

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

OPTIMUM IMAGING TECHNOLOGIES  
LLC

Plaintiff,

v.

CANON INC.,

Defendant.

Case No.

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Optimum Imaging Technologies LLC (“OIT” or “Plaintiff”) brings this action under the patent laws of the United States, Title 35 of the United States Code, and makes the following allegations against Canon Inc. (“Canon” or “Defendant”) upon information and belief:

**THE PARTIES**

1. Plaintiff OIT is a Texas limited liability company founded in 2009 and with an address at 8701 Shoal Creek Blvd # 405, Austin, Texas 78757.

2. Upon information and belief, Defendant Canon is a corporation organized and existing under the laws of Japan. Its principal place of business is located at 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*

4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331, 1338, and 1367.

5. This Court has personal jurisdiction over Canon because it, directly and through its subsidiaries, divisions, groups, or distributors, has sufficient minimum contacts with this forum as a result of business conducted within the State of Texas, and/or pursuant to Fed. R. Civ. P. 4(k)(2). On information and belief, Canon transacts substantial business in the State of Texas, directly and through agents, including: (i) at least a portion of the infringement alleged herein, and (ii) regularly does or solicits business in Texas, engages in other persistent courses of conduct, maintains continuous and systematic contacts within this Judicial District, purposefully avails itself of the privilege of doing business in Texas, and/or derives substantial revenue from services provided in Texas. For example, on information and belief, Canon sells its products, including those that infringe the Patents-in-Suit, into this district.

6. Furthermore, upon information and belief, Defendant has purposefully and voluntarily placed one or more infringing products into the stream of commerce with the expectation that they will be purchased and/or used by residents of this judicial District, including by directly and indirectly working with distributors, and other entities located in the State of Texas, to ensure the accused products reach the State of Texas and this judicial District, including in the Marshall Division.

7. Defendant also maintains commercial websites accessible to residents of the State of Texas and this judicial District, through which Defendant promotes and facilitates sales of the infringing products. For example, Defendant's website <https://global.canon/en/index.html> is accessible to consumers in the United States, including those in the State of Texas and this judicial District, where Canon supplies information about products that can be purchased from online

stores such as Amazon, as well as brick-and-mortar stores located in this judicial District, including Target, Walmart, Costco, and Best Buy.

8. Defendant further availed itself to this District in a separate lawsuit, *Canon Inc. v. TCL Electronics Holdings, Ltd.*, 2:18-cv-546 (E.D. Tex) filed on December 27, 2018, where Defendant filed the suit as a plaintiff in a patent infringement lawsuit. In so doing, Defendant used this Court's judicial resources and received protections from this District's rules and laws. Furthermore, in the Complaint in that action Defendant also set forth that voluntary participation in another lawsuit in this District is a basis for jurisdiction and venue over that party. *See* Exhibit C, ¶¶ 7-11.

9. This Court has general jurisdiction over Defendant due to its continuous and systematic contacts with the State of Texas and this jurisdiction. Further, Defendant is subject to this Court's jurisdiction because it has committed patent infringement in the State of Texas and this jurisdiction.

10. Thus, Defendant has established minimum contacts with the State of Texas and the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

11. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b), (c) and 1400(b) because (i) Defendant has done and continues to do business in this district; (ii) Defendant has committed and continues to commit acts of patent infringement in this district, including making, using, offering to sell, and/or selling accused products in this district, and/or importing accused products into this district, including by internet sales and sales via retail and wholesale stores, and/or inducing others to commit acts of patent infringement in this district; and (iii) Defendant is foreign entity. 28 U.S.C. § 1391(c)(3) provides that "a defendant not resident in the United States may be sued in any judicial district." *See also Brunette Machine Works v. Kockum*

*Industries, Inc.*, 406 U.S. 706 (1972), holding that venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b) when Defendant is a foreign entity.

### **FACTUAL ALLEGATIONS**

12. Neal Solomon is the sole inventor of U.S. Patent No. 7,612,805, entitled “Digital Imaging System and Methods for Selective Image Filtration” (Exhibit A, “’805 Patent”) and a continuation from the ‘805 application, U.S. Patent No. 8,451,339, entitled “Digital Imaging System for Correcting Image Aberrations” (Exhibit B, “’339 Patent”) (collectively the “Asserted Patents”). The Asserted Patents share the same specification and priority date of July 11, 2006.

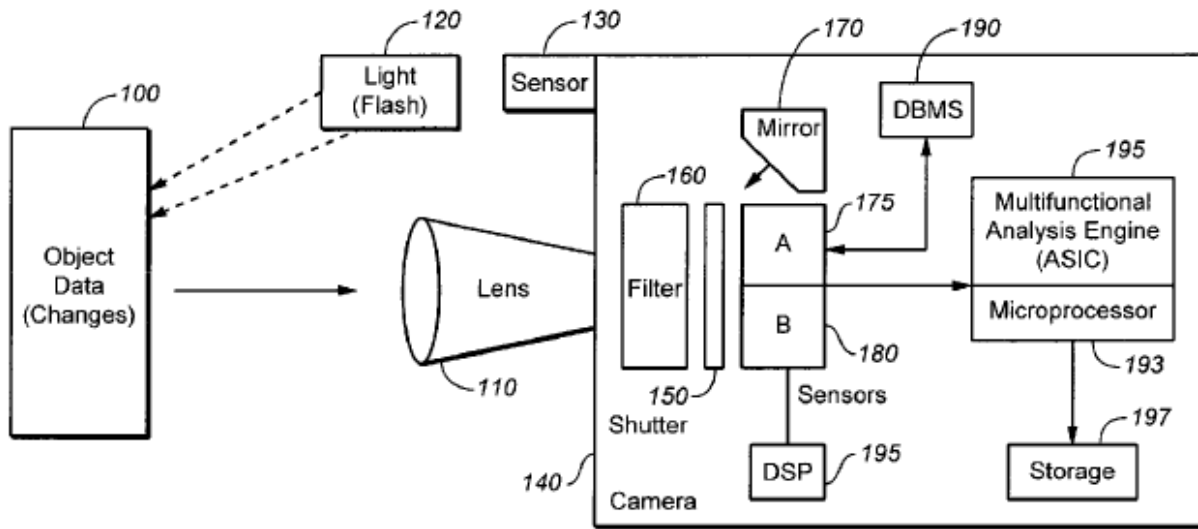
13. OIT, a Texas limited liability company formed by Mr. Solomon in 2009, owns the Asserted Patents.

14. The Asserted Patents are directed toward digital imaging systems, namely in-camera systems for filtering and correcting image aberrations or distortions. The systems as claimed relate to a combination of hardware and software throughout the cameras. The Abstract for the ‘339 patent, for example, states as follows:

A system is disclosed for the automated correction of optical and digital aberrations in a digital imaging system. The system includes (a) digital filters, (b) hardware modifications and (c) digital system corrections. The system solves numerous problems in still and video photography that are presented in the digital imaging environment.

15. The Asserted Patents describe a tangible system comprising aberration correction software particular to various types of lenses, a database system for useful access to that software, and specially designed processors which operate on that software to correct specifically enumerated aberrations. The Asserted Patents describe a claimed combination of dedicated elements and processes that were not, at the time of invention, well-understood, routine, or conventional.

16. An exemplary embodiment is shown in Figure 1 of each of the Asserted Patents:



17. Defendant imports, has imported, sells, has sold for sale and/or offers for sale in the United States cameras and lenses that are not made or licensed by OIT and that infringe the Asserted Patents (“Infringing Products”).

18. Canon markets its Infringing Products specifically extolling the functionality of the Asserted Patents. As one example, Canon markets infringing functionality of Infringing Products as “lens aberration correction” in published material including at least online material for Canon cameras. Manuals for Canon cameras, for example, the user manual for the Canon EOS 70D, include instructions for using the aberration correction capabilities of the camera. Lens aberration correction is further included in the camera-user interface:

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.