211
5 Tel.: (424) 600-4915
6 Fax: (612) 332-9081
7 *sshaw@merchantgould.com*

8 Donald R. McPhail (*pro hac vice* forthcoming)
9 MERCHANT & GOULD P.C.
10 1900 Duke St., Suite 600
11 Alexandria, VA 22314
12 Tel.: (703) 518-4516
13 Fax: (612) 332-9081
14 *dmcphail@merchantgould.com*

15 Eric R. Chad (*pro hac vice* forthcoming)
16 MERCHANT & GOULD P.C.
17 2200 Fifth Street Towers
18 150 South Fifth Street
19 Minneapolis, MN 55402-4247
20 Tel.: (612) 332-5300
21 Fax: (612) 332-9081
22 *ECHAD@MERCHANTGOULD.COM*

23 UNITED STATES DISTRICT COURT
24 FOR THE NORTHERN DISTRICT OF CALIFORNIA

25 OPTOMA TECHNOLOGY, INC.,

26 Plaintiff,

27 v.

28 MAXELL, LTD.,

Defendant.

Case No.

**DECLARATORY
JUDGMENT COMPLAINT**

JURY DEMAND

1 Plaintiff Optoma Technology, Inc. (“Optoma USA” or “Plaintiff”), hereby
2 files this Declaratory Judgment Complaint against Defendant Maxell, Ltd.
3 (“Maxell” or “Defendant”), and alleges as follows:

4 **I. NATURE OF THE ACTION**

5 1. This action arises under the Declaratory Judgment Act, 28 U.S.C. §
6 2201, *et seq.*, and the United States Patent Act, 35 U.S.C. § 1, *et seq.* Optoma USA
7 seeks declaratory judgment that U.S. Patent Nos. 7,159,988 (“the ’988 Patent”)¹;
8 9,565,388 (the “’388 Patent”)²; and 9,900,569 (the “’569 Patent”)³ are not infringed
9 by Optoma USA products that Maxell has accused of infringement. Optoma USA
10 also seeks declaratory judgment that the ’388 Patent is invalid under 35 U.S.C. § 101
11 *et seq.*

12 **II. FACTUAL BACKGROUND**

13 **A. Optoma USA is a visual solutions provider.**

14 2. Optoma USA is a visual solutions provider that has delivered stunning
15 experiences to millions of people since 2000. Optoma USA has demonstrated its
16 capabilities as a first-mover, innovator, and market leader and firmly established is
17 position as the world’s leading 4K UHD projector and DLP® brand.

18 3. Optoma USA’s products and services include multimedia projectors,
19 interactive displays, software and hardware solutions to enhance display devices,
20 and various accessories to be used with display devices.

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¹ See Ex. 1.

27 ² See Ex. 2.

28 ³ See Ex. 3.

1 **B. Maxell sends letter to Optoma USA alleging that certain of**
2 **Optoma USA’s products are covered by Maxell patents, including**
3 **the ’988, ’388, and ’569 Patents.**

4 4. On April 27, 2023, Maxell, through its counsel, sent a letter to Optoma
5 USA’s President for the Americas.⁴ That letter alleges that certain of Optoma USA’s
6 products “might benefit from a license to certain of Maxell’s patents[,]” and goes on
7 to associate Optoma USA products with many of Maxell’s patents, including the
8 ’988, ’388, and ’569 Patents.⁵

9 5. The letter continues with the assertion that “at least the identified
10 patents in the chart above are believed to be practiced by at least Optoma USA’s
11 LED, laser, lamp, 4K, 1080p, ultra-short through, and short throw projectors[.]”⁶

12 6. Though the letter is framed as an invitation to license negotiations, it
13 also threatens “costly and protracted litigation.”⁷

14 **C. Maxell improperly sued third parties, alleging that Optoma USA’s**
15 **products infringe the ’988, ’388, and ’569 Patents, without joining**
16 **Optoma USA.**

17 7. Rather than follow through on its threat to sue Optoma USA for the
18 alleged infringement, on July 9, 2024, Maxell sued third parties Coretronic Corp.
19 and Optoma Corp. in the Eastern District of Texas, alleging that Optoma USA’s
20 products infringe seven patents purportedly owned by Maxell, including the ’988,
21 ’388, and ’569 Patents. That suit is titled *Maxell, Ltd. v. Coretronic Corp. et al.*, No.
22 5:24-cv-00088 (E.D. Tex.) (hereinafter the “Texas Action”).

23 8. Maxell did not name Optoma USA as a defendant in the Texas Action
24 despite the letter it sent in April 2023 to Optoma USA and the fact that the acts that

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26 ⁴ See Ex. 4.

27 ⁵ *Id.* at 1, 2, 11, 12.

28 ⁶ *Id.* at 17.

⁷ *Id.*

1 Maxell alleges infringe its patents in the Texas Action have been and are carried out
2 by Optoma USA and involve Optoma USA's products.

3 9. On information and belief, Maxell declined to name Optoma USA in
4 the Texas Action in an act of gamesmanship to avoid the implications of 28 U.S.C.
5 § 1400(b), which prevents suit against Optoma USA for patent infringement in the
6 Eastern District of Texas.

7 10. The defendants in the Texas Action have, among other actions, moved
8 to dismiss the Texas Action due to Maxell's failure to name Optoma USA, a required
9 party.

10 **III. PARTIES**

11 11. Optoma USA is organized under the laws of the State of California and
12 has its principal place of business at 47697 Westinghouse Drive, Fremont California
13 94539.

14 12. Upon information and belief, Maxell is a Japanese corporation with a
15 registered place of business at 1 Koizumi, Oyamazaki, Oyamazaki-cho, Otokuni-
16 gun, Kyoto Japan. Upon information and belief, Maxell is the assignee and owner
17 of the '988, '388, and '569 Patents.

18 **IV. STANDING, JURISDICTION, AND VENUE**

19 13. This action arises under the Declaratory Judgment Act, 28 U.S.C. §
20 2201, *et seq.*, and the United States Patent Act, 35 U.S.C. § 1, *et seq.* This Court has
21 subject matter jurisdiction over this action pursuant to 28 U.S.C. § 2201, 2202, 1331,
22 and 1338(a) because an actual case or controversy currently exists between the
23 Parties regarding the subject matter of this action, and the Court would have subject
24 matter jurisdiction over this action if Maxell initiated suit for patent infringement.

25 14. Further, Optoma USA has standing under the Declaratory Judgment
26 Act, 28 U.S.C. § 2201, *et seq.*, because a substantial controversy exists between
27 Optoma USA and Maxell, which have adverse legal interests, of sufficient
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1 immediacy and reality to warrant the issue of a declaratory judgment. Based on
2 Maxell's April 2023 letter and its conduct of initiating suit alleging that acts and
3 products properly attributable to Optoma USA infringe Maxell's patents, Optoma
4 USA has a real apprehension that it will face suit or other adverse action from Maxell
5 regarding the '988, '388, and '569 Patents. Declaratory relief is thus appropriate and
6 necessary to establish that (i) the using, importation, sale, and offer for sale of
7 Optoma USA's products do not infringe, directly or indirectly, literally or under the
8 doctrine of equivalents, any valid and enforceable claim of the '988, '388, and '569
9 Patents; and (ii) the '388 Patent is invalid under 35 U.S.C. § 101 *et. seq.*

10 15. This Court has personal jurisdiction over Maxell in this action pursuant
11 to due process and/or the California Long-Arm Statute, by virtue of at least the
12 substantial business Maxell conducts in this District, directly and/or through
13 intermediaries.

14 16. This conduct includes but is not limited to: (i) having committed acts
15 within the Northern District of California giving rise to this action and having
16 established minimum contacts with this forum such that the exercise of jurisdiction
17 over Maxell would not offend traditional notions of fair play and substantial justice,
18 including by sending the April 2023 letter alleging that Optoma USA's products
19 were covered by Maxell's patents; (ii) having directed activities to customers in the
20 State of California and this District, solicited business in the State of California and
21 this District, transacted business within the State of California and this District, and
22 attempted to derive financial benefit from residents of the State of California and
23 this District, including benefits directly related to the causes of action set forth
24 herein; and (iii) having placed its products and services into the stream of commerce
25 throughout the United States and having been actively engaged in transacting
26 business in California and in this District.

1 17. In addition, or in the alternative, this Court has personal jurisdiction
2 over Maxell pursuant to Rule 4(k)(2) of the Federal Rules of Civil Procedure.

3 18. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)
4 because Maxell is subject to personal jurisdiction in this district, and there is no other
5 judicial district in which a substantial part of the events or omissions giving rise to
6 the claim occurred, particularly because Optoma USA may not be joined as a
7 defendant in the Texas Action.

8 **V. COUNT I**

9 **Declaratory Judgment of Non-Infringement of the '988 Patent**

10 19. Optoma USA repeats and realleges each of the proceeding paragraphs
11 as if they are restated here and incorporates them by reference.

12 20. Maxell's infringement contentions in the Texas Action alleges that
13 certain of Optoma USA's products, including Optoma USA's "CinemaX D2,
14 CinemaX D2 Smart, CinemaX P2, all CinemaX series, ZU500USTe, EH340UST,
15 GT5600, L1, EH340UST, ZH430UST, GT3500HDR, ZW410UST and W340UST"
16 products infringe Claims 1, 7, and 8, of the '988 Patent. Maxell's infringement
17 contentions also allege that Optoma USA's ALR101 product infringes Claim 9 of
18 the '988 Patent.

19 21. The '988 Patent describes its purported invention as a projection optical
20 unit and projection image display apparatus.⁸ The patent's specification describes
21 projectors with an "image display device," a "first projection optical unit . . . for
22 forming a first enlarged image," and a "second projection optical unit . . . for forming
23 a second enlarged image on the screen by further enlarging the first enlarged
24 image[.]"⁹ The arrangement of these components is such that "the first enlarged
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27 ⁸ Ex. 1 at Cover.

28 ⁹ *Id.* at 2:40-51.

1 image is formed closer to the image display element than to the second projection
2 optical unit[.]”¹⁰

3 22. The ’988 Patent contains nine (9) claims, including two (2) independent
4 claims: Claims 1 and 7.

5 23. Both Claim 1 and Claim 7, and thus every claim depending from Claim
6 1 or Claim 7, include as an element the arrangement of an image display device, first
7 projection optical unit, and second projection optical unit, as described above:
8 “wherein the first enlarged image is formed at the image display element side, rather
9 than at said second projection optical unit[.]”¹¹

10 24. As explained in the specification of the ’988 Patent, this element
11 requires that “the first enlarged image is formed closer to the image display element
12 than to the second projection optical unit[.]”¹²

13 25. The manufacture, use, offer for sale, and/or import of the Optoma USA
14 products Maxell accuses of infringing the ’988 Patent have not infringed, do not
15 infringe, and will not infringe, directly or indirectly, literally or under the doctrine
16 of equivalents, any valid claim of the ’988 Patent. This is because those products do
17 not meet each and every limitation recited in Claim 1 or Claim 7 of the ’988 Patent.

18 26. For example, and without limitation, none of the products Maxell
19 accuses of infringing any claim of the ’988 Patent comprise an arrangement wherein
20 a first enlarged image is formed at an image display element side, rather than at a
21 second projection optical unit. For at least this reason, none of the accused products
22 infringe any claim of the ’988 Patent.

23 27. The photographs included in Maxell’s infringement contentions in the
24 Texas Action demonstrate that the GT3500HDR, which Maxell uses as a stand in
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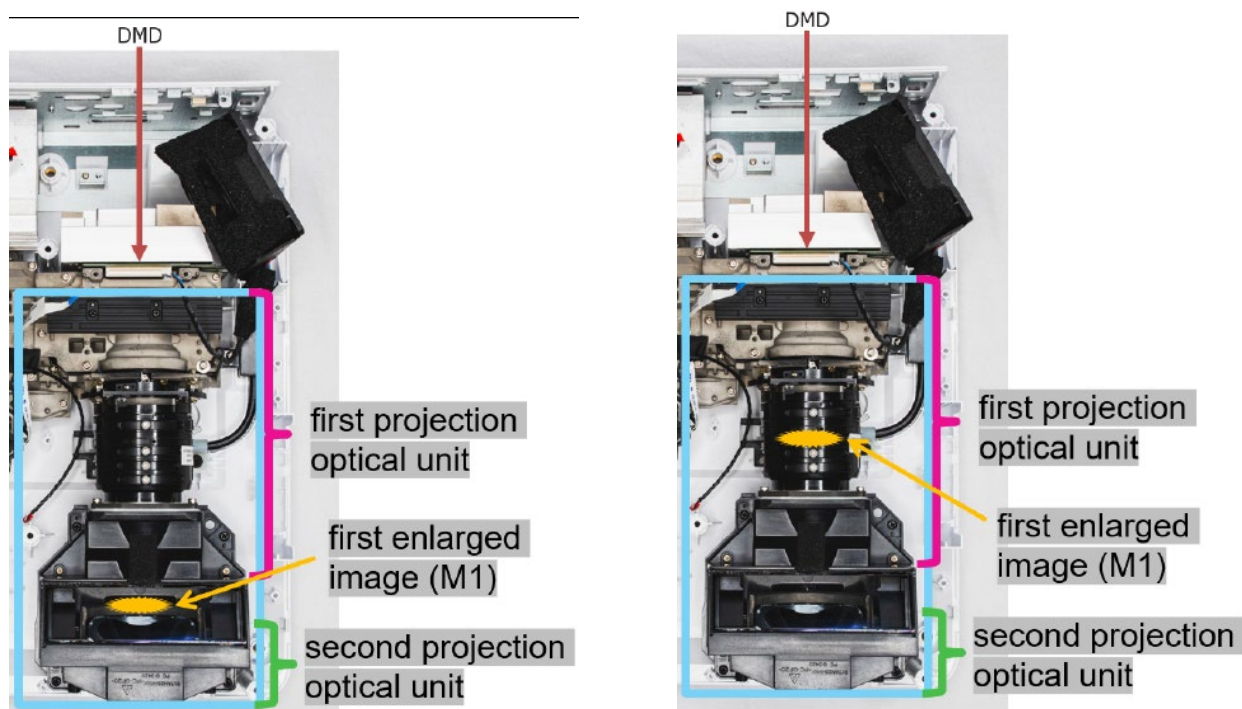
26 ¹⁰ *Id.*

27 ¹¹ *Id.* at 28:52-54, 30:7-9.

28 ¹² *Id.* at 2:40-51.

1 for all products it alleges infringes Claims 1, 7, and 8 of the '388 Patent, does not
 2 include an arrangement wherein a first enlarged image is formed at an image display
 3 element side, rather than at a second projection optical unit.

4 28. Specifically, Maxell identifies a digital micromirror device (DMD) as
 5 the image display element of the GT3500HDR.



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19 29. As shown above, the DMD of the GT3500HDR is located at one end of
 20 a collection of components that Maxell identifies as the GT3500HDR's first
 21 projection optical unit.

22 30. Also as shown above, the collection of components Maxell identifies
 23 as the second projection optical unit is located at the end of the first projection optical
 24 unit opposite the DMD/image display element.

25 31. As shown above, the location within the GT3500HDR that Maxell
 26 identifies for the first enlarged image is disposed between the alleged first projection
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1 optical unit and the alleged second projection optical unit or within the first
2 projection optical unit closer to the second projection optical unit than the DMD.

3 32. Thus, the very photographs included in Maxell's infringement
4 contentions in the Texas Action demonstrate that the GT3500HDR does not infringe
5 any claim of the '988 Patent literally or under the doctrine of equivalents.

6 33. Each of the other products that Maxell alleges infringes the '988 Patent
7 in the Texas Action include the relevant components arranged in substantially the
8 same noninfringing manner as the components of the GT3500HDR. Thus, none of
9 these products infringe any claim of the '988 Patent, literally or under the doctrine
10 of equivalents.

11 34. An actionable and justiciable case or controversy therefore exists
12 between Optoma USA and Maxell regarding whether Optoma USA has infringed
13 the claims of the '988 Patent. Declaratory relief is thus appropriate and necessary to
14 establish that the making, using, importation, sale, or offer for sale of Optoma USA's
15 CinemaX D2, CinemaX D2 Smart, CinemaX P2, all CinemaX series, ZU500USTe,
16 EH340UST, GT5600, L1, EH340UST, ZH430UST, GT3500HDR, ZW410UST,
17 W340UST, and ALR101 products do not infringe, directly or indirectly, literally or
18 under the doctrine of equivalents, any valid and enforceable claim of the '988 Patent.
19 Optoma USA is entitled to judgment declaring that it has not infringed and will not
20 infringe any claim of the '988 Patent.

21 **VI. COUNT II**

22 **Declaratory Judgment of Non-Infringement of the '388 Patent**

23 35. Optoma USA repeats and realleges each of the proceeding paragraphs
24 as if they are restated here and incorporates them by reference.

25 36. Maxell's infringement contentions in the Texas Action alleges that
26 certain of Optoma USA's products, including Optoma USA's UHZ65LV, ZK507-
27 W, UHD55, and UHZ55 products infringe Claim 4 of the '388 Patent. Those
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1 infringement contentions also allege that the UHZ65LV and ZK507-W infringe
2 Claims 6, 10, 16, 18, and 22 of the '388 Patent.

3 37. The '388 Patent describes its purported invention as a video display
4 device providing “[a] more favorably visibility-improved video[.]”¹³ The patent’s
5 specification describes video display devices comprising “a first Retinex processing
6 unit that performs a first Retinex process” and “a second Retinex processing unit
7 that performs a second Retinex process.”¹⁴

8 38. The '388 Patent explains that a Retinex process is “a video processing
9 on an internal video signal . . . based on a Retinex theory,” and defines the Retinex
10 theory as “a theory on a visual property of human eyes such as color constancy and
11 brightness constancy.”¹⁵ According to the '388 Patent,

12 in a video correction process based on the Retinex theory, a high
13 visibility video can be obtained even for a video in a dark room or under
14 a bright backlight by removing an influence of the illumination light
15 component being a cause by which an object such as a person in the
16 video is difficult to be viewed and by extracting the reflected light
17 component.¹⁶

18 39. The '388 Patent contains 24 claims, including six (6) independent
19 claims: Claims 1, 4, 6, 13, 16, and 18.

20 40. Each of Claims 4, 6, 16, and 18, and thus every claim depending from
21 those claims, including Claims 10 and 22, includes as limitations “a first Retinex
22 processing unit which performs a first Retinex process on a video input” and “a
23 second Retinex processing unit which performs a second Retinex process, which is
24 different from the first Retinex process, on the video input[.]”¹⁷

25 ¹³ Ex. 2 at Abstract.

26 ¹⁴ *Id.* at 1:58-2:4.

27 ¹⁵ *Id.* at 3:60-4:3.

28 ¹⁶ *Id.* at 4:4-10.

¹⁷ *Id.* at 16:29-35, 17:10-16, 17:42-48, 18:56-62, 19:37-53, 20:3-9.

1 41. The manufacture, use, offer for sale, and/or import of the Optoma USA
2 products Maxell accuses of infringing the '388 Patent have not infringed, do not
3 infringe, and will not infringe, directly or indirection, literally or under the doctrine
4 of equivalents, any valid claim of the '388 Patent. This is because those products do
5 not meet each and every limitation recited in the '388 Patent's independent claims.

6 42. For example, and without limitation, none of the products Maxell
7 accuses of infringing the '388 Patent comprise a first Retinex processing unit which
8 performs a first Retinex process on a video input or a second Retinex processing unit
9 which performs a second Retinex process on a video input. For at least this reason,
10 none of the accused products infringe any claim of the '388 Patent.

11 43. Though Maxell asserts that multiple of Optoma USA's products
12 infringe the '388 Patent, it attempts to substantiate its allegations by reading the
13 asserted claims of the '388 Patent on the UHZ65LV.

14 44. In its infringement contentions in the Texas Action, Maxell identifies
15 the UHZ65LV's PureMotion functionality and the UHZ65LV's UltraDetail
16 functionality as a "first Retinex process" and a "second Retinex process."

17 45. Neither the PureMotion nor the UltraDetail functionality is a "Retinex
18 process" as that term is defined by the '388 Patent.

19 46. No other functionality, technology, or process used or performed by the
20 UHZ65LV meets the '388 Patent's definition of a "Retinex process." For at least
21 this reason, the UHZ65LV does not infringe any claim of the '388 Patent literally or
22 under the doctrine of equivalents.

23 47. None of the other products that Maxell alleges infringes the '388 Patent
24 in the Texas Action uses or performs any functionality, technology, or process that
25 meets the '388 Patent's definition of a "Retinex process." For at least this reason,
26 none of these products infringe any claim of the '388 Patent literally or under the
27 doctrine of equivalents.

1 48. An actionable and justiciable case or controversy therefore exists
2 between Optoma USA and Maxell regarding whether Optoma USA has infringed
3 the claims of the '388 Patent. Declaratory relief is thus appropriate and necessary to
4 establish that the making, using, importation, sale, or offer for sale of Optoma USA's
5 UHZ65LV, ZK507-W, UHD55, and UHZ55 products do not infringe, directly or
6 indirectly, literally or under the doctrine of equivalents, any valid and enforceable
7 claim of the '388 Patent. Optoma USA is entitled to judgment declaring that it has
8 not infringed and will not infringe any claim of the '388 Patent.

9 **VII. COUNT III**

10 **Declaratory Judgment of Non-Infringement of the '569 Patent**

11 49. Optoma USA repeats and realleges each of the proceeding paragraphs
12 as if they are restated here and incorporates them by reference.

13 50. Maxell's infringement contentions in the Texas Action alleges that
14 certain of Optoma USA's products, including Optoma USA's EH401, HD30LV,
15 UHD38x, 4K400x, 4K400STx, UHD55, UHD35x, UHD35STx, UHD50X,
16 EH412x, EH340UST, HD39HDR, EH412STx, HD39HDRx, GT1080HDR,
17 GT1080HDRx, EH335, HD146X, DH351, HD28HDR, GT5600, EH200ST,
18 W340UST, W400LVe, W319ST, H190X, W309ST, GT780, GT770, X400LVe,
19 X309ST, and S336" products infringe Claims 1-4 of the '569 Patent.

20 51. The '569 Patent describes its purported invention as a "projection-type
21 image display device" with "an image correction unit that corrects image qualities
22 of image signals . . . and a control unit that controls correction quantity of the image
23 correction unit on the basis of [a] lamp voltage detected by means of [a] lamp voltage
24 detection unit."¹⁸

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27 ¹⁸ Ex. 3 at Abstract.
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1 52. The '569 Patent contains ten (10) claims, including two (2) independent
2 claims: Claims 1 and 8.

3 53. Both Claim 1, and thus every claim depending from Claim 1, including
4 Claims 2-4, include as an element “a control unit configured to control an amount of
5 correction for [an] image correction processing unit based on [a] lamp voltage
6 detected by [a] lamp voltage detection unit.”¹⁹

7 54. The manufacture, use, offer for sale, and/or import of the Optoma USA
8 products Maxell accuses of infringing the '569 Patent have not infringed, do not
9 infringe, and will not infringe, directly or indirectly, literally or under the doctrine
10 of equivalents, any valid claim of the '569 Patent. This is because those products do
11 not meet each and every limitation recited in Claim 1 or Claim 8 of the '569 Patent.

12 55. For example, and without limitation, none of the products Maxell
13 accuses of infringing the '569 Patent comprises a control unit configured to control
14 an amount of correction for an image correction processing unit based on a lamp
15 voltage detected by a lamp voltage detection unit. For at least this reason, none of
16 the accused products infringe any claim of the '569 Patent.

17 56. Though Maxell asserts that multiple of Optoma USA's products
18 infringe the '569 Patent, it attempts to substantiate its allegations by reading the
19 asserted claims of the '569 Patent on the EH401.

20 57. In its analysis, Maxell identifies “at least a portion of” “one or more
21 processors, including the DLPC4422 display controller” integrated into the EH401
22 as a control unit that “control[s] an amount of correction for the image correction
23 processing unit based on a detected lamp voltage.”

24 58. Neither the EH401's DLPC4422 controller nor any other processor
25 incorporated in the EH401 controls an amount of correction based on lamp voltage.

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27 ¹⁹ *Id.* at 20:17-20, 21:36-39.

1 Instead, the EH401 controls any relevant amount of correction based on the
2 brightness of the content being displayed. For at least this reason, the EH401 does
3 not infringe any claim of the '569 Patent literally or under the doctrine of
4 equivalents.

5 59. Each of the other products that Maxell alleges infringes the '569 Patent
6 in the Texas Action controls any relevant amount of correction based on the
7 brightness of the content being displayed, not based on lamp voltage as the claims
8 of the '569 Patent require. For at least this reason, none of these products infringe
9 any claim of the '569 Patent, literally or under the doctrine of equivalents.

10 60. An actionable and justiciable case or controversy therefore exists
11 between Optoma USA and Maxell regarding whether Optoma USA has infringed
12 the claims of the '569 Patent. Declaratory relief is thus appropriate and necessary to
13 establish that the making, using, importation, sale, or offer for sale of Optoma USA's
14 EH401, HD30LV, UHD38x, 4K400x, 4K400STx, UHD55, UHD35x, UHD35STx,
15 UHD50X, EH412x, EH340UST, HD39HDR, EH412STx, HD39HDRx,
16 GT1080HDR, GT1080HDRx, EH335, HD146X, DH351, HD28HDR, GT5600,
17 EH200ST, W340UST, W400LVe, W319ST, H190X, W309ST, GT780, GT770,
18 X400LVe, X309ST, and S336 products do not infringe, directly or indirectly,
19 literally or under the doctrine of equivalents, any valid and enforceable claim of the
20 '569 Patent. Optoma USA is entitled to judgment declaring that it has not infringed
21 and will not infringe any claim of the '569 Patent.

22 **VIII. COUNT IV**

23 **Declaratory Judgment of Invalidity of the '388 Patent**

24 61. Optoma USA repeats and realleges each of the proceeding paragraphs
25 as if they are restated here and incorporates them by reference.

26 62. Every claim of the '388 Patent is invalid under 35 U.S.C. § 101 *et seq.*

1 63. On information and belief, at least the claims of the '388 Patent asserted
2 in the Texas Action are invalid for failure to comply with the patent subject matter
3 eligibility requirements of 35 U.S.C. § 101 as they are directed to an abstract idea.
4 On information and belief, at least the claims of the '388 Patent asserted in the Texas
5 Action are directed to general processing of data (*e.g.*, a video signal) using nothing
6 more than general computing or electronics technology to perform a known
7 mathematical function (Retinex) which, as a whole, does not amount to significantly
8 more than an abstract idea.

9 64. This abstract idea is not integrated into a practical application and
10 merely uses generic computer or electronics technology as a tool to perform the
11 abstract idea and amounts to no more than mere instructions to apply the abstract
12 idea using generic computer or electronics technology. Mere instructions to apply
13 an abstract idea using generic components cannot provide an inventive concept.
14 Viewed as a whole, the additional elements of the asserted claims, taken individually
15 and in combination, do not result in the asserted claims of the '388 Patent amounting
16 to significantly more than an abstract idea.

17 65. Therefore, for at least these reasons, at least the asserted claims of the
18 '388 Patent are directed to an abstract idea without significantly more and do not
19 provide an inventive concept and, thus, do not comply with the subject matter
20 eligibility requirements of 35 U.S.C. § 101.

21 66. On information and belief, one or more products that practice each and
22 every limitation of at least the asserted claims of the '388 Patent was on the market,
23 sold to and used by consumers, and publicly disclosed in the United States prior to
24 the effective filing date of the '388 Patent, and was on sale more than one year prior
25 to the earliest effective priority date of the '388 Patent.
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1 67. On information and belief, one or more patents or other printed
2 publications disclosed each and every limitation of at least the asserted claims of the
3 '388 Patent prior to the earliest effective priority date of the '388 Patent.

4 68. At least the asserted claims of the '388 Patent are therefore anticipated
5 under 35 U.S.C. § 102 and/or rendered obvious under 35 U.S.C. § 103.

6 69. On information and belief, at least the asserted claims of the '388 Patent
7 include one or more elements governed by 35 U.S.C. § 112(f) but the specification
8 of the '388 Patent fails to disclose a corresponding structure. At least the asserted
9 claims of the '388 Patent are therefore invalid under 35 U.S.C. § 112.

10 70. An actionable and justiciable case or controversy exists between
11 Optoma USA and Maxell regarding the validity of the claims of the '388 Patent.
12 Declaratory relief is thus appropriate and necessary to establish that the claims of
13 the '388 Patent are invalid. Optoma USA is entitled to judgment declaring that the
14 '388 Patent is invalid.

15 **IX. PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff prays for the following relief:

17 A. A judgment declaring that the manufacture, use, offer for sale, sale,
18 and/or importation of Plaintiff's products have not infringed, do not infringe, and
19 will not infringe, directly or indirectly, literally or under the doctrine of equivalents,
20 any valid claim of the '988 Patent;

21 B. A judgment declaring that the manufacture, use, offer for sale, sale,
22 and/or importation of Plaintiff's products have not infringed, do not infringe, and
23 will not infringe, directly or indirectly, literally or under the doctrine of equivalents,
24 any valid claim of the '388 Patent;

25 C. A judgment declaring that the manufacture, use, offer for sale, sale,
26 and/or importation of Plaintiff's products have not infringed, do not infringe, and
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1 will not infringe, directly or indirectly, literally or under the doctrine of equivalents,
2 any valid claim of the '569 Patent;

3 D. A judgment declaring that the claims of the '388 Patent are invalid;

4 E. An award of Plaintiffs' costs and reasonable attorneys' fees as
5 permitted by law; and

6 F. Such other and further relief as this Court may deem just and equitable.

7 **X. DEMAND FOR JURY TRIAL**

8 Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial
9 by jury on all claims and issues so triable.

10 Dated: November 19, 2024.

11 Respectfully submitted,

12 MERCHANT & GOULD P.C.

13 /s/Scott P. Shaw

14 Scott Shaw

15 MERCHANT & GOULD, LLP
8383 Wilshire Boulevard, Suite 935
Beverly Hills, CA 90211

16 Tel.: (424) 600-4915

17 Fax: (612) 332-9081

sshaw@merchantgould.com

18 Donald R. McPhail (*pro hac vice*
forthcoming)

19 MERCHANT & GOULD P.C.

20 1900 Duke St., Suite 600

Alexandria, VA 22314

21 Tel.: (703) 518-4516

Fax: (612) 332-9081

dmcphail@merchantgould.com

22 Eric R. Chad (*pro hac vice* forthcoming)

23 MERCHANT & GOULD P.C.

24 2200 Fifth Street Towers

150 South Fifth Street

Minneapolis, MN 55402-4247

25 Tel: (612) 332-5300

26 Fax: (612) 332-9081

echad@merchantgould.com

27 Attorneys for Plaintiff