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18

19 **UNITED STATES DISTRICT COURT**

20 **SOUTHERN DISTRICT OF CALIFORNIA**

21 INTREPID AUTOMATION, INC., a  
22 Delaware Corporation;  
Plaintiff,

23 v.

24 3D SYSTEMS CORPORATION, a  
25 Delaware Corporation; and 3D  
SYSTEMS, INC., a California  
26 Corporation.

Defendants.

**'24CV2262 BEN AHG**

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT**

2 Plaintiff Intrepid Automation, Inc. (“Intrepid”) brings this action for patent  
3 infringement against Defendants 3D Systems Corporation and 3D Systems, Inc.  
4 (collectively, “3DS” or “3D Systems”) and alleges as follows:

5 **INTRODUCTION**

6 1. This is an exceptional case of willful patent infringement by 3DS. In  
7 the latest chapter of 3DS’s brazen, anticompetitive scheme to drive a smaller  
8 competitor with more advanced technology out of the marketplace, 3DS announced  
9 the impending commercial release of the PSLA 270, a blatant knock off of Intrepid’s  
10 DLP multiprojection 3D printer sold as “Range” and known internally as “Valkyrie.”  
11 3DS’s launch of the PSLA 270 is the culmination of a 3.5-year strategy to impede  
12 Intrepid’s market entry and claim Intrepid’s ground-breaking technology as 3DS’s  
13 own.

14 2. When 3DS learned of Intrepid’s highly-confidential, in-development  
15 DLP multiprojection technology from a 3DS employee who, under the guise of  
16 seeking employment at Intrepid, breached his confidentiality agreement with  
17 Intrepid, 3DS (i) internally discussed the disruptive impact Intrepid’s technology  
18 would have to 3DS and its relationship with a large aerospace customer; (ii) studied  
19 Intrepid’s issued patents; (iii) filed a baseless trade secret misappropriation lawsuit  
20 against Intrepid (and its founders) designed to weaponize litigation with the stated  
21 intent of burying Intrepid in legal fees and starving it of funding; (iv) gained further  
22 access to Intrepid’s not-yet-commercially available systems through discovery in the  
23 trade secret case; and (v) obscured the development of the PSLA 270 from Intrepid  
24 during discovery in the trade secret case.

25 3. On November 7, 2024, 3DS announced the PSLA 270 as the first  
26 product in a “family” of multiprojection DLP printers that 3DS asserts will redefine  
27 the marketplace. But the PSLA 270 employs Intrepid’s multiprojection technology  
28 and is the product of 3DS’s willful infringement of Intrepid’s patents.

1 4. Upon information and belief, 3DS has also developed and is testing at  
2 least two additional infringing additive manufacturing systems, a version of the  
3 PSLA 270 with at least four projectors and a multiprojector Bioprinter.

4 5. Through this action, Intrepid seeks, among other relief, to preliminarily  
5 and permanently enjoin 3DS from making, using, offering to sell, or selling within  
6 the United States products, including but not limited to the PSLA 270, that practice  
7 the inventions of Intrepid’s patents, as detailed below.

8 **NATURE OF THE ACTION**

9 6. This is a civil action arising under 35 U.S.C. § 271 for 3DS’s  
10 infringement of Intrepid’s United States Patent Nos. 11,014,301 and 11,338,511.

11 7. As set forth in the Local Rule 40.1(f) Notice, to be filed  
12 contemporaneously with the filing of this Complaint, this action is related to a case  
13 pending in this District between 3DS and Intrepid Automation and its founders,  
14 captioned *3D Systems, Inc. v. Wynne et al.*, 3:21-cv-01141-AGS-DDL (hereafter, the  
15 “Trade Secrets Case”). The Trade Secrets Case involves allegations by 3DS that  
16 Intrepid Automation and its founders misappropriated alleged trade secrets  
17 (including with respect to the technology at issue in the present Complaint) and  
18 counterclaims by Intrepid Automation against 3DS and one of its employees,  
19 specifically related to the technology at issue in the present Complaint.

20 **THE PARTIES**

21 8. Plaintiff Intrepid Automation, Inc. is a Delaware corporation with a  
22 principal place of business at 7867 Dunbrook Road A, San Diego, CA 82126.

23 9. Defendant 3D Systems Corporation is a Delaware corporation with one  
24 or more physical places of business within this District, including at 16550 W  
25 Bernardo Drive, Building 5, Suite 500, San Diego, California, 92127, from which it  
26 regularly conducts business related to this action.

27 10. Upon information and belief, 3D Systems Corporation employees work  
28 full-time from this facility.

1 11. Defendant 3D Systems, Inc. is a California corporation with one or more  
2 physical places of business within this District, including at 16550 W. Bernardo  
3 Drive, Building 5, Suite 500, San Diego, California, 92127, from which it regularly  
4 conducts business related to this action.

5 12. Upon information and belief, 3D Systems, Inc. employees work full-  
6 time from this facility.

7 13. Upon information and belief, 3D Systems Corporation regularly  
8 executes employment contracts with employees that work at facilities in San Diego,  
9 including the W. Bernardo Drive campus. For example, when 3DS hired Ben  
10 Wynne, Christopher Tanner, Robert Mueller, Jamie Etcheson, and Ivan Chousal  
11 (former 3DS employees and Intrepid’s founders) to work in San Diego, 3D Systems  
12 Corporation was signatory to the employment agreements with each of these  
13 California employees.

14 14. 3D Systems Corporation directs, controls or is otherwise responsible for  
15 the operations and activities of Defendant 3D Systems, Inc.

16 **JURISDICTION AND VENUE**

17 15. This is a civil action arising under 35 U.S.C. § 271.

18 16. This Court has subject matter jurisdiction over the matters pleaded  
19 herein under 28 U.S.C. §§ 1331 and 1338(a).

20 17. This Court has general and specific personal jurisdiction over  
21 Defendants because they conduct substantial business in the forum, directly and/or  
22 through intermediaries, including: (i) at least a portion of the infringing activity  
23 alleged herein; and (ii) regularly doing or soliciting business, engaging in other  
24 persistent courses of conduct and/or deriving substantial revenue from goods and  
25 services provided to persons in this Judicial District, and (iii) having a regular and  
26 established place of business in this State and this Judicial District.

27 18. Intrepid’s cause of action arises, in part, from Defendants’ presence in,  
28 contacts with, and activities in this Judicial District and the State of California. Upon

1 information and belief, Defendants regularly conduct and solicit business in, engage  
2 in other persistent course of conduct in, and/or derive substantial revenue from goods  
3 and services provided to residents of this Judicial District and the State of California.

4 19. Venue is proper for all Defendants in this Judicial District under 28  
5 U.S.C. §§ 1391(b), (c), and 1400(b). Defendants maintain and operate a regular and  
6 established place of business in this Judicial District at 16550 W. Bernardo Drive,  
7 Building 5, Suite 500, San Diego, California, 92127. Below is a photo of the front  
8 of 3DS’s W. Bernardo Drive facility in San Diego, which the undersigned counsel  
9 visited for a forensic inspection during the Trade Secrets Case.



16 **THE ASSERTED PATENTS AND RELEVANT TECHNOLOGY**

17 20. On May 25, 2021, United States Patent No. 11,014,301 entitled Multiple  
18 Image Projection System for Additive Manufacturing (the “’301 Patent”) was duly  
19 issued to Intrepid Automation after full and fair examination. Plaintiff is the lawful  
20 owner of all right, title, and interest in and to the ’301 Patent, including the right to  
21 recover for infringement thereof. A copy of the ’301 Patent is attached as Exhibit 1.

22 21. On May 24, 2022, United States Patent No. 11,338,511 entitled Multiple  
23 Image Projection Method for Additive Manufacturing (the “’511 Patent”) was duly  
24 issued to Intrepid Automation after full and fair examination. Plaintiff is the lawful  
25 owner of all right, title, and interest in and to the ’511 Patent, including the right to  
26 recover for infringement thereof. A copy of the ’511 Patent is attached as Exhibit 2.

27 22. The ’301 Patent and ’511 Patent (collectively referred to herein as the  
28 “Asserted Patents”) claim inventions related to additive manufacturing systems, and

1 associated methods, comprising an image system including a plurality of image  
2 projectors that project a composite image onto a build area within a resin pool.

3 23. The technology of the Asserted Patents differs from traditional  
4 stereolithography, frequently abbreviated as “SLA.” Stereolithography refers to  
5 methods, apparatuses, and systems for making solid objects by successively  
6 “printing” thin layers of a curable material, e.g., a UV curable material, one on top  
7 of another.

8 24. Traditional SLA devices employ a laser to successively expose thin  
9 layers of photocurable resin to UV light to harden or “cure” the resin one layer at a  
10 time. Because the laser exposes a small amount of resin to UV light at a time, the  
11 devices maneuver the laser spot so it traces the outline of the desired layer onto the  
12 result. Then the laser spot must also be wiggled back and forth over the full area  
13 inside the perimeter part, “crayoning in” the interior. The steps above will cause a  
14 thin, cured hard layer of a part to be created. When the first layer is completed, the  
15 SLA system needs to move on to subsequent layers, which are ultimately fused  
16 together to make a three-dimensional part.

17 25. The SLA of the Asserted Patents differs from traditional SLA in several  
18 respects. In place of using a laser to emit the UV light used to cure the photoreactive  
19 resin, the systems and methods of the Asserted Patents utilize image projectors to  
20 project UV light. In certain embodiments, the image projectors employ Digital Light  
21 Processing or “DLP.” In so-called “projective SLA” 3D printers and print systems,  
22 the projectors can emit UV light as an image, which enables the resin to be cured one  
23 layer at a time.

24 26. For this reason, projective SLA 3D printers and printer systems can have  
25 a significant speed advantage over conventional, laser-based SLA 3D printers and  
26 printer systems, particularly when printing complex or intricate parts. Laser-based  
27 systems expose a very small amount of resin at a time; the system must outline and  
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1 “fill in” the entirety of the layer. The larger and more intricate the design, the longer  
2 it takes a laser-based system to complete the layer.

3 27. In contrast, DLP projective SLA systems expose the entire layer at a  
4 single time. Regardless of how intricate the part design, each layer will take roughly  
5 the same amount of time.

6 28. The Asserted Patents describe and claim advances in projective SLA,  
7 including the coordinated use of multiple image projectors, to enable the use of  
8 projective SLA to print large parts. One of the problems faced by prior art projective  
9 SLA systems and methods was that as the size of the image projected by a single  
10 projector increases, the pixel size increases proportionally. If used for projective  
11 SLA, the increased pixel size decreases the resolution of the final part, negatively  
12 affecting part accuracy and surface finish. Ex. 1, '301 Patent at 1:18-34.

13 29. Increasing the size of the image projected by a single projector also has  
14 the negative affect of reducing the projected energy density, which, if used in  
15 projective SLA, further slows the print process as each layer would require a longer  
16 exposure time. Therefore, as prior art projective SLA systems were used for larger  
17 layer sizes, the speed advantage that full layer exposing achieves over conventional  
18 methods is reduced. Ex. 1, '301 Patent at 1:18-34.

19 30. More practically, as of the priority date of the Asserted Patents, all then-  
20 existing, commercial projective SLA printer systems employed a small build area to  
21 prevent the problems caused by the enlargement of projected images. As of 2018,  
22 the use of projective SLA technology in connection with large format (i.e., large build  
23 area) 3D printing was not commercially viable.

24 31. The Asserted Patents describe and claim inventions that enable the use  
25 of projective SLA technology with large-format printers and printer systems. The  
26 Asserted Patents claim the use of multiple image projectors, each of which projects  
27 a sub-image, which sub-images are arranged in an array to form a single composite  
28 image. The properties of each sub-image and/or the composite image are adjusted by

1 a display subsystem that employs a set of digital filters, comprising (i) an irradiance  
2 mask that normalizes irradiance, (ii) a gamma adjustment mask that adjusts sub-  
3 image energy based on the reactivity of the resin and/or maps pixel intensity values  
4 to the addressable range of reactivity values of the resin, (iii) a warp correction filter  
5 that provides geometric correction; and (iv) one or more blending bars to adjust pixel  
6 intensity at areas in which sub-images overlap.

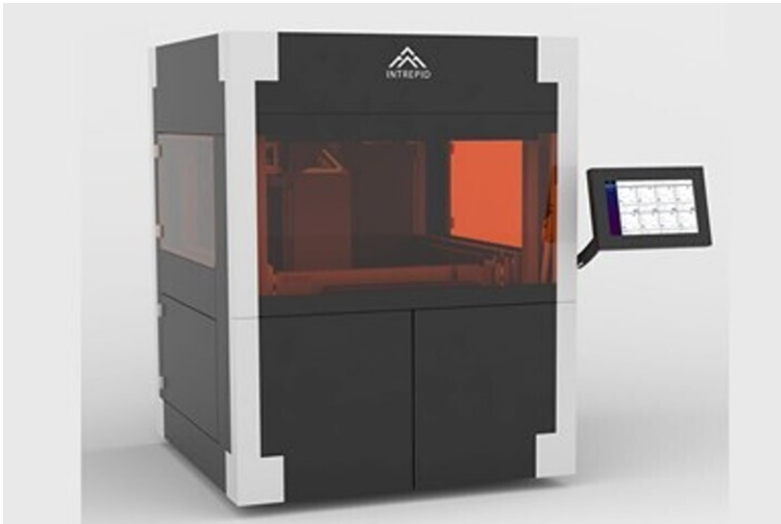
7 32. Because the systems and methods of the Asserted Patents utilize  
8 multiple image projectors to project a composite image onto the build area, they  
9 enable the use of large illumination areas with high pixel density (i.e., resolution) and  
10 high energy density. Such systems and methods are advantageous over conventional  
11 systems that increase the build area by magnifying an image from a single projector,  
12 which reduces the resolution and the projected energy density in the build area. Ex.  
13 1, '301 Patent at 3:57-67,

14 33. As the Asserted Patents describe, the use of the particular, claimed sub-  
15 system would permit the manufacture or use of an additive manufacturing system  
16 that could employ any number of projectors, from two to  $n$  projectors. *See e.g.*, Ex.  
17 1, '301 Patent at Fig. 8D.

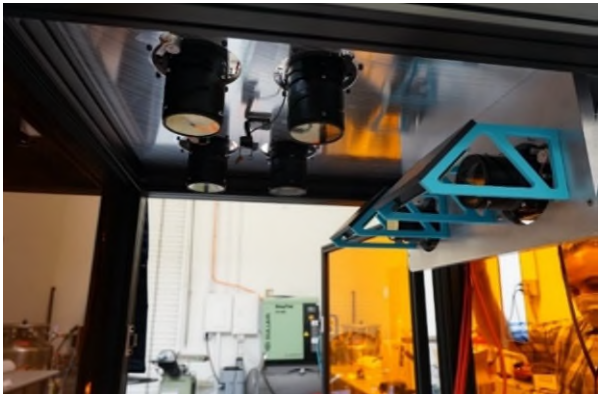
18 34. Intrepid Automation has designed, offered for sale, and sells its own  
19 DLP multiprojection projective SLA 3D print system, internally called “Valkyrie”  
20 and sold commercially as “Range.” Range is depicted in the image below.  
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35. Range employs six high resolution DLP projectors, each of which projects a sub-image onto a build area on a resin pool. Four of Range’s projectors project downward directly onto the build area; two of Range’s projectors project horizontally onto bounce mirrors which redirect the light downward to the build area. The configuration of the projectors on Range is shown in the image below, which, although taken of a test bed as opposed to the final production version (in which it is difficult to see the precise configuration), accurately represents Range’s projector configuration.



36. The six sub-images projected on the build area are arranged in an array and overlap at certain areas, creating a single composite image of uniform light intensity. Range creates the uniform composite image through the use of a display

1 subsystem, which employs a set of digital filters to adjust the properties of the  
2 projected sub-images as well as the composite image as a whole.

3 37. The Range display sub-system uses one or more digital filters that masks  
4 irradiance, normalizing pixel intensity within each sub-image and across the entire  
5 composite image.

6 38. The Range display sub-system uses one or more digital filters that  
7 perform gamma adjustment, adjusting energy based on the reactivity of the resin by  
8 mapping pixel intensity values to the addressable range of reactivity values of the  
9 resin.

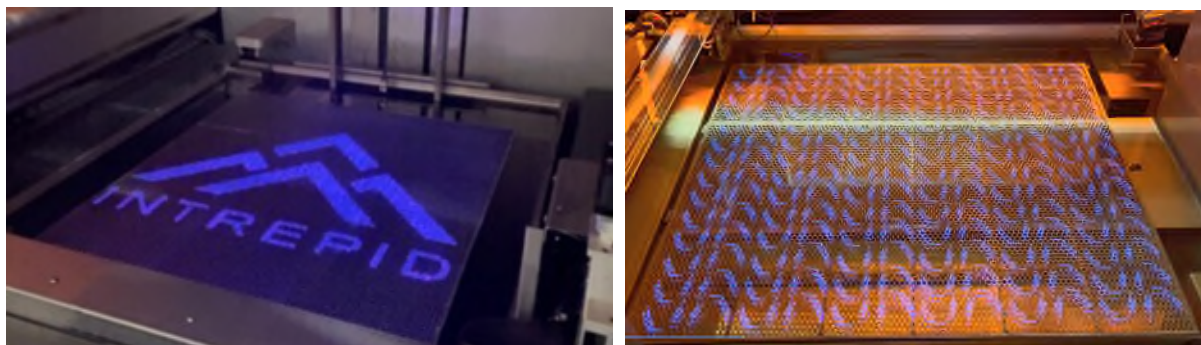
10 39. The Range display sub-system uses one or more digital filters that  
11 perform warp correction, providing geometric correction to each of the sub-images.

12 40. The Range display sub-system uses one or more digital filters that  
13 employ blending bars, adjusting pixel intensity in areas of the sub-images that  
14 overlap with other sub-images, to ensure uniform pixel intensity across the composite  
15 image, even in areas of overlap.

16 41. By employing the inventions claimed in the Asserted Patents, Range is  
17 able to quickly and accurately produce large parts, as well as a large volume of small  
18 parts. For both applications, Range projects a single, composite image upon its 760  
19 x 660 mm (approximately 30 inches by 26 inches) build area to cure one layer at a  
20 time.

21 42. In the image on the left immediately below, the Range's six projectors  
22 have projected sub-images that are arranged in an array to form a single composite  
23 image depicting the Intrepid logo. In the image on the right, the Range's six  
24 projectors have projected sub-images that are arranged in an array to form a single  
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1 composite image depicting 169 small parts, namely dental aligners. In each case, the  
2 composite image is being projected onto a build platform within a vat of resin.



9  
10 43. As the Range completes a print cycle, it sequentially exposes images  
11 layer-by-layer until the print process is complete.

12 44. The image at the left immediately below shows a completed print job in  
13 which the Range has printed Intrepid's logo. The image on the right shows a  
14 completed print job in which the Range has printed 169 dental aligners.



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22 45. Because the duration of the exposure of each layer is roughly the same  
23 regardless of the size or intricacy of the layer being printed, Range is exceedingly  
24 fast. The 169 dental aligners depicted in the image on the above right were printed  
25 during a forensic inspection conducted by 3DS and its lawyers of Intrepid's Range  
26 system in the Trade Secrets Case. The entire print process took just over 25 minutes.

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1           46. In contrast, the engine propeller depicted below is much “taller,”  
2 requiring the printing of many more layers and consequently, more time.



13           47. Upon information and belief, Range is currently the only commercially  
14 available DLP multiprojection 3D print system on the market.

15                   **3DS’s Announced Launch of its Infringing PSLA 270**

16           48. About a year ago, at the Formnext conference in Germany, 3DS teased  
17 the PSLA 270, including unveiling a machine or mock-up at the conference. Ex. 3,  
18 Nov. 2023 Press Release.

19           49. Intrepid’s former Vice President of Research and Development  
20 attended the 2023 Formnext conference and observed the display related to the PSLA  
21 270, which was a non-functional mock-up at the time. However, from what was  
22 observed, 3DS appeared to be promoting a two-projector, vat-based DLP  
23 multiprojection system with a medium-sized build area.

1           50. Below is an image of the PSLA 270 advertising display as it appeared  
2 at the Formnext 2023 conference.



12           51. Upon information and belief, the PSLA 270 displayed at Formnext 2023  
13 was non-functional.

14           52. Upon information and belief, 3DS was still developing the functionality  
15 of the PSLA 270 between the Formnext 2023 conference and September 2024.

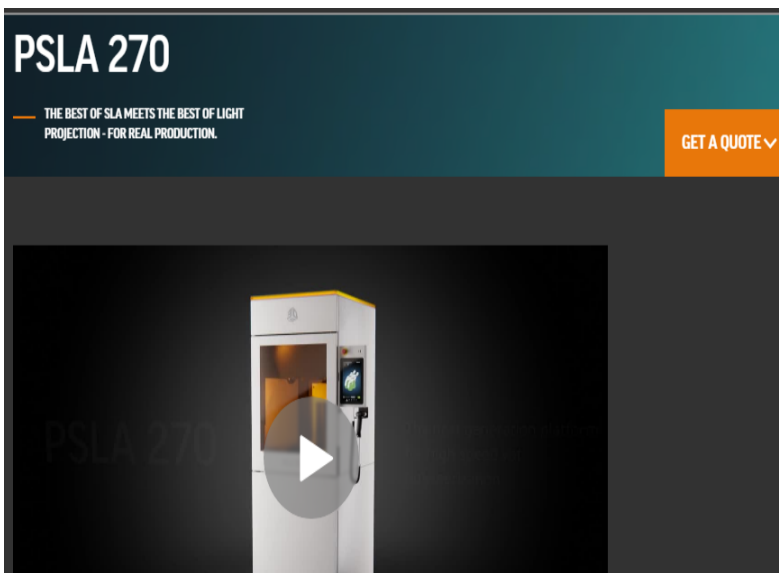
16           53. On information and belief, 3DS began publicly promoting the PSLA  
17 270 in earnest in early November 2024.

18           54. On November 7, 2024, 3D Systems Corporation issued a press release  
19 “announc[ing] several new products it will showcase at Formnext 2024.” Ex. 4. An  
20 excerpt of the November 7, 2024 press release is provided below.

21           **PSLA 270: The Speed of Light-projection, the Quality and Reliability OF SLA**  
22           The [PSLA 270](#) is a high speed, projector-based SLA additive manufacturing solution that  
23           efficiently delivers mid-size, high quality parts with the most stable mechanical properties. This  
24           compact, cost-efficient, versatile mid-frame 3D printing solution provides unrivalled accuracy,  
                  and the first article success expected from SLA, with the incredible speed, and material portfolio  
                  of Figure 4 projector-based technology.

25           55. Among the products to be showcased, 3DS stated that it “is *introducing*  
26 next generation products in its Stereolithography (SLA) and Figure 4® portfolios –  
27 PSLA 270 full solution including the Wash 400 / Wash 400F and Cure 400...” Ex. 4  
28 (emphasis added).

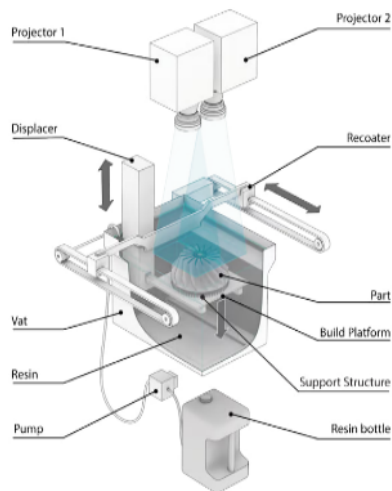
1           56. The November 7, 2024 press release included a hyperlink to the web  
2 page at [https://www.3dsystems.com/3d-printers/PSLA\\_270/](https://www.3dsystems.com/3d-printers/PSLA_270/), a 3DS product webpage  
3 specific to the promotion of the PSLA 270. On or around November 7, 2024, 3DS’s  
4 website included a webpage dedicated to the PLSA-270. Ex. 5. The 3DS product  
5 webpage for the PSLA 270 included a web button that allowed users to “Get a  
6 Quote.” See Ex. 5.



16           57. The 3DS product webpage for the PSLA 270 includes a diagram of the  
17 PSLA 270 architecture, including two projectors projecting two side-by-side sub-  
18 images downward onto a build platform situated in or above a vat of resin. The text  
19 describing the diagram indicates that the PSLA 270 includes “dual high-resolution  
20 projectors” which are said to “deliver unmatched pixel efficiency, far surpassing  
21 traditional laser systems.” See Ex. 5.

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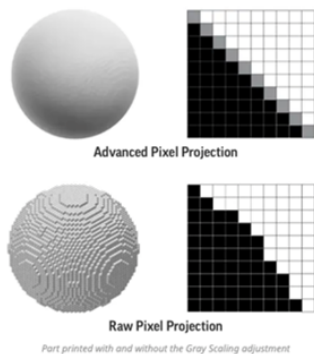


### Projection-based SLA System

The PSLA 270 architecture merges the best of both worlds: the pixel productivity of projection-based technology and the buoyant, non-contact precision of SLA. Its dual high-resolution projectors deliver unmatched pixel efficiency, far surpassing traditional laser systems.

58. On information and belief, the image projection system of the PSLA 270 is controlled by a display subsystem, which controls the image projection system as a whole as well as each of the two high-resolution projectors.

59. The 3DS product webpage for the PSLA 270 also includes a diagram labelled “Advanced Pixel Projection” with an adjacent textbox entitled “Part Quality.” The “Part Quality” includes text that states “PSLA 270 produces exceptional part quality and accuracy, a direct result of our *trade secret pixel blending methods* combined with precision projectors and innovative hardware configuration,” as shown in the image below, which was taken from the 3DS product webpage. See Ex. 5.



#### Part Quality

PSLA 270 produces exceptional part quality and accuracy, a direct result of our trade secret pixel blending methods combined with precision projectors and innovative hardware configuration.

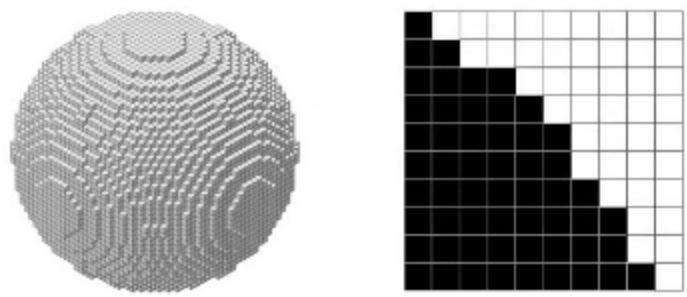
In order to guarantee best-in-class part quality, all our materials, print processes, image processing software, and printer hardware, are developed from +15yrs of 3D Systems' print process experience with pixels, ensuring seamless integration.

3D Systems' image processing software automatically adjusts the pixel edges with gray scaling techniques. This results in high-quality production-grade plastic parts with best-in-class surface quality.

1 60. Upon information and belief, the term “trade secret pixel blending  
2 methods” used on the 3DS product website for the PSLA 270 refers to techniques  
3 asserted by 3DS in the Trade Secrets Case as its alleged “edge-blending” trade secret,  
4 which was defined by 3DS to include the use of digital filters or masks that achieve  
5 warp correction, edge-blending bars, irradiance and gamma adjustment. See Ex. 6,  
6 at Second Supplemental Resp. to Rog. 3 at 14 (shown and annotated below).

7  
8 [REDACTED] 3DS’s edge blending algorithms and methods comprise multiple  
9 permutations of proprietary forms of geometric distortion correction or digital filters or  
10 masks, that achieve or comprise warp correction, pixel blending, edge blending bars,  
11 stitching, irradiance, and gamma adjustment. [REDACTED]

12 61. The diagram above in paragraph 59 shows an illustration of “Raw Pixel  
13 Projection,” which is reproduced below. See Ex. 5. The diagram shows two grids of  
14 squares which are meant to depict pixels. In the “Raw Pixel Projection” grid, there  
15 are only two colors of pixels (white and black aka “monochrome”), which are  
16 intended to illustrate a zoomed in view of a contour or edge boundary of a single  
17 layer. Due to the square shape of the pixels, a smooth, curved surface appears instead  
18 jagged and rough.

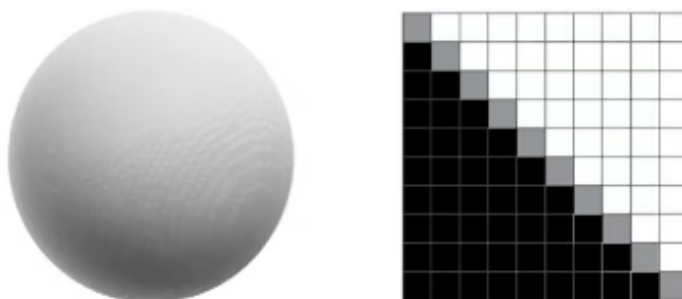


Raw Pixel Projection

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1           62. In the “Advanced Pixel Projection” chart on the PSLA 270 product  
2 website (reproduced below, see Ex. 5), the pixel values have been adjusted. Instead  
3 of just black pixels and the white pixels, the graphic introduces gray pixels in order  
4 to smooth out the previously jagged layer boundary. Fundamentally, what the  
5 “Advanced Pixel Projection” graphic is intended to show is that anti-aliasing  
6 techniques are used to minimize the sharp, jagged edges that would be created using  
7 solely black and white pixels. Claim 1 of the ’301 Patent claims the use of a gamma  
8 adjustment filter in order to employ accurate calculations to optimize antialiasing  
9 techniques to smooth out jagged edges.

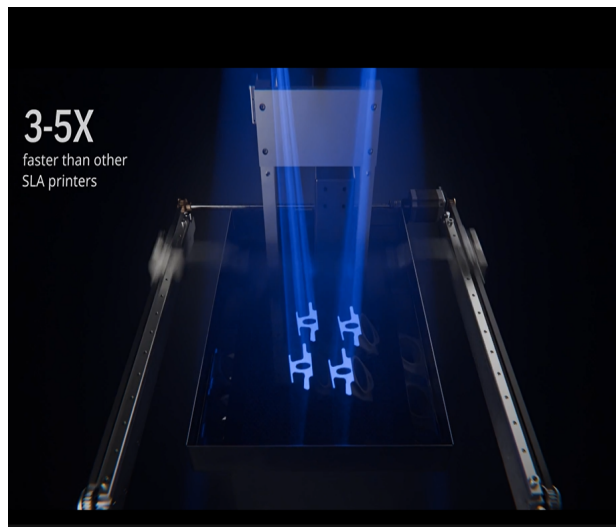


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15           **Advanced Pixel Projection**

16           63. The 3DS product webpage for the PSLA 270 includes a video promotion  
17 of the PSLA 270, a screenshot of which is pasted below. The video shows an  
18 animation of the PSLA 270 that shows sub-images projected by a plurality of  
19 projectors upon a build platform situated on or in a vat of resin. The video illustrates  
20 the use of the PSLA 270 to print a number of successive layers. The video shows the  
21 sub-images overlapping to form a composite image. Upon information and belief, the  
22 overlapping portions of the sub-images are blended by the PSLA 270 using a digital

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1 filter to employ an edge-blending bar at the overlapping portion of one or more of  
2 the sub-images.



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12 64. On November 12, 2024, 3DS posted to the 3D Systems Corporation  
13 website a video entitled “Get to know the PSLA 270, a high-speed, projector-based  
14 SLA additive manufacturing solution that efficiently delivers mid-size, high-  
15 quality....” Ex. 7. November 12, 2024 @3DSystems tweet. In the video, Sam Green,  
16 Product Manager for SLA and Figure 4 3D printing at 3D Systems” “introduces” the  
17 PSLA 270, as shown in the images below.



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26 65. On November 7, 2024, 3DS stated in a press release that general  
27 availability for the PSLA 270 is anticipated for the first quarter of 2025. Ex. 4.

1           66.     On November 14, 2024, 3DS announced via press release that Sauber  
2 Motorsports, a Swiss motorsport engineering company, “intends to add 10 3D  
3 Systems 3D printers — eight SLA 750 Dual and two PSLA 270 — to its  
4 manufacturing workflow.” Ex. 8, Nov. 14, 2024 Press Release.

5           67.     3DS’s PSLA 270 is a smaller, cheaper, inferior knock-off of Intrepid’s  
6 Range printer system. Moreover, based on the publicly available information  
7 regarding the system, the PSLA 270 infringes each limitation of each Asserted  
8 Patent.

9                           **3DS’s Other, In-Development Multiprojection 3D Printers**

10           68.     Upon information and belief, PSLA 270 is not the only DLP  
11 multiprojection printer system that 3DS has under development and/or in testing.  
12 3DS considers the PSLA 270 to be the first in a product line of DLP multiprojection  
13 3D printers, including large-format printers with more projectors and a larger build  
14 area than PSLA 270.

15           69.     As 3DS’s Product Manager, Sam Green, discusses in the video above at  
16 paragraph 64, the PSLA 270 is not a large-format device, despite using  
17 multiprojection technology that would permit 3DS to build a much larger print  
18 engine. According to the PSLA 270 product website, its build area is 242 mm x 265  
19 mm (approximately 9.5 in x 10.5 in.). Range’s build platform is roughly 2.8 times  
20 the size of the build platform on the PSLA 270.

21           70.     Upon information and belief, 3DS has a number of customers, including  
22 in the aerospace industry, that demand a large-format printer system with a large  
23 build area, as opposed to the mid-size build area offered by the PSLA 270.

24           71.     On November 27, 2024, Jeffrey Graves, CEO of 3D Systems  
25 Corporation, described the PSLA 270 to investors as “the first of what will be a  
26 family of new projector-over-VAT printing systems...” Ex. 9, Transcript of  
27 11/27/2024 Q3 2024 Earnings Conference Call, available at  
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1 [https://seekingalpha.com/article/4740729-3d-systems-corporation-ddd-q3-2024-](https://seekingalpha.com/article/4740729-3d-systems-corporation-ddd-q3-2024-earnings-call-transcript)  
2 [earnings-call-transcript.](https://seekingalpha.com/article/4740729-3d-systems-corporation-ddd-q3-2024-earnings-call-transcript)

3 72. On information and belief, as part of its “family of new projector-over-  
4 vat printing systems,” 3DS is currently testing large-format version of the PSLA 270,  
5 with four or more projectors.

6 73. Green, 3DS’s Product Manager for SLA and Figure 4 3D Printing, was  
7 overheard at the Rapid 2024 conference discussing a multiprojector, large-format  
8 DLP printer under development at 3DS.

9 74. Upon information and belief, the large-format version works the same  
10 way as the PSLA 270 but uses four or more image projectors pointing downward to  
11 a larger build platform located in or on a vat of resin.

12 75. As such, upon information and believe, the large-format version of the  
13 PSLA 270 infringes the Asserted Patents for the same reason that that PSLA 270  
14 infringes.

15 76. Further, on information and belief, 3DS is currently testing or using  
16 bioprinting solution for regenerative medicine (the “Bioprinter”).

17 77. On information and belief, the Bioprinter under development or in  
18 testing is a multiprojection printer system which infringes one or more claims of the  
19 Asserted Patents.

20 78. On April 26, 2022, Matthew Gelber and Jordan Miller, two 3DS  
21 employees, filed a patent application on behalf of 3DS entitled “Systems and  
22 Methods for Performing Optically Calibrated Large-Area Microstereolithography,”  
23 U.S. Patent Pub. No. 2022/0339882 (the “Gelber Application”). Ex. 10.

24 79. The Gelber Application discloses the use of a multiprojection projective  
25 SLA printer system for prototyping and small-scale production of plastic components  
26 using extremely high-resolution exposures. Upon information and belief, the system  
27 being described in the Gelber Application is the Bioprinter.

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1 80. The Bioprinter, as disclosed in the Gelber Application, is an additive  
2 manufacturing system, including (i) an image projection system with multiple  
3 projectors which project sub-images arranged in an array with overlapping sub-  
4 images to form a composite image and (ii) a display subsystem controlling the image  
5 projection system and each of the projectors. *See, e.g.*, Ex. 10, Gelber Application at  
6 [002, 031-32, 38] and figs. 5-6.

7 81. Upon information and belief, the Bioprinter display sub-system uses  
8 various digital filters to adjust sub-image properties and alignment, including an  
9 irradiance mask, gamma adjustment mask, warp correction filter, and a blending bar  
10 at areas of sub-image overlap.

11 82. Upon information and belief, the Bioprinter operates similarly to the  
12 PSLA 270 with respect to the technology claimed in the Asserted Patents. For  
13 example, on the November 27, 2024 Earnings Call, 3DS CEO Graves stated that the  
14 PSLA 270’s technology “is an outgrowth of our work in regenerative medicine,” a  
15 reference to the Bioprinter. Ex. 9.

16 83. As such, on information and belief, the Bioprinter infringes at least one  
17 claim of each of the Asserted Patents.<sup>1</sup>

18 84. The PSLA 270, the large format multiprojection 3D printer(s) in the  
19 PSLA 270 family, and the 3DS Bioprinter are collectively referred to herein as “the  
20 Accused Instrumentalities.”

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25 <sup>1</sup> Based on the description of the Bioprinter in the Gelber Application, it appears that  
26 the Bioprinter is configured to move the plurality of sub-images to different portions  
27 of the build area during an exposure of a layer of an object being manufactured. *See*  
28 Ex. 10, Gelber Application at [0061], [0080]. If discovery reveals that the Bioprinter  
includes this functionality, Intrepid reserves the right to move to amend the  
Complaint to assert additional patents, including U.S. Patent No. 10,780,640.

**FACTS RELATED TO WILLFUL INFRINGEMENT**

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2 85. In August 2017, Ben Wynne, Christopher Tanner, Jamie Etcheson, Ivan  
3 Chousal and Robert Mueller, the architects behind 3DS’s Figure Four printer system,  
4 resigned from 3DS to form their own company, Intrepid, and began developing new,  
5 breakthrough technologies in additive manufacturing.

6 86. 3DS immediately began to monitor patent filings by Intrepid, including  
7 obtaining copies of all published Intrepid patent applications and patents as soon as  
8 they were publicly available.

9 87. As confirmed in the Trade Secrets Case, Keith Roberson, 3DS’s Chief  
10 IP counsel, obtained a copy of Intrepid’s U.S. Pat. Pub. No. 2020/0031051 on January  
11 30, 2020, the same day that the application published. This patent application  
12 matured as U.S. Pat. No. 10,780,640, the first patent to issue within the family of the  
13 Asserted Patents. *See* Trade Secrets Case, Dkt. 563 ¶ 95.

14 88. Upon information and belief, Roberson obtained and reviewed each of  
15 the patent publications that matured as the Asserted Patents within days of their  
16 publication.

17 89. 3DS had knowledge of Range (then called Valkyrie) when it was still in  
18 development and not yet announced to the public. In late-January 2021, Evan  
19 Kuester, a 3DS employee, visited Intrepid, ostensibly to interview for a position at  
20 Intrepid. On January 26, 2021, after signing an NDA, Kuester toured Intrepid’s  
21 facilities and was shown Intrepid’s highly confidential unreleased products, test beds,  
22 samples, and technologies.

23 90. As part of the tour, Kuester viewed a test bed – i.e., a technology  
24 demonstration machine – that Intrepid considered a “proof of concept” of a DLP  
25 multiprojection print engine with six projectors projecting sub-images that are  
26 “stitched together” to form a composite image to be printed. Kuester observed that  
27 Intrepid had successfully developed a specific implementation of edge-blending,  
28 featuring geometric correction, irradiance mask filters, and gamma adjustment mask

1 filters referenced in its patents. Moreover, the number of projectors and the structure  
2 of the Intrepid test bed made it clear that Intrepid intended to and had the capability  
3 to deploy its multiprojection technology in large-format, vat-based printer system  
4 that could be scaled to an extremely large size. Finally, Kuester knew that because  
5 the multiprojector system being tested employed DLP instead of SLA technology,  
6 the new printer would be much faster than anything 3DS had in the marketplace or  
7 even under development at that time.

8 91. In the days following his visit to Intrepid, Kuester continued to request  
9 detailed information from Intrepid regarding the specs and throughput of the new  
10 large-format DLP multiprojector system in development. Three days after his tour,  
11 Kuester asked Intrepid via text message, “Do you have a way to generate a rough  
12 build for that large format machine?” He followed this with another message, “Am I  
13 allowed to know an approximate mm per hour build speed?”

14 92. On February 15, 2021, Kuester abruptly changed course and told  
15 Intrepid he would be staying at 3DS.

16 93. When Kuester informed 3DS regarding his intention to resign from 3DS  
17 and join Intrepid, 3DS offered Kuester additional consideration to stay, including an  
18 increased salary, an enhanced title, and/or potentially lucrative stock options.

19 94. Kuester disclosed to one or more 3DS employees that he had signed an  
20 NDA and, in violation of the NDA, he disclosed, on information and belief, the  
21 existence of the DLP multiprojection Test Bed, as well as its general principles of  
22 operation.

23 95. Additionally, Kuester informed one or more 3DS employees that they  
24 should take a careful look at Intrepid’s patents and published patent applications to  
25 learn the details of how Intrepid was able to develop a commercially viable  
26 multiprojection 3D print system.

27 96. On or just prior to February 24, 2021 – just over a week after Kuester  
28 informed Intrepid that he intended to stay at 3D Systems, Aaron Wood, 3DS’s

1 Director of Material Sales, searched for, identified, and shared via email a number of  
2 patents that were assigned to Intrepid, including U.S. Pat. No. 10,780,640. Upon  
3 review of these patents, Wood ascertained that Kuester’s information regarding  
4 Intrepid’s proof of concept of multiprojector technology in large format printing was,  
5 indeed, a dire threat to 3D Systems’ business, particularly with respect to an  
6 important 3DS aerospace client.

7 97. Wood requested immediate analysis on how Intrepid’s new technology  
8 stacked up to existing 3DS equipment used for this client, stating that it is “vitaly  
9 important” that they get additional knowledge to combat the impending threat that  
10 this new technology posed.

11 98. 3DS’s Stacie Hoche, Director of SLA Product Management, responded  
12 to Wood’s email and indicated that she understood facts about the Intrepid system  
13 that were not public, including that Intrepid’s products are built to order based on  
14 customer requirements such that data regarding speed, size, and other attributes may  
15 vary by client and by how the product was built.

16 99. Patrick Dunne, Kuester’s boss at the time, asked what the Intrepid  
17 patents had to do with the aerospace customer and suggested that what Intrepid was  
18 doing was derivative of 3DS’s single-projector DLP printer, Figure Four. Dunne was  
19 referred to Craig White, 3DS’s Director of Sales, who could bring Dunne up to speed  
20 about the implications of Intrepid’s technology to the aerospace customer.

21 100. Hoche disabused Dunne of his incorrect assumption that Intrepid’s  
22 products were similar to 3DS’s Figure Four. Hoche told Dunne that Intrepid’s new  
23 printer system was a custom built, vat-based DLP multiprojection system with a large  
24 print area. Hoche stated that her expectation is that Intrepid’s new machine was fast.

25 101. Hoche understood what Kuester understood during his tour of Intrepid.  
26 3D Systems’ printers used old technology whereby a single or multiple lasers trace  
27 the outline and the surface of the layer to be printed. In contrast, Intrepid’s innovative  
28 method used patented modular DLP-based technology to project an entire layer at a



1 time. Hoche understood from Kuester and Intrepid’s patents that the Intrepid’s  
2 multiprojection, large-format system would be significantly faster than 3D Systems’  
3 laser-based, large-format systems.

4 102. Months later, Kuester acknowledged that, despite all of 3DS’s efforts  
5 and acquisitions in the market, Intrepid’s printer systems far outstripped anything  
6 3DS had. Kuester wrote to Scott Turner nearly a year after 3DS filed the Trade  
7 Secrets Case complaining that 3DS “bought TWO FDM companies but don’t have  
8 the money to invest in just buying Intrepid Automation and getting a machine that  
9 would actually make us money.”

10 103. Turner’s response to Kuester indicated that 3DS preferred destroying  
11 Intrepid to purchasing it. “We have not let up on the fab 5 [the founders of Intrepid].  
12 Let’s see what happens as funding gets harder and legal fees grow.”

13 104. In the meantime, using information acquired from Kuester and its  
14 review of Intrepid’s patents, including the Asserted Patents, 3DS began exploring  
15 development of a multiprojector system to eventually compete with or supplant  
16 Intrepid, using knowledge of the proof of concept, specific implementation observed  
17 by Kuester, the specifications of the Intrepid large format DLP printer system  
18 obtained by Kuester, along with Intrepid’s patents.

19 105. On information and belief, 3DS used the Asserted Patents as a roadmap  
20 to develop its own multiprojector system, which ultimately became the PSLA 270,  
21 the current, in-development large format multiprojection system, and the  
22 multiprojection bioprinter.

23 106. Given that Intrepid had already developed its multiprojection system,  
24 3DS needed to slow down and impede the commercialization of Intrepid’s DLP  
25 multiprojection system, to give it time to try to bring its own purported solution to  
26 market. To slow Intrepid’s development, in May 2021, 3DS filed the Trade Secrets  
27 Case, a lawsuit against Intrepid and its founders alleging trade secret  
28 misappropriation. Among the alleged trade secrets asserted by 3DS in the Trade

1 Secrets Case was its supposed “edge-blending” trade secret, which not  
2 coincidentally, was described with reference to terminology, concepts, and  
3 techniques elaborated in the Asserted Patents.

4 107. 3DS asserted in the Trade Secrets Case that its alleged “edge-blending”  
5 trade secret included, among other things, the use of digital filters or masks to achieve  
6 irradiance uniformity, warp correction, gamma adjustment, and pixel blending using  
7 blending bars.

8 108. Upon information and belief, 3DS did not draft its description of the  
9 alleged edge-blending trade secret in the Trade Secrets case with reference to any  
10 technology developed by 3DS. Instead, on information and belief, 3DS drafted its  
11 description of the alleged edge-blending trade secret by copying specific terms  
12 disclosed in Intrepid’s patents in an attempt to claim ownership of Intrepid’s patents,  
13 including the Asserted Patents.

14 109. Discovery in the Trade Secrets Case has confirmed that, until its  
15 November 2024 announcement, 3DS had never developed a viable multiprojection  
16 system, let alone one that employed digital filters or masks to achieve irradiance  
17 uniformity, warp correction, or gamma adjustment.

18 110. 3DS’s expert, having reviewed 3DS’s source code, confirmed that none  
19 of the code used by 3DS’s failed attempt at multiprojection technology included any  
20 functionality related to warp correction or gamma adjustment. *See* Trade Secret Case  
21 at Dkt. 531 at ECF Page 18 (citing expert testimony).

22 111. Further, 3DS and its counsel failed to produce a single document  
23 regarding the PSLA 270 during discovery in the Trade Secrets Case, despite the fact  
24 that Intrepid requested documents related to the development and operation of any  
25 3D printer that employed any of the asserted trade secrets, including the alleged edge-  
26 blending trade secret.

27 112. Having obfuscated 3DS’s development of the PSLA 270 throughout  
28 discovery in the Trade Secret Case, as noted above, 3DS teased the launch of the

1 PSLA 270 at Formnext in November 2023, just weeks after fact discovery closed in  
2 the Trade Secrets Case.

3 113. Upon information and belief, the timing of 3DS’s teaser of the PSLA  
4 270 just following the close of fact discovery in the Trade Secret Case was not  
5 coincidental but was, instead, part of a plan to obscure information relevant in the  
6 Trade Secret Case while continuing to develop the PSLA 270.

7 114. Upon information and belief, 3DS has substantial documentation,  
8 including technical information, marketing information, and competitive analyses,  
9 regarding the PSLA 270 that were not produced in the Trade Secrets Case that will  
10 likely provide direct evidence of 3DS’s willful infringement of the Asserted Patents.

11 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 11,014,301**  
12 **(Against All Defendants)**

13 115. Plaintiff incorporates by reference Paragraphs 1 to 114 above as if fully  
14 set forth herein.

15 116. The PSLA 270 includes functionality and features that collectively  
16 practice each and every limitation of, at minimum, Claim 1 of the ’301 Patent.

17 117. Upon information and belief, each of the Accused Instrumentalities  
18 includes functionality and features that collectively practice each and every limitation  
19 of, at minimum, Claim 1 of the ’301 Patent.

20 118. 3DS has infringed one or more claims of the ’301 Patent under 35 U.S.C.  
21 § 271, either literally and/or under the doctrine of equivalents, directly and/or  
22 indirectly.

23 119. 3DS has infringed the ’301 Patent by performing, without authority, one  
24 or more of the following acts during the relevant time periods: making, using,  
25 offering to sell, or selling within the United States products that practice the  
26 inventions of the ’301 Patent, including but not limited to the Accused  
27 Instrumentalities that, on information and belief, 3DS is currently manufacturing,  
28 testing, or offering for sale to limited customers.

1 120. 3DS had knowledge of U.S. Patent Pub. No. 2020/0031051, the first  
2 publication within the family of the '301 Patent, on January 30, 2020, the same day  
3 the application published.

4 121. On information and belief, 3DS had knowledge of the '301 Patent as  
5 early as its date of publication when it was obtained and reviewed by Keith Roberson.

6 122. 3DS has contributed to the infringement of the '301 Patent because 3DS  
7 knew the infringing aspects of its infringing products, including but not limited to the  
8 Accused Instrumentalities, were made for use in an infringement and were not staple  
9 articles of commerce suitable for substantial non-infringing uses.

10 123. On information and belief, 3DS has induced infringement of the '301  
11 Patent with knowledge of the '301 Patent and that its acts, including without  
12 limitation, using, offering to sell, and selling within the United States, would aid and  
13 abet and induce infringement by customers, clients, partners, developers, and end  
14 users of the foregoing.

15 124. In particular 3DS's actions that aided and abetted others such as  
16 customers, clients, partners, developers, and end users to infringe included  
17 advertisements, testing the Accused Instrumentalities, distributing the Accused  
18 Instrumentalities or prototypes thereof, providing instructional materials, training  
19 and other services regarding the Accused Instrumentalities. On information and  
20 belief, 3DS engaged in such actions with specific intent to cause infringement or with  
21 willful blindness to the resulting infringement because 3DS had actual knowledge of  
22 the '301 Patent and knowledge that their acts were inducing infringement of the '301  
23 Patent since at least the date 3DS obtained the '301 Patent.

24 125. 3DS's acts of infringement have caused and, if continued, are likely to  
25 continue to cause damage to Intrepid and Intrepid is entitled to recover damages from  
26 3DS in an amount subject to proof at trial.

27 126. 3DS has acted with disregard of Intrepid's patent rights, without any  
28 reasonable basis for doing so, and has willfully infringed the '301 Patent.

1 127. The foregoing is illustrative of 3DS’s infringement of the ’301 Patent.  
2 3DS reserves the right to identify additional claims and Accused Instrumentalities in  
3 accordance with the Federal Rules of Procedure, the Court’s local rules, and  
4 applicable scheduling Orders.

5 **COUNT II – INFRINGEMENT OF U.S. PATENT NO. 11,338,511**  
6 **(Against All Defendants)**

7 128. Plaintiff incorporates by reference Paragraphs 1 to 114 above as if fully  
8 set forth herein.

9 129. The PSLA 270 includes functionality and features that, when in  
10 operation, collectively practice each and every limitation of, at minimum, Claim 1 of  
11 the ’511 Patent.

12 130. Upon information and belief, each of the Accused Instrumentalities  
13 includes functionality and features that when in operation, collectively practice each  
14 and every limitation of, at minimum, Claim 1 of the ’511 Patent.

15 131. 3DS has infringed one or more claims of the ’511 Patent under 35 U.S.C.  
16 § 271, either literally and/or under the doctrine of equivalents, directly and/or  
17 indirectly.

18 132. 3DS has infringed the ’511 Patent by performing, without authority, one  
19 or more of the following acts during the relevant time periods: making, using,  
20 offering to sell, or selling within the United States products that practice the  
21 inventions of the ’511 Patent, including but not limited to the Accused  
22 Instrumentalities that, on information and belief, 3DS is currently manufacturing,  
23 testing, or offering for sale to limited customers.

24 133. 3DS had knowledge of U.S. Patent Pub. No. 2020/0031051, the first  
25 publication within the family of the ’301 Patent, on January 30, 2020, the same day  
26 the application published.

27 134. Upon information and belief, 3DS had knowledge of the ’511 Patent as  
28 early as its date of publication when it was obtained and reviewed by Keith Roberson.

1 135. 3DS has contributed to the infringement of the '511 Patent because 3DS  
2 knew the infringing aspects of its infringing products, including but not limited to the  
3 Accused Instrumentalities, were made for use in an infringement and were not staple  
4 articles of commerce suitable for substantial non-infringing uses.

5 136. 3DS has induced infringement of the '511 Patent with knowledge of the  
6 '511 Patent and that its acts, including without limitation, using, offering to sell, and  
7 selling within the United States would aid and abet and induce infringement by  
8 customers, clients, partners, developers, and end users of the foregoing.

9 137. In particular, 3DS's actions that aided and abetted others such as  
10 customers, clients, partners, developers, and end users to infringe included  
11 advertisements, testing the Accused Instrumentalities, distributing the Accused  
12 Instrumentalities or prototypes thereof, providing instructional materials, training,  
13 and other services regarding the Accused Instrumentalities. On information and  
14 belief, 3DS engaged in such actions with specific intent to cause infringement or with  
15 willful blindness to the resulting infringement because 3DS had actual knowledge of  
16 the '511 patent and knowledge that their acts were inducing infringement of the '301  
17 since at least the date 3DS obtained the '511 Patent.

18 138. 3DS's acts of infringement have caused and, if continued, are likely to  
19 continue to cause damage to Intrepid and Intrepid is entitled to recover damages from  
20 3DS in an amount subject to proof at trial.

21 139. 3DS has acted with disregard of Intrepid's patent rights, without any  
22 reasonable basis for doing so, and has willfully infringed the '511 Patent.

23 140. The foregoing is illustrative of 3DS's infringement of the '511 Patent.  
24 3DS reserves the right to identify additional claims and Accused Instrumentalities in  
25 accordance with the Federal Rules of Procedure, the Court's local rules, and  
26 applicable scheduling Orders.

27 **PRAYER FOR RELIEF**

28 141. WHEREFORE, Intrepid prays for the following relief:

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- a. A judgment that U.S. Patent Nos. 11,014,301 and 11,338,511 are valid and enforceable.
- b. A judgment that 3DS has directly infringed, contributorily infringed, and induced the infringement of U.S. Patent Nos. 11,014,301, and 11,338,511.
- c. A judgment that 3DS’s infringement of U.S. Patent Nos. 11,014,301 and 11,338,511 has been willful.
- d. An award of attorney fees incurred in prosecuting this action, on the basis that this is an exceptional case under 35 U.S.C. § 285;
- e. An order preliminarily enjoining 3DS from making, using, offering to sell, or selling within the United States products that practice the inventions of U.S. Patent Nos. 11,014,301 and 11,338,511 during the pendency of this case up until final judgment.
- f. An order permanently enjoining 3DS from making, using, offering to sell, or selling within the United States products that practice the inventions of U.S. Patent Nos. 11,014,301 and 11,338,511.
- g. In the absence of a preliminary injunction or, to the extent that sales were made prior to issuance of the injunction:
  - i. A judgment and order requiring 3DS to pay Intrepid damages under 35 U.S.C. § 284, including supplemental damages for any continuing post-verdict infringement up until entry of final judgment, with an accounting, as needed, and treble damages for willful infringement as provided by 35 U.S.C. § 284.
  - ii. A judgment and order requiring 3DS to pay Intrepid pre-judgment and post-judgment interest on the damages awarded.

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- h. To the extent that a permanent injunction is not awarded, a judgment and order requiring that 3DS be awarded a compulsory ongoing license fee;
- i. A judgment and order requiring 3DS to pay Intrepid the costs of this action, including all disbursements; and
- j. Such other relief as the Court may deem just and proper.

Dated: December 4, 2024

**SMITH GAMBRELL & RUSSELL LLP**

By: /s/ Jeffrey J. Catalano

Jeffrey J. Catalano  
Joseph L. Fogel  
Jason P. Stearns  
John P. Moy  
Indhira A. LaPuma

Dated: December 4, 2024

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