

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

DIGIMEDIA TECH, LLC,

Plaintiff,

v.

NIKON INC., and NIKON AMERICAS INC.,

Defendants.

CIVIL ACTION

NO. 2:20-cv-2640

**Jury Trial Demanded**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff DigiMedia Tech, LLC (“Plaintiff”) files this Complaint for Patent Infringement against Defendant, and states as follows:

**THE PARTIES**

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Georgia, having its principal office at 44 Milton Ave., Suite 254, Alpharetta, GA 30009.

2. Defendant Nikon Inc. (“Nikon”) is a corporation organized and existing under the laws of the State of New York, with a principal office located at 1300 Walt Whitman Rd., Melville, NY 11747, which is in this judicial district.

3. Defendant Nikon Americas Inc. (“Nikon Americas”) is a corporation organized and existing under the laws of the State of Delaware, with a principal office located at 1300 Walt Whitman Rd., Melville, NY 11747, which is in this judicial district.

## **JURISDICTION AND VENUE**

4. This Court has exclusive subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a) on the grounds that this action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285.

5. This Court has personal jurisdiction over Defendants because Defendants have minimum contacts with the State of New York and have purposefully availed themselves of the privileges of conducting business in the State of New York. For example, on information and belief, Defendants have sold or offered to sell infringing products in the State of New York and in this Judicial District, or have manufactured accused products and provided them to intermediaries for distribution throughout the country, including in the State of New York and this Judicial District, with knowledge of this distribution.

6. Venue is proper in this Court as to Defendants pursuant to 28 U.S.C. § 1391, and 28 U.S.C. § 1400(b) on the grounds that Defendants have committed acts of infringement in and maintain a regular and established place of business in this Judicial District.

## **FACTUAL BACKGROUND**

### ***The '635 Patent***

7. Plaintiff is the owner by assignment of all right, title, and interest in and to United States Patent No. 6,914,635, entitled “Microminiature Zoom System for Digital Camera” (“the '635 patent”), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the United States Patent and Trademark Office (“USPTO”).

8. A true and correct copy of the '635 patent is attached hereto as Exhibit A. The '635 patent is incorporated herein by reference.

9. The application that became the '635 patent was filed on February 8, 2001.

10. The '635 patent issued on July 5, 2005, after a full and fair examination by the USPTO.

11. The '635 patent is valid and enforceable and directed to eligible subject matter.

12. The elements recited in the asserted claims of the '635 patent were not well-understood, routine, or conventional when the application that became the '635 patent was filed.

13. The claims of the '635 patent are directed to technical solutions to the technical problem of providing zoom, autofocus, and other features to increasingly compact digital cameras. Other features the claimed invention enables include such things as anti-shake and image stabilization. The '635 patent discloses and claims technical solutions to providing such features in increasingly compact digital cameras through, for example, a micro-electromechanical system support mechanism with at least two positions of movement. The claims of the '635 patent thus allow features like zoom, autofocus, anti-shake, and image stabilization to be provided even in increasingly compact digital cameras. The inventions claimed in the '635 patent therefore provide technical solutions to this technical problem, are not abstract, and claim patentable subject matter.

*The '706 Patent*

14. Plaintiff is the owner by assignment of all right, title, and interest in and to United States Patent No. 6,545,706, entitled “System, Method and Article of Manufacture for Tracking a Head of a Camera-Generated Image of a Person” (“the ’706 patent”), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the USPTO.

15. A true and correct copy of the ’706 patent is attached hereto as Exhibit B. The ’706 patent is incorporated herein by reference.

16. The application that became the ’706 patent was filed on July 30, 1999.

17. The ’706 patent issued on April 8, 2008, after a full and fair examination by the USPTO.

18. The ’706 patent is valid and enforceable and directed to eligible subject matter.

19. The elements recited in the asserted claims of the ’706 patent were not well-understood, routine, or conventional when the application that became the ’706 patent was filed.

20. The claims of the ’706 patent are directed to technical solutions to the technical problem of how to identify a head in an image. One of various reasons this is important is to assist in focusing a digital camera. Since many camera users are not trained in how to properly focus a camera, and because many photographs are candid shots of moving subjects, the problem calls for technical solutions. The ’706 patent discloses and claims such technical solutions. For example, the ’706 patent recognized that while a number of different techniques could be used to identify a head portion of a

subject in an image, no single technique is foolproof. Thus, the '706 patent discloses applying at least two techniques to identify a head portion and basing the detection of heads on the results of the two techniques. This approach overcomes a problem that any particular technique may be fooled by or rendered inapplicable by particular circumstances (e.g., lighting conditions, orientation of the subject to the camera, etc.). The inventions claimed in the '706 patent therefore provide technical solutions to this technical problem, are not abstract, and claim patentable subject matter.

### *The '476 Patent*

21. Plaintiff is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,715,476, entitled “System, Method and Article of Manufacture for Tracking a Head of a Camera-Generated Image of a Person” (“the '476 patent”), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the USPTO.

22. A true and correct copy of the '476 patent is attached hereto as Exhibit C. The '635 patent is incorporated herein by reference.

23. The application that became the '476 patent was filed on April 21, 2005.

24. The '476 patent claims priority to the application that became the '706 patent, filed on July 30, 1999.

25. The '476 patent issued on May 11, 2010, after a full and fair examination by the USPTO.

26. The '476 patent is valid and enforceable and directed to eligible subject matter.

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