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10
11 **IN THE U.S. DISTRICT COURT FOR THE**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 **RED.COM, LLC**, a Nevada
14 limited liability company,

15
16 Plaintiff,

17 vs.

18
19 **NIKON CORPORATION**, a
20 Japanese corporation and **NIKON**
21 **INC.**, a New York corporation,
22 Defendants.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Red.com, LLC (“RED”) complains of Defendants Nikon
2 Corporation and Nikon Inc. (collectively, “Nikon”) and alleges patent
3 infringement as follows.

4 THE PARTIES

5 1. RED is a limited liability corporation organized under the laws of
6 the State of Nevada. It is registered with the State of California and maintains an
7 active business in this district. Its principal place of business is located within this
8 district at 94 Icon, Foothill Ranch, CA 92610. It has and continues to transact
9 business in this judicial district.

10 2. Nikon Corporation is a corporation organized and existing under the
11 laws of Japan, with its principal place of business located at 2-15-3, Konan,
12 Minato-ku, Tokyo 108-6290, Japan. Nikon Inc. is a corporation organized and
13 existing under the laws of New York, with its principal place of business located
14 at 1300 Walt Whitman Rd, Melville, NY 11747. Nikon Inc. is a wholly owned
15 subsidiary of Nikon Corporation.

16 3. Nikon Corporation and Nikon Inc. have and continue to transact
17 business in this judicial district, including, but not limited to, by advertising,
18 marketing, selling, distributing, and servicing its cameras directly or indirectly
19 through affiliates, entities, and operations based in California and in this judicial
20 district.

21 JURISDICTION AND VENUE

22 4. This Court has original jurisdiction over this patent infringement
23 action under 28 U.S.C. §§ 1331 and 1338.

24 5. Venue is proper over Nikon Corporation. 28 U.S.C. § 1391(c)(3). It
25 directs business to this judicial district, markets its products here, and puts its
26 products in the stream of commerce intending that they be offered for sale,
27 purchased, acquired, and/or used within this judicial district. Venue is also proper
28 over Nikon Inc. 28 U.S.C. § 1400(b). It has a regular and established place of

1 business, including for the service and repair of cameras, located in this judicial
2 district at 6420 Wilshire Boulevard, Suite 100, Los Angeles, CA 90048 and 1907
3 East 29th Street, Signal Hill, CA 90755, to which Nikon Inc. has previously
4 admitted. *See Carl Zeiss AG v. Nikon Corp.*, No. 17-7083 (C.D. Cal.), ECF No.
5 35 ¶ 10 (Nov. 2, 2017) (“Defendants [Nikon Corporation, Sendai Nikon
6 Corporation, and Nikon Inc.] admit that Nikon Corporation sells cameras to
7 Nikon Inc. in Japan, which Nikon Inc. then imports into the United States.”); *id.*
8 ¶ 9 (“Defendants admit that Nikon Inc. has conducted and continues to conduct
9 business in the Central District of California. Defendants admit that Nikon Inc.
10 imports, services and sells digital camera products in the Central District of
11 California.”).

12 GENERAL ALLEGATIONS

13 6. Since at least 2006, RED has been and continues to be actively
14 engaged specifically in the design, development, manufacture, and sale of high
15 performance digital still and motion cinematography cameras, video equipment
16 and accessories, digital editing software, video players as well as generally in
17 imaging format technology used in the dissemination, broadcast, or transmission
18 of video.

19 7. Since the introduction of its revolutionary RED ONE[®] camera,
20 RED’s products have been used to film blockbuster movies, as well as many other
21 movies and television series. The RED cameras and products have revamped the
22 movie making process and industry.

23 **RED’s Inventions Disclosed in U.S. Patent No. 7,830,967**

24 8. RED owns by assignment U.S. Patent No. 7,830,967 (the “’967
25 patent”), entitled “Video Camera.” It issued on November 9, 2010.

26 9. A true and correct copy of the patent is attached hereto as Exhibit
27 RED-PAT-1.

1 10. The '967 patent discloses, for example, a video camera that can be
2 configured to highly compress video data in a visually lossless manner. The
3 camera can be configured to transform blue and red image data in a manner that
4 enhances the compressibility of the data. The data can then be compressed and
5 stored in this form. This allows a user to reconstruct the red and blue data to obtain
6 the original raw data for a modified version of the original raw data that is visually
7 lossless when demosaiced. Additionally, the data can be processed so the green
8 image elements are demosaiced first and then the red and blue elements are
9 reconstructed based on values of the demosaiced green image elements.

10 **RED's Inventions Disclosed in U.S. Patent No. 8,174,560**

11 11. RED owns by assignment U.S. Patent No. 8,174,560 (the "'560
12 patent"), entitled "Video Camera." It issued on May 8, 2012. An Ex Parte
13 Reexamination Certificate U.S. 8,174,560 C1 later issued on it on May 16, 2014.

14 12. A true and correct copy of the patent, including the Ex Parte
15 Reexamination Certificate, is attached hereto as Exhibit RED-PAT-2.

16 13. The '560 patent discloses, for example, a video camera that can be
17 configured to highly compress video data in a visually lossless manner. The
18 camera can be configured to transform blue and red image data in a manner that
19 enhances the compressibility of the data. The data can then be compressed and
20 stored in this form. This allows a user to reconstruct the red and blue data to obtain
21 the original raw data for a modified version of the original raw data that is visually
22 lossless when demosaiced. Additionally, the data can be processed so the green
23 image elements are demosaiced first and then the red and blue elements are
24 reconstructed based on values of the demosaiced green image elements.

25 **RED's Inventions Disclosed in U.S. Patent No. 9,245,314**

26 14. RED owns by assignment U.S. Patent No. 9,245,314 (the "'314
27 patent"), entitled "Video Camera." It issued on January 26, 2016.

28

1 15. A true and correct copy of the patent is attached hereto as Exhibit
2 RED-PAT-3.

3 16. The '314 patent discloses, for example, a video camera configured
4 to capture, compress, and store video image data in a memory of the video camera
5 at a rate of at least about twenty-three frames per second. The video image data
6 can be mosaiced image data, and the compressed, mosaiced image data remains
7 substantially visually lossless upon decompression and demosaicing.

8 **RED's Inventions Disclosed in U.S. Patent No. 9,436,976**

9 17. RED owns by assignment U.S. Patent No. 9,436,976 (the "'976
10 patent"), entitled "Video Camera." It issued on September 6, 2016.

11 18. A true and correct copy of the patent is attached hereto as Exhibit
12 RED-PAT-4.

13 19. The '976 patent discloses, for example, a video camera that can be
14 configured to highly compress video data in a visually lossless manner. The
15 camera can be configured to transform blue and red image data in a manner that
16 enhances the compressibility of the data. The data can then be compressed and
17 stored in this form. This allows a user to reconstruct the red and blue data to obtain
18 the original raw data for a modified version of the original raw data that is visually
19 lossless when demosaiced. Additionally, the data can be processed so the green
20 image elements are demosaiced first, and then the red and blue elements are
21 reconstructed based on values of the demosaiced green image elements.

22 **RED's Inventions Disclosed in U.S. Patent No. 9,521,384**

23 20. RED owns by assignment U.S. Patent No. 9,521,384 (the "'384
24 patent"), entitled "Green Average Subtraction in Image Data." It issued on
25 December 13, 2016.

26 21. A true and correct copy of the patent is attached hereto as Exhibit
27 RED-PAT-5.

28

1 22. The '384 patent discloses, for example, a video camera that can be
2 configured to highly compress video data in a visually lossless manner. The
3 camera can be configured to transform blue, red, and/or green image data in a
4 manner that enhances the compressibility of the data. The camera can be
5 configured to transform at least a portion of the green image data in a manner that
6 enhances the compressibility of the data. The data can then be compressed and
7 stored in this form. This allows a user to reconstruct the red, blue, and/or green
8 image data to obtain the original raw data or a modified version of the original
9 raw data that is visually lossless when demosaiced. Additionally, the data can be
10 processed so at least some of the green image elements are demosaiced first, and
11 then the red, blue, and/or some green elements are reconstructed based on values
12 of the demosaiced green image elements.

13 **RED's Inventions Disclosed in U.S. Patent No. 9,716,866**

14 23. RED owns by assignment U.S. Patent No. 9,716,866 (the "'866
15 patent"), entitled "Green Image Data Processing." It issued on July 25, 2017.

16 24. A true and correct copy of the patent is attached hereto as Exhibit
17 RED-PAT-6.

18 25. The '866 patent discloses, for example, a video camera that can be
19 configured to highly compress video data in a visually lossless manner. The
20 camera can be configured to transform blue, red, and/or green image data in a
21 manner that enhances the compressibility of the data. The camera can be
22 configured to transform at least a portion of the green image data in a manner that
23 enhances the compressibility of the data. The data can then be compressed and
24 stored in this form. This allows a user to reconstruct the red, blue, and/or green
25 image data to obtain the original raw data or a modified version of the original
26 raw data that is visually lossless when demosaiced. Additionally, the data can be
27 processed so at least some of the green image elements are demosaiced first, and
28 then the red, blue, and/or some green elements are reconstructed based on values

1 of the demosaiced green image elements.

2 **RED's Inventions Disclosed in U.S. Patent No. 10,582,168**

3 26. RED owns by assignment U.S. Patent No. 10,582,168 (the "'168
4 patent," and collectively with the patents discussed above, the "asserted patents"),
5 entitled "Green Image Data Processing." It issued on March 3, 2020.

6 27. A true and correct copy of the patent is attached hereto as Exhibit
7 RED-PAT-7.

8 28. The '168 patent discloses, for example, a video camera that can be
9 configured to highly compress video data in a visually lossless manner. The
10 camera can be configured to transform blue, red, and/or green image data in a
11 manner that enhances the compressibility of the data. The camera can be
12 configured to transform at least a portion of the green image data in a manner that
13 enhances the compressibility of the data. The data can then be compressed and
14 stored in this form. This allows a user to reconstruct the red, blue, and/or green
15 image data to obtain the original raw data or a modified version of the original
16 raw data that is visually lossless when demosaiced. Additionally, the data can be
17 processed so at least some of the green image elements are demosaiced first, and
18 then the red, blue, and/or some green elements are reconstructed based on values
19 of the demosaiced green image elements.

20 **Nikon's Products That Practice and/or Embody Those Inventions**

21 29. RED is informed and believes and thereupon alleges that Nikon
22 makes, uses, imports, offers to sell, and/or sells in the United States, and in this
23 judicial district, cameras under the Nikon brand that infringe each of the asserted
24 patents.

25 30. RED is informed and believes and thereupon alleges that Nikon's
26 infringing video cameras (the "accused products"), include, but are not limited to,
27 "Z Series Mirrorless Cameras" such as "Nikon Z 9 with Firmware 2.0."
28

Nikon Knew About RED's Inventions

1
2 31. Nikon and RED are direct competitors in the video camera market.
3 Nikon sells its accused products in the same marketing and sales channels as
4 RED.

5 32. RED is informed and believes and thereupon alleges that Nikon
6 knew about prior disputes involving the asserted patents as well as discussions in
7 the public forum surrounding the patents and RED's assertion of those patents in
8 various actions. For example, given the foregoing and Nikon's significance and
9 history in the camera industry, RED is informed and believed and thereupon
10 alleges that Nikon also knew about RED's prior lawsuits involving one or more
11 of the asserted patents, including at least: *Red.com, LLC v. Kinefinity, Inc.* (8-21-
12 cv-00041 [CDCA]); *Red.com, Inc. d/b/a Red Digital Cinema v. Sony Corporation*
13 *of America et al.* (2-16-cv-00937 [EDTX]); *Red.com, Inc. d/b/a Red Digital*
14 *Cinema v. Nokia USA Inc. et al.* (8-16-cv-00594 [CDCA]); and *Red.com, Inc. v.*
15 *Sony Corporation of America et al.* (3-13-cv-00334 [SDCA]). RED is informed
16 and believes and thereupon alleges that Nikon also knew about the asserted
17 patents due to RED's patent notice on its products, packaging, website
18 (www.red.com/patent). Independent of this prior knowledge, Nikon has known
19 of the asserted patents at least as of the service of this Complaint. Despite this
20 knowledge, Nikon continues to infringe the asserted patents and continues to
21 intend that other using, testing, assembling, distributing, repairing, or otherwise
22 handling the accused products continue to infringe the asserted patents.

23 33. Nikon instructs, teaches, aids, and/or encourages others to use, test,
24 assemble, distribute, repair, or otherwise handle the accused products. For
25 example, it directs users of its Z9 cameras to download Z9-related manuals from
26 Nikon's Download Center, then teaches them how to record a motion video in the
27 N-RAW Recording Mode. *See generally* Exs. NIKON-INF-1 through NIKON-
28 INF-4; *see also* Exhibit C-5: Exemplary Claim Chart for U.S. Patent No.

1 9,521,384 (discussing how Nikon markets or aids or instructs users of Z9 video
2 camera through its website and reference manual). Each of these exhibits is
3 incorporated by reference in its entirety as if expressly set forth herein.

4 **COUNT 1: PATENT INFRINGEMENT UNDER 35 U.S.C. § 271**

5 **Nikon Infringes Claims of the '967 Patent**

6 34. RED repeats, realleges, and incorporates by reference the allegations
7 set forth in paragraphs 1 through 33 of this Complaint.

8 35. Nikon directly and/or indirectly infringes claims of the '967 patent
9 under § 271.

10 36. RED is informed and believes and thereupon alleges that Nikon has
11 in the past infringed and is continuing to infringe literally or under the doctrine of
12 equivalents claims of this patent in violation of § 271(a). Nikon and its authorized
13 agents make or manufacture, use or test or service, offer to sell, or sell within the
14 United States or import into the United States the accused products. For example,
15 RED is informed and believes and thereupon alleges that the accused products
16 practice directly or indirectly and literally or under the doctrine of equivalents at
17 least the claim or claims charted in Exhibit C-1.

18 37. RED is informed and believes and thereupon alleges that Nikon has
19 in the past and is continuing to induce infringement of the claims of the '967
20 patent in violation of § 271(b). Nikon has known of the patent and/or showed
21 willful blindness to the patent's existence and has instructed, taught, aided, and/or
22 encouraged users of the accused products to use or operate the products in a
23 manner that directly (literally or under the doctrine of equivalents) infringes the
24 '967 patent. RED is informed and believes and thereon alleges that Nikon
25 intended its end-users to infringe the '967 patent, as shown at least by Nikon
26 encouraging directs users of its Z9 cameras to download Z9-related manuals from
27 Nikon's Download Center and use the cameras in an infringing manner.

28

1 38. RED is informed and believes and thereupon alleges that Nikon has
2 in the past and is continuing to contribute to the infringement of the claims of the
3 '967 patent in violation of § 271(c). Upon information and belief, Nikon has
4 known of the patent or showed willful blindness to the patent's existence. It has
5 also known or shown willful blindness toward the direct (literally or under the
6 doctrine of equivalents) infringement of others. The accused products constitute
7 a material part of the patented inventions of the '967 patent and are not staple
8 articles or commodities of commerce suitable for substantial non-infringing use.
9 Nikon has known or shown willful blindness to the accused product having been
10 especially made or adapted for use in infringing claims of the '967 patent.

11 39. Nikon and RED are direct competitors in the video camera market.
12 Nikon sells its accused products in the same channels as RED. Upon information
13 and belief, Nikon's unauthorized, infringing sales are likely to cause irreparable
14 harm to RED, which cannot be adequately compensated by money damages. RED
15 therefore seeks a preliminary and permanent injunction enjoining Nikon from
16 infringing the claims of the '967 patent.

17 40. RED is informed and believes and thereupon alleges that Nikon's
18 infringement of the claims of the '967 patent has injured RED in at least the
19 following areas: lost sales and profits, reduced business, and injury to its general
20 reputation and industry standing. Damages to RED are not yet fully quantified or
21 measured and may not be ascertained without a proper accounting of Nikon's
22 sales and profits arising from its infringement. RED is also entitled to an increase
23 of damages up to three times the amount found or assessed at least due to Nikon's
24 willful and deliberate infringement. RED is also entitled to an award of its
25 attorneys' fees because Nikon's infringement presents an exceptional case.
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27
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1 **COUNT 2: PATENT INFRINGEMENT UNDER 35 U.S.C. § 271**

2 **Nikon Infringes Claims of the '560 Patent**

3 41. RED repeats, realleges, and incorporates by reference the allegations
4 set forth in paragraphs 1 through 32 of this Complaint.

5 42. Nikon directly and/or indirectly infringes claims of the '560 patent
6 under § 271.

7 43. RED is informed and believes and thereupon alleges that Nikon has
8 in the past infringed and is continuing to infringe literally or under the doctrine of
9 equivalents claims of the '560 patent in violation of § 271(a). Nikon and its
10 authorized agents make or manufacture, use or test or service, offer to sell, or sell
11 within the United States or import into the United States the accused products.
12 For example, RED is informed and believes and thereupon alleges that the
13 accused products practice directly or indirectly and literally or under the doctrine
14 of equivalents at least the claim or claims charted in Exhibit C-2.

15 44. RED is informed and believes and thereupon alleges that Nikon has
16 in the past and is continuing to induce infringement of the claims of the '560
17 patent in violation of § 271(b). Nikon has known of the patent and/or showed
18 willful blindness to the patent's existence and has instructed, taught, aided, and/or
19 encouraged users of the accused products to use or operate the products in a
20 manner that directly (literally or under the doctrine of equivalents) infringes the
21 '560 patent. RED is informed and believes and thereon alleges that Nikon
22 intended its end-users to infringe the '560 patent, as shown at least by Nikon
23 encouraging directs users of its Z9 cameras to download Z9-related manuals from
24 Nikon's Download Center and use the cameras in an infringing manner.

25 45. RED is informed and believes and thereupon alleges that Nikon has
26 in the past and is continuing to contribute to the infringement of the claims of
27 the '560 patent in violation of § 271(c). Upon information and belief, Nikon has
28 known of the patent or showed willful blindness to the patent's existence. It has

1 also known or shown willful blindness toward the direct (literally or under the
2 doctrine of equivalents) infringement of others. The accused products constitute
3 a material part of the patented inventions of the '560 patent and are not staple
4 articles or commodities of commerce suitable for substantial non-infringing use.
5 Nikon has known or shown willful blindness to the accused product having been
6 especially made or adapted for use in infringing claims of the '560 patent.

7 46. Nikon and RED are direct competitors in the video camera market.
8 Nikon sells its accused products in the same channels as RED. Upon information
9 and belief, Nikon's unauthorized, infringing sales are likely to cause irreparable
10 harm to RED, which cannot be adequately compensated by money damages. RED
11 therefore seeks a preliminary and permanent injunction enjoining Nikon from
12 infringing the claims of the '560 patent.

13 47. RED is informed and believes and thereupon alleges that Nikon's
14 infringement of the claims of the '560 patent has injured RED in at least the
15 following areas: lost sales and profits, reduced business, and injury to its general
16 reputation and industry standing. Damages to RED are not yet fully quantified or
17 measured and may not be ascertained without a proper accounting of Nikon's
18 sales and profits arising from its infringement. RED is also entitled to an increase
19 of damages up to three times the amount found or assessed at least due to Nikon's
20 willful and deliberate infringement. RED is also entitled to an award of its
21 attorneys' fees because Nikon's infringement presents an exceptional case.

22 **COUNT 3: PATENT INFRINGEMENT UNDER 35 U.S.C. § 271**

23 **Nikon Infringes Claims of the '314 Patent**

24 48. RED repeats, realleges, and incorporates by reference the allegations
25 set forth in paragraphs 1 through 32 of this Complaint.

26 49. Nikon directly and/or indirectly infringes claims of the '314 patent
27 under § 271.
28

1 50. RED is informed and believes and thereupon alleges that Nikon has
2 in the past infringed and is continuing to infringe literally or under the doctrine of
3 equivalents claims of the '314 patent in violation of § 271(a). Nikon and its
4 authorized agents make or manufacture, use or test or service, offer to sell, or sell
5 within the United States or import into the United States the accused products.
6 For example, RED is informed and believes and thereupon alleges that the
7 accused products practice directly or indirectly and literally or under the doctrine
8 of equivalents at least the claim or claims charted in Exhibit C-3.

9 51. RED is informed and believes and thereupon alleges that Nikon has
10 in the past and is continuing to induce infringement of the claims of the '314
11 patent in violation of § 271(b). Nikon has known of the patent and/or showed
12 willful blindness to the patent's existence and has instructed, taught, aided, and/or
13 encouraged users of the accused products to use or operate the products in a
14 manner that directly (literally or under the doctrine of equivalents) infringes the
15 '314 patent. RED is informed and believes and thereon alleges that Nikon
16 intended its end-users to infringe the '314 patent, as shown at least by Nikon
17 encouraging directs users of its Z9 cameras to download Z9-related manuals from
18 Nikon's Download Center and use the cameras in an infringing manner.

19 52. RED is informed and believes and thereupon alleges that Nikon has
20 in the past and is continuing to contribute to the infringement of the claims of the
21 '314 patent in violation of § 271(c). Upon information and belief, Nikon has
22 known of the patent or showed willful blindness to the patent's existence. It has
23 also known or shown willful blindness toward the direct (literally or under the
24 doctrine of equivalents) infringement of others. The accused products constitute
25 a material part of the patented inventions of the '314 patent and are not staple
26 articles or commodities of commerce suitable for substantial non-infringing use.
27 Nikon has known or shown willful blindness to the accused product having been
28 especially made or adapted for use in infringing claims of the '314 patent.

1 53. Nikon and RED are direct competitors in the video camera market.
2 Nikon sells its accused products in the same channels as RED. Upon information
3 and belief, Nikon's unauthorized, infringing sales are likely to cause irreparable
4 harm to RED, which cannot be adequately compensated by money damages. RED
5 therefore seeks a preliminary and permanent injunction enjoining Nikon from
6 infringing the claims of the '314 patent.

7 54. RED is informed and believes and thereupon alleges that Nikon's
8 infringement of the claims of the '314 patent has injured RED in at least the
9 following areas: lost sales and profits, reduced business, and injury to its general
10 reputation and industry standing. Damages to RED are not yet fully quantified or
11 measured and may not be ascertained without a proper accounting of Nikon's
12 sales and profits arising from its infringement. RED is also entitled to an increase
13 of damages up to three times the amount found or assessed at least due to Nikon's
14 willful and deliberate infringement. RED is also entitled to an award of its
15 attorneys' fees because Nikon's infringement presents an exceptional case.

16 **COUNT 4: PATENT INFRINGEMENT UNDER 35 U.S.C. § 271**

17 **Nikon Infringes Claims of the '976 Patent**

18 55. RED repeats, realleges, and incorporates by reference the allegations
19 set forth in paragraphs 1 through 32 of this Complaint.

20 56. Nikon directly and/or indirectly infringes claims of the '976 patent
21 under § 271.

22 57. RED is informed and believes and thereupon alleges that Nikon has
23 in the past infringed and is continuing to infringe literally or under the doctrine of
24 equivalents claims of the '976 patent in violation of § 271(a). Nikon and its
25 authorized agents make or manufacture, use or test or service, offer to sell, or sell
26 within the United States or import into the United States the accused products.
27 For example, RED is informed and believes and thereupon alleges that the
28 accused products practice directly or indirectly and literally or under the doctrine

1 of equivalents at least the claim or claims charted in Exhibit C-4.

2 58. RED is informed and believes and thereupon alleges that Nikon has
3 in the past and is continuing to induce infringement of the claims of the '976
4 patent in violation of § 271(b). Nikon has known of the patent and/or showed
5 willful blindness to the patent's existence and has instructed, taught, aided, and/or
6 encouraged users of the accused products to use or operate the products in a
7 manner that directly (literally or under the doctrine of equivalents) infringes the
8 '976 patent. RED is informed and believes and thereon alleges that Nikon
9 intended its end-users to infringe the '976 patent, as shown at least by Nikon
10 encouraging directs users of its Z9 cameras to download Z9-related manuals from
11 Nikon's Download Center and use the cameras in an infringing manner.

12 59. RED is informed and believes and thereupon alleges that Nikon has
13 in the past and is continuing to contribute to the infringement of the claims of
14 the '976 patent in violation of § 271(c). Upon information and belief, Nikon has
15 known of the patent or showed willful blindness to the patent's existence. It has
16 also known or shown willful blindness toward the direct (literally or under the
17 doctrine of equivalents) infringement of others. The accused products constitute
18 a material part of the patented inventions of the '976 patent and are not staple
19 articles or commodities of commerce suitable for substantial non-infringing use.
20 Nikon has known or shown willful blindness to the accused product having been
21 especially made or adapted for use in infringing claims of the '976 patent.

22 60. Nikon and RED are direct competitors in the video camera market.
23 Nikon sells its accused products in the same channels as RED. Upon information
24 and belief, Nikon's unauthorized, infringing sales are likely to cause irreparable
25 harm to RED, which cannot be adequately compensated by money damages. RED
26 therefore seeks a preliminary and permanent injunction enjoining Nikon from
27 infringing the claims of the '976 patent.

28

1 61. RED is informed and believes and thereupon alleges that Nikon's
2 infringement of the claims of the '976 patent has injured RED in at least the
3 following areas: lost sales and profits, reduced business, and injury to its general
4 reputation and industry standing. Damages to RED are not yet fully quantified or
5 measured and may not be ascertained without a proper accounting of Nikon's
6 sales and profits arising from its infringement. RED is also entitled to an increase
7 of damages up to three times the amount found or assessed at least due to Nikon's
8 willful and deliberate infringement. RED is also entitled to an award of its
9 attorneys' fees because Nikon's infringement presents an exceptional case.

10 **COUNT 5: PATENT INFRINGEMENT UNDER 35 U.S.C. § 271**

11 **Nikon Infringes Claims of the '384 Patent**

12 62. RED repeats, realleges, and incorporates by reference the allegations
13 set forth in paragraphs 1 through 32 of this Complaint.

14 63. Nikon directly and/or indirectly infringes claims of the '384 patent
15 under § 271.

16 64. RED is informed and believes and thereupon alleges that Nikon has
17 in the past infringed and is continuing to infringe literally or under the doctrine of
18 equivalents claims of this patent in violation of § 271(a). Nikon and its authorized
19 agents make or manufacture, use or test or service, offer to sell, or sell within the
20 United States or import into the United States the accused products. For example,
21 RED is informed and believes and thereupon alleges that the accused products
22 practice directly or indirectly and literally or under the doctrine of equivalents at
23 least the claim or claims charted in Exhibit C-5.

24 65. RED is informed and believes and thereupon alleges that Nikon has
25 in the past and is continuing to induce infringement of the claims of the '384
26 patent in violation of § 271(b). Nikon has known of the patent and/or showed
27 willful blindness to the patent's existence and has instructed, taught, aided, and/or
28 encouraged users of the accused products to use or operate the products in a

1 manner that directly (literally or under the doctrine of equivalents) infringes the
2 '384 patent. RED is informed and believes and thereon alleges that Nikon
3 intended its end-users to infringe the '384 patent, as shown at least by Nikon
4 encouraging directs users of its Z9 cameras to download Z9-related manuals from
5 Nikon's Download Center and use the cameras in an infringing manner.

6 66. RED is informed and believes and thereupon alleges that Nikon has
7 in the past and is continuing to contribute to the infringement of the claims of the
8 '384 patent in violation of § 271(c). Upon information and belief, Nikon has
9 known of the patent or showed willful blindness to the patent's existence. It has
10 also known or shown willful blindness toward the direct (literally or under the
11 doctrine of equivalents) infringement of others. The accused products constitute
12 a material part of the patented inventions of the '384 patent and are not staple
13 articles or commodities of commerce suitable for substantial non-infringing use.
14 Nikon has known or shown willful blindness to the accused product having been
15 especially made or adapted for use in infringing claims of the '384 patent.

16 67. Nikon and RED are direct competitors in the video camera market.
17 Nikon sells its accused products in the same channels as RED. Upon information
18 and belief, Nikon's unauthorized, infringing sales are likely to cause irreparable
19 harm to RED, which cannot be adequately compensated by money damages. RED
20 therefore seeks a preliminary and permanent injunction enjoining Nikon from
21 infringing the claims of the '384 patent.

22 68. RED is informed and believes and thereupon alleges that Nikon's
23 infringement of the claims of the '384 patent has injured RED in at least the
24 following areas: lost sales and profits, reduced business, and injury to its general
25 reputation and industry standing. Damages to RED are not yet fully quantified or
26 measured and may not be ascertained without a proper accounting of Nikon's
27 sales and profits arising from its infringement. RED is also entitled to an increase
28 of damages up to three times the amount found or assessed at least due to Nikon's

1 willful and deliberate infringement. RED is also entitled to an award of its
2 attorneys' fees because Nikon's infringement presents an exceptional case.

3 **COUNT 6: PATENT INFRINGEMENT UNDER 35 U.S.C. § 271**

4 **Nikon Infringes Claims of the '866 Patent**

5 69. RED repeats, realleges, and incorporates by reference the allegations
6 set forth in paragraphs 1 through 32 of this Complaint.

7 70. Nikon directly and/or indirectly infringes claims of the '866 patent
8 under § 271.

9 71. RED is informed and believes and thereupon alleges that Nikon has
10 in the past and is continuing to infringe literally or under the doctrine of
11 equivalents claims of this patent in violation of § 271(a). Nikon and its authorized
12 agents make or manufacture, use or test or service, offer to sell, or sell within the
13 United States or import into the United States the accused products. For example,
14 RED is informed and believes and thereupon alleges that the accused products
15 practice directly or indirectly and literally or under the doctrine of equivalents at
16 least the claim or claims charted in Exhibit C-6.

17 72. RED is informed and believes and thereupon alleges that Nikon has
18 in the past and is continuing to contribute to the infringement of the claims of the
19 '866 patent in violation of § 271(b). Nikon has known of the patent and/or showed
20 willful blindness to the patent's existence and has instructed, taught, aided, and/or
21 encouraged users of the accused products to use or operate the products in a
22 manner that directly (literally or under the doctrine of equivalents) infringes the
23 '866 patent. RED is informed and believes and thereon alleges that Nikon
24 intended its end-users to infringe the '866 patent, as shown at least by Nikon
25 encouraging directs users of its Z9 cameras to download Z9-related manuals from
26 Nikon's Download Center and use the cameras in an infringing manner.

27 73. RED is informed and believes and thereupon alleges that Nikon has
28 in the past infringed and is continuing to infringe the claims of the '866 patent in

1 violation of § 271(c). Upon information and belief, Nikon has known of the patent
2 or showed willful blindness to the patent's existence. It has also known or shown
3 willful blindness toward the direct (literally or under the doctrine of equivalents)
4 infringement of others. The accused products constitute a material part of the
5 patented inventions of the '866 patent and are not staple articles or commodities
6 of commerce suitable for substantial non-infringing use. Nikon has known or
7 shown willful blindness to the accused product having been especially made or
8 adapted for use in infringing claims of the '866 patent.

9 74. Nikon and RED are direct competitors in the video camera market.
10 Nikon sells its accused products in the same channels as RED. Upon information
11 and belief, Nikon's unauthorized, infringing sales are likely to cause irreparable
12 harm to RED, which cannot be adequately compensated by money damages. RED
13 therefore seeks a preliminary and permanent injunction enjoining Nikon from
14 infringing the claims of the '866 patent.

15 75. RED is informed and believes and thereupon alleges that Nikon's
16 infringement of the claims of the '866 patent has injured RED in at least the
17 following areas: lost sales and profits, reduced business, and injury to its general
18 reputation and industry standing. Damages to RED are not yet fully quantified or
19 measured and may not be ascertained without a proper accounting of Nikon's
20 sales and profits arising from its infringement. RED is also entitled to an increase
21 of damages up to three times the amount found or assessed at least due to Nikon's
22 willful and deliberate infringement. RED is also entitled to an award of its
23 attorneys' fees because Nikon's infringement presents an exceptional case.

24 **COUNT 7: PATENT INFRINGEMENT UNDER 35 U.S.C. § 271**

25 **Nikon Infringes Claims of the '168 Patent**

26 76. RED repeats, realleges, and incorporates by reference the allegations
27 set forth in paragraphs 1 through 32 of this Complaint.
28

1 77. Nikon directly and/or indirectly infringes claims of the '168 patent
2 under § 271.

3 78. RED is informed and believes and thereupon alleges that Nikon has
4 in the past and is continuing to infringe literally or under the doctrine of
5 equivalents claims of this patent in violation of § 271(a). Nikon and its authorized
6 agents make or manufacture, use or test or service, offer to sell, or sell within the
7 United States or import into the United States the accused products. For example,
8 RED is informed and believes and thereupon alleges that the accused products
9 practice directly or indirectly and literally or under the doctrine of equivalents at
10 least the claim or claims charted in Exhibit C-7.

11 79. RED is informed and believes and thereupon alleges that Nikon has
12 in the past and is continuing to contribute to the infringement of the claims of the
13 '168 patent in violation of § 271(b). Nikon has known of the patent and/or showed
14 willful blindness to the patent's existence and has instructed, taught, aided, and/or
15 encouraged users of the accused products to use or operate the products in a
16 manner that directly (literally or under the doctrine of equivalents) infringes the
17 '168 patent. RED is informed and believes and thereon alleges that Nikon
18 intended its end-users to infringe the '168 patent, as shown at least by Nikon
19 encouraging directs users of its Z9 cameras to download Z9-related manuals from
20 Nikon's Download Center and use the cameras in an infringing manner.

21 80. RED is informed and believes and thereupon alleges that Nikon has
22 in the past infringed and is continuing to infringe the claims of the '168 patent in
23 violation of § 271(c). Upon information and belief, Nikon has known of the patent
24 or showed willful blindness to the patent's existence. It has also known or shown
25 willful blindness toward the direct (literally or under the doctrine of equivalents)
26 infringement of others. The accused products constitute a material part of the
27 patented inventions of the '168 patent and are not staple articles or commodities
28 of commerce suitable for substantial non-infringing use. Nikon has known or

1 shown willful blindness to the accused product having been especially made or
2 adapted for use in infringing claims of the '168 patent.

3 81. Nikon and RED are direct competitors in the video camera market.
4 Nikon sells its accused products in the same channels as RED. Upon information
5 and belief, Nikon's unauthorized, infringing sales are likely to cause irreparable
6 harm to RED, which cannot be adequately compensated by money damages. RED
7 therefore seeks a preliminary and permanent injunction enjoining Nikon from
8 infringing the claims of the '168 patent.

9 82. RED is informed and believes and thereupon alleges that Nikon's
10 infringement of the claims of the '168 patent has injured RED in at least the
11 following areas: lost sales and profits, reduced business, and injury to its general
12 reputation and industry standing. Damages to RED are not yet fully quantified or
13 measured and may not be ascertained without a proper accounting of Nikon's
14 sales and profits arising from its infringement. RED is also entitled to an increase
15 of damages up to three times the amount found or assessed at least due to Nikon's
16 willful and deliberate infringement. RED is also entitled to an award of its
17 attorneys' fees because Nikon's infringement presents an exceptional case.

18 **PRAYER FOR RELIEF**

19 **WHEREFORE**, RED prays for judgment in its favor and against Nikon,
20 including, but not limited to, granting the following requested relief:

- 21 A. An order adjudging Nikon to have:
- 22 i directly infringed the '967 patent;
- 23 ii induced the direct infringement of the '967 patent by others;
- 24 and
- 25 iii contributed to the direct infringement of the '967 patent by
- 26 others.
- 27 B. An order adjudging the '967 patent to be valid and enforceable;
- 28 C. An order adjudging Nikon to have:

- 1 i directly infringed the '560 patent;
- 2 ii induced the direct infringement of the '560 patent by others;
- 3 and
- 4 iii contributed to the direct infringement of the '560 patent by
- 5 others.
- 6 D. An order adjudging the '560 patent to be valid and enforceable;
- 7 E. An order adjudging Nikon to have:
 - 8 i directly infringed the '314 patent;
 - 9 ii induced the direct infringement of the '314 patent by others;
 - 10 and
 - 11 iii contributed to the direct infringement of the '314 patent by
 - 12 others.
- 13 F. An order adjudging the '314 patent to be valid and enforceable;
- 14 G. An order adjudging Nikon to have:
 - 15 i directly infringed the '976 patent;
 - 16 ii induced the direct infringement of the '976 patent by others;
 - 17 and
 - 18 iii contributed to the direct infringement of the '976 patent by
 - 19 others.
- 20 H. An order adjudging the '976 patent to be valid and enforceable;
- 21 I. An order adjudging Nikon to have:
 - 22 i directly infringed the '384 patent;
 - 23 ii induced the direct infringement of the '384 patent by others;
 - 24 and
 - 25 iii contributed to the direct infringement of the '384 patent by
 - 26 others.
- 27 J. An order adjudging the ' 384 patent to be valid and enforceable;
- 28 K. An order adjudging Nikon to have:

- 1 i directly infringed the '866 patent;
- 2 ii induced the direct infringement of the '866 patent by others;
- 3 and
- 4 iii contributed to the direct infringement of the '866 patent by
- 5 others.

6 L. An order adjudging the '866 patent to be valid and enforceable;

7 M. An order adjudging Nikon to have:

- 8 iv directly infringed the '168 patent;
- 9 v induced the direct infringement of the '168 patent by others;
- 10 and
- 11 vi contributed to the direct infringement of the '168 patent by
- 12 others.

13 N. An order adjudging the '168 patent to be valid and enforceable;

14 O. For an injunction enjoining Nikon, as well as their officers, agents,

15 servants,

16 employees, attorneys, and those persons in active concert or participation with

17 Nikon, from infringing the asserted patents;

18 P. An accounting of Nikon's gains, profits, and advantages derived

19 from its infringement of the asserted patents, and an order that Nikon pay RED

20 actual damages in the form of lost profits or alternatively other damages adequate

21 to compensate RED for losses arising from Nikon's infringement, but in no event

22 less than a reasonable royalty for Nikon's use of RED's patented inventions.

23 Q. An order adjudging that for each of the asserted patents, Nikon's

24 infringement has been willful and deliberate;

25 R. An order adjudging that this case is exceptional and ordering Nikon

26 to pay to RED reasonable attorney fees it has incurred in this action.

27 S. An order trebling the damages and/or awarding exemplary damages.

28 T. An order awarding reasonable costs, expenses, and attorneys' fees.

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- U. An order awarding pre-judgment and post-judgement interest.
- V. An order awarding any other relief that the Court may deem just and proper.

Respectfully submitted,
WEEKS NELSON

Dated: May 25, 2022

By: /s/ Gregory K. Nelson
Gregory K. Nelson
Attorney for Plaintiff Red.com, LLC

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DEMAND FOR JURY TRIAL

RED.com LLC hereby demands a trial by jury on all issues so triable.

Respectfully submitted,
WEEKS NELSON

Dated: May 25, 2022

By: /s/ Gregory K. Nelson
Gregory K. Nelson
Attorney for Plaintiff Red.com, LLC

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TABLE OF EXHIBITS

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	Exhibit	Description
	1.	RED-PAT-1 U.S. Patent No. 7,830,967
	2.	RED-PAT-2 U.S. Patent No. 8,174,560 C1
	3.	RED-PAT-3 U.S. Patent No. 9,245,314
	4.	RED-PAT-4 U.S. Patent No. 9,436,976
	5.	RED-PAT-5 U.S. Patent No. 9,521,384
	6.	RED-PAT-6 U.S. Patent No. 9,716,866
	7.	RED-PAT-7 U.S. Patent No. 10,582,168
	8.	Ex. C-1 Claim Chart for the '967 Patent
	9.	Ex. C-2 Claim Chart for the '560 Patent
	10.	Ex. C-3 Claim Chart for the '314 Patent
	11.	Ex. C-4 Claim Chart for the '976 Patent
	12.	Ex. C-5 Claim Chart for the '384 Patent
	13.	Ex. C-6 Claim Chart for the '866 Patent
	14.	Ex. C-7 Claim Chart for the '168 Patent
	15.	NIKON- INF-1 Z9 User Manual
	16.	NIKON- INF-2 Z9 Reference Guide with Firmware Version 2.0
	17.	NIKON- INF-3 Z9 Reference Guide
	18.	NIKON- INF-4 Z9 Bayer CFA Pattern Compression

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