

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

HS ASSET AND TECHNOLOGY, LLC  
700 Lavaca STE 1401,  
Austin TX 78701  
United States

Plaintiff,

v.

OLYMPUS CORPORATION OF THE AMERICAS  
3500 Corporate Parkway  
Center Valley, PA 18034-0610  
United States

and

OLYMPUS CORPORATION  
Shinjuku Monolith, 2-3-1 Nishi-Shinjuku  
Shinjuku-ku, Tokyo 163-0914  
Japan

Defendants.

Civil Action No.: 16-6390-FB-RER

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, HS Asset and Technology, LLC (“HSAT”), through its counsel, brings this Complaint for patent infringement against Defendants Olympus Corporation of The Americas (OCA) and Olympus Corporation (OC) (collectively “Olympus”) as follows.

**JURISDICTION AND VENUE**

1. This is an action for patent infringement under Title 35 of the United States Code §§281 and 271 (a) (b) and/or (c) for infringement of US Patent 9,264,614 (the '614 patent).

2. This Court has jurisdiction over patent claims under 35 U.S.C. §281 and 28 U.S.C. §§1331, 1338(a) providing for federal question jurisdiction of actions relating to patents and trademarks.

3. Defendant OCA is currently engaged in importing, manufacturing, using, offering for sale and/or selling, products which infringe claims of the '614 patent throughout the United States, including sales within this judicial district. Defendant OC is currently engaged in manufacturing and selling into the United States products which infringe claims of the '614 patent, including sales of products within this judicial district. Defendants are also inducing others to sell and use and contributing to the sale and use of infringing products.

4. Jurisdiction and Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (c) and §1400(a) and (b). Plaintiff HSAT is a Texas Corporation, Defendant Olympus Corporation of The Americas is a domestic corporation with principal place of business in Pennsylvania (Lehigh county), and has several facilities within this the Eastern District of New York. OCA imports and sells accused products within this District. Defendant Olympus Corporation is a foreign corporation located in Japan. Defendant OC manufactures accused products and ships and sells product into the United States. Defendants sell the accused products in this Judicial District and throughout the United States.

#### **THE PARTIES AND GENERAL ALLEGATIONS**

5. Plaintiff, HSAT is a Texas Limited Liability Company and is the owner by assignment of the entire interests in and to United States Letters Patent Numbers 9,264,614 (the '614 patent), issued on February 16, 2016, naming Mr. Hidehiko Nakajima as the sole inventor.

6. Defendant, OCA, upon information and belief, is a Delaware corporation with a principal place of business in Pennsylvania and facilities in The Eastern District of New York.

Defendant Olympus Corporation is a Japanese Corporation with principal place of business in Tokyo Japan.

7. Upon information and belief, both OCA and Olympus Corporation manufacture accused products, import accused products and distribute accused products nationwide in the United States. OCA uses, sells and offers to sell Accused Products within the United States. Both Defendants induce and contribute to the sale and use by others within the United States. Accused Products include digital cameras which include a rotary switch, a state changing switch and a restricting member which interact to control the functional settings of the camera in a manner claimed in the '614 patent. Olympus cameras which infringe include cameras known as Olympus Stylus 1S, Olympus Stylus 1, and Olympus Stylus XZ-2 as well as other models (the "Accused Products").

8. Details of the specific correspondence between the elements of the claims of the patents-in-suit and the presently identified Accused Products is detailed in the Claim Charts attached hereto and incorporated fully by reference into this Amended Complaint.

#### **THE 9,264,614 PATENT IN SUIT**

9. U. S. Patent 9,264,614 is entitled "*Digital Camera with Rotary Switch*".

10. U.S. Patent 9,264,614 includes exemplary independent system claim 1:

Claim 1.

A digital camera, comprising:

- a rotary switch,
- a state changing switch, and
- a restricting member, wherein:

- the rotary switch has a surface with a plurality of depressed portions or trough portions, and the restricting member engages with the depressed portion or the trough portion of the rotary switch in a case where a restricted state is set by the state changing switch so as to restrict rotation of the rotary switch, such that engagement and disengagement of the restricting member with the depressed

portion or the trough portion of the rotary switch mechanically generate a clicking feel;

a rotating operation of the rotary switch causes a control corresponding to first and second functions respectively assigned to two states selected by the state changing switch;

the state changing switch is configured to switch between two states, independently of a third function other than the first and second functions assigned to the respective states of the rotary switch, the two states including the restricted state and a non-restricted state;

in the restricted state,

the rotation of the rotary switch is restricted with the clicking feel,

and

a function of at least one of a shutter speed and an aperture as the first function with discrete output values is related to the rotating operation of the rotary switch;

in the non-restricted state,

the rotation of the rotary switch is not restricted and does not generate the clicking feel, and

a function of at least one of focusing, and a zoom magnification of a lens, as the second function with continuous output values, is related to the rotating operation of the rotary switch; and

the restricting member comprises a mechanical structure that restricts rotation of the rotary switch in a case where the restricted state is set by the state changing switch.

### **THE ACCUSED PRODUCTS**

11. Olympus manufactures, maintains, sells and distributes nationwide, digital cameras which include a rotary switch, a state changing switch and a restricting member which interact to control the functional settings of the camera in a manner claimed in the '614 Patent. Camera models presently known to Plaintiff, including the Olympus Stylus 1S, Olympus Stylus 1, and Olympus Stylus XZ-2, are Accused Products. Plaintiff has identified Olympus cameras, including the Olympus and its Olympus Stylus 1S, Olympus Stylus 1, and Olympus Stylus XZ-2, which provide a digital camera including a rotary switch, a state changing switch unit, and a restricting member, additional infringing cameras and model identifiers are also being introduced into the market. Plaintiff anticipates identification of additional infringing models

during discovery. The details of infringement of the presently identified accused products are found in the claim charts attached hereto and incorporated fully by reference into this Amended Complaint.

12. Details of the specific correspondence between the elements of the claims of the patents-in-suit and the presently identified Accused Products is detailed in the Claim Charts attached hereto and incorporated fully by reference into this Amended Complaint .

**COUNT I  
DIRECT INFRINGEMENT OF 9,264,614 BY OCA**

13. Olympus Corporation of America has directly infringed and continues to directly infringe one or more of the claims of the '614 patent under 35 U.S.C. 271(a) by: making, importing, using, selling and/or offering for sale, devices which infringe one or more claims of the '614 Patent, through the activities of OCA in connection with the manufacture and sale of digital cameras which include a rotary switch, a state changing switch and a restricting member which interact to control the functional settings of the camera in a manner claimed in the '614 patent, including models identified as Olympus Stylus 1, Stylus 1S and Stylus XZ-2, including the Accused Products described above.

14. Plaintiff is the owner of all rights, title and interest in and to and has had standing to sue for infringement of United States Letters Patent 9,264,614.

15. 35 U.S.C. §271(a) states:

"(a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent."

16. The '614 patent, as set forth in the claims, protects: "Digital Cameras." OCA makes, imports, uses, sells and offers to sell digital cameras. Certain models of OCA's cameras have been accused of infringement herein. Thus OCA is a direct infringer of the '614 patent.

17. Upon information and belief, Defendant OCA currently directly infringes and has directly infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

18. Plaintiff is entitled to recover damages from OCA including reasonable royalties and lost profits, sustained as a result of OCA's infringing acts under 35 U.S.C. §271 and §284.

19. Defendants have been aware of Plaintiff's rights in the patents in suit and of Plaintiff's intent to enforce those rights. Defendants have, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

20. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.

**COUNT II**  
**INDUCING INFRINGEMENT OF 9,264,614 BY OCA**

21. OCA has infringed and continues to infringe one or more of the claims of the '614 patent under 35 U.S.C. 271(b) by inducing others to infringe one or more of the claims of the '614 patent, through sale of devices which infringe the claims of the '614 Patent, which are resold (an induced act of infringement) and through the sale of infringing products which are used (an induced act of infringement), through the activities of OCA in connection with the importation, manufacture and/or sale of digital cameras which include a rotary switch, a state

changing switch and a restricting member which interact to control the functional settings of the camera in a manner claimed in the '614 patent, including the Accused Products described above.

22. OCA has induced and continues to induce others to infringe one or more of the claims of the '614 patent, through sales of accused products which are resold and through the sale of Accused Products which are used in an infringing manner to infringe one or more of the claims of the '614 patent.

23. 35 U.S.C. §271(b) states:

"Whoever actively induces infringement of a patent shall be liable as an infringer."

24. Plaintiff is the owner of all rights, title and interest in and to and has had standing to sue for infringement of United States Letters Patent 9,264,614.

25. The '614 patent, as set forth in the claims, protects: "Digital Cameras." OCA imports, uses, sells and offers to sell digital cameras. Certain models of OCA's cameras have been accused of infringement herein. OCA provides instructional material that instructs purchasers and users of its cameras on how to use the cameras in an infringing manner. The instructions include a description of the infringing components and the manner of use of the components. OCA's instructions induce and encourage infringing use. Thus OCA induces infringement when others re-sell or use the accused products which have been provided by OCA, with OCA's knowledge that such products infringe the '614 patent.

26. Upon information and belief, Defendant OCA currently infringes and has infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

27. Plaintiff is entitled to recover damages from OCA including reasonable royalties and lost profits, sustained as a result of OCA's infringing acts under 35 U.S.C. §271 and §284.

28. Defendants have been aware of Plaintiff's rights in the patents in suit and of Plaintiff's intent to enforce those rights. Defendants have, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

29. Plaintiff is entitled to damages for induced infringement as set forth in 35 USC §284 and §285.

**COUNT III  
CONTRIBUTORY INFRINGEMENT OF 9,264,614 BY OCA**

30. OCA has contributed to the infringement and continues to contribute to the infringement of one or more of the claims of the '614 patent under 35 USC 271(c) by contributing components to the use and/or sale of devices which infringe the claims of the '614 Patent, such components constituting a material part of the invention, and OCA knowing the components to be especially made and adapted for use in an infringement of the '614 patent. The components are not staple articles or commodities of commerce suitable for substantial noninfringing use. OCA's contribution of components includes importation and sale of components. OCA's importation and sale of components is in connection with the use and sale of components for digital cameras which include a rotary switch, a state changing switch and a restricting member which interact to control the functional settings of the camera in a manner claimed in the '614 patent, including the Accused Products described above.

31. 35 U.S.C. §271(c) states:

"(c) Whoever offers to sell or sells within the United States or imports into the United States a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a



staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer."

32. The '614 patent, as set forth in the claims, protects: "Digital Cameras." OCA imports, uses, sells and offers to sell digital cameras and digital camera components. Certain models of OCA's cameras have been accused of infringement herein. Thus when OCA sells parts, which constitute a material part of the invention, knowing the components to be especially made and adapted for use in an infringement of the '614 patent and the components are not a staple articles or commodities of commerce suitable for substantial noninfringing use, to others who combine them with other parts to create an accused device, OCA is a contributory infringer of the '614 patent.

33. OCA has contributed to the infringement of the '614 patent through its activities which import, sell and contribute parts and components of Accused Products which infringe claims of the '614 patent

34. Plaintiff is the owner of all rights, title and interest in and to and has had standing to sue for infringement of United States Letters Patent 9,264,614.

35. Upon information and belief, Defendant OAC currently contributes to the infringement and has contributed to the infringement of one or more of the claims of the '614 Patent under 35 U.S.C. §271(c) by the activities as described above.

36. Plaintiff is entitled to recover damages from OCA including reasonable royalties and lost profits, sustained as a result of OCA's infringing acts under 35 U.S.C. §271 and §284.

37. Defendants have been aware of Plaintiff's rights in the patents in suit and of Plaintiff's intent to enforce those rights. Defendants have, with full knowledge of those rights,

willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

38. Plaintiff is entitled to damages for contributory infringement as set forth in 35 USC 285 and 285.

**COUNT IV  
DIRECT INFRINGEMENT OF 9,264,614 BY OC**

39. Olympus Corporation has directly infringed and continues to directly infringe one or more of the claims of the '614 patent under 35 U.S.C. 271(a) by: making, importing, using, selling and/or offering for sale, devices which infringe one or more claims of the '614 Patent, through the activities of OC in connection with the manufacture and sale of digital cameras which include a rotary switch, a state changing switch and a restricting member which interact to control the functional settings of the camera in a manner claimed in the '614 patent, including models identified as Olympus Stylus 1, Stylus 1S and Stylus XZ-2, including the Accused Products described above.

40. Plaintiff is the owner of all rights, title and interest in and to and has had standing to sue for infringement of United States Letters Patent 9,264,614.

41. 35 U.S.C. §271(a) states:

"(a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent."

42. The '614 patent, as set forth in the claims, protects: "Digital Cameras." OC makes, imports, uses, sells and offers to sell digital cameras. Certain models of OC's cameras have been accused of infringement herein. Thus OC is a direct infringer of the '614 patent.

43. Upon information and belief, Defendant OC currently directly infringes and has directly infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

44. Plaintiff is entitled to recover damages from OC including reasonable royalties and lost profits, sustained as a result of OC's infringing acts under 35 U.S.C. §271 and §284.

45. Defendants have been aware of Plaintiff's rights in the patents in suit and of Plaintiff's intent to enforce those rights. Defendants have, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

46. Plaintiff is entitled to damages for direct infringement as set forth in 35 USC §284 and §285.

**COUNT V**  
**INDUCING INFRINGEMENT OF 9,264,614 BY OC**

47. OC has infringed and continues to infringe one or more of the claims of the '614 patent under 35 U.S.C. 271(b) by inducing others to infringe one or more of the claims of the '614 patent, through sale of devices which infringe the claims of the '614 Patent, which are resold (an induced act of infringement) and through the sale of infringing products which are used (an induced act of infringement), through the activities of OC in connection with the importation, manufacture and/or sale of digital cameras which include a rotary switch, a state changing switch and a restricting member which interact to control the functional settings of the camera in a manner claimed in the '614 patent, including the Accused Products described above.

48. OC has induced and continues to induce others to infringe one or more of the claims of the '614 patent, through sales of accused products which are resold and through the

sale of Accused Products which are used in an infringing manner to infringe one or more of the claims of the '614 patent.

49. 35 U.S.C. §271(b) states:

"Whoever actively induces infringement of a patent shall be liable as an infringer."

50. Plaintiff is the owner of all rights, title and interest in and to and has had standing to sue for infringement of United States Letters Patent 9,264,614.

51. The '614 patent, as set forth in the claims, protects: "Digital Cameras." OC imports, uses, sells and offers to sell digital cameras. Certain models of OC's cameras have been accused of infringement herein. OC provides instructional material that instructs purchasers and users of its cameras on how to use the cameras in an infringing manner. The instructions include a description of the infringing components and the manner of use of the components. OC's instructions induce and encourage infringing use. Thus OC induces infringement when others re-sell or use the accused products which have been provided by OC, with OC's knowledge that such products infringe the '614 patent.

52. Upon information and belief, Defendant OC currently infringes and has infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

53. Plaintiff is entitled to recover damages from OC including reasonable royalties and lost profits, sustained as a result of OC's infringing acts under 35 U.S.C. §271 and §284.

54. Defendants have been aware of Plaintiff's rights in the patents in suit and of Plaintiff's intent to enforce those rights. Defendants have, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

55. Plaintiff is entitled to damages for induced infringement as set forth in 35 USC §284 and §285.

**COUNT VI  
CONTRIBUTORY INFRINGEMENT OF 9,264,614 BY OC**

56. OC has contributed to the infringement and continues to contribute to the infringement of one or more of the claims of the '614 patent under 35 USC 271(c) by contributing components to the use and/or sale of devices which infringe the claims of the '614 Patent, such components constituting a material part of the invention, and OC knowing the components to be especially made and adapted for use in an infringement of the '614 patent. The components are not staple articles or commodities of commerce suitable for substantial noninfringing use. OC's contribution of components includes importation and sale of components. OC's importation and sale of components is in connection with the use and sale of components for digital cameras which include a rotary switch, a state changing switch and a restricting member which interact to control the functional settings of the camera in a manner claimed in the '614 patent, including the Accused Products described above.

57. 35 U.S.C. §271(c) states:

"(c) Whoever offers to sell or sells within the United States or imports into the United States a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer."

58. The '614 patent, as set forth in the claims, protects: "Digital Cameras." OC imports, uses, sells and offers to sell digital cameras and digital camera components. Certain models of OC's cameras have been accused of infringement herein. Thus when OCA sells parts,

which constitute a material part of the invention, knowing the components to be especially made and adapted for use in an infringement of the '614 patent and the components are not a staple articles or commodities of commerce suitable for substantial noninfringing use, to others who combine them with other parts to create an accused device, OC is a contributory infringer of the '614 patent.

59. OC has contributed to the infringement of the '614 patent through its activities which import, sell and contribute parts and components of Accused Products which infringe claims of the '614 patent

60. Plaintiff is the owner of all rights, title and interest in and to and has had standing to sue for infringement of United States Letters Patent 9,264,614.

61. Upon information and belief, Defendant OA currently contributes to the infringement and has contributed to the infringement of one or more of the claims of the '614 Patent under 35 U.S.C. §271(c) by the activities as described above.

62. Plaintiff is entitled to recover damages from OC including reasonable royalties and lost profits, sustained as a result of OC's infringing acts under 35 U.S.C. §271 and §284.

63. Defendants have been aware of Plaintiff's rights in the patents in suit and of Plaintiff's intent to enforce those rights. Defendants have, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

64. Plaintiff is entitled to damages for contributory infringement as set forth in 35 USC 285 and 285.

**COUNT VII**  
**INDUCING IMPORTATION INFRINGEMENT OF 9,264,614**

65. OC has infringed and continues to infringe one or more of the claims of the '614 patent under 35 U.S.C. 271(b) by inducing OCA to infringe one or more of the claims of the '614 patent by importation of Accused Products sold to OCA by OC outside of the United States, which infringe the claims of the '614 Patent, which are then imported into the United States by OCA (an induced act of infringement).

66. 35 U.S.C. §271(a) states:

"(a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent."

67. Importation is an act of infringement.

68. 35 U.S.C. §271(b) states:

"Whoever actively induces infringement of a patent shall be liable as an infringer."

69. Inducing someone to import is an act of inducing infringement.

70. Plaintiff is the owner of all rights, title and interest in and to and has had standing to sue for infringement of United States Letters Patent 9,264,614.

71. The '614 patent, as set forth in the claims, protects: "Digital Cameras." OC manufactures accused digital cameras outside of the United States. OC sells cameras to OCA outside of the United States and induces OCA to import those cameras into the United States, for resale. Thus OC induces infringement when OCA imports accused products into the United States, with OC's knowledge that such products infringe the '614 patent.

72. Upon information and belief, Defendant OC currently infringes and has infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

73. Plaintiff is entitled to recover damages from OC including reasonable royalties and lost profits, sustained as a result of OC's infringing acts under 35 U.S.C. §271 and §284.

74. Defendants have been aware of Plaintiff's rights in the patents in suit and of Plaintiff's intent to enforce those rights. Defendants have, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

75. Plaintiff is entitled to damages for induced infringement as set forth in 35 USC §284 and §285.

**COUNT VIII**  
**INDUCING IMPORTATION INFRINGEMENT OF 9,264,614**

76. OCA has infringed and continues to infringe one or more of the claims of the '614 patent under 35 U.S.C. 271(b) by inducing OC to import Accused Products into the United States which infringe one or more of the claims of the '614 patent. Accused Products purchased by OCA made by OC outside of the United States, which infringe the claims of the '614 Patent, are then imported into the United States by OC (an induced act of infringement).

77. 35 U.S.C. §271(a) states:

"(a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent."

78. Importation is an act of infringement.



79. 35 U.S.C. §271(b) states:

"Whoever actively induces infringement of a patent shall be liable as an infringer."

80. Inducing someone to import is an act of inducing infringement.

81. Plaintiff is the owner of all rights, title and interest in and to and has had standing to sue for infringement of United States Letters Patent 9,264,614.

82. The '614 patent, as set forth in the claims, protects: "Digital Cameras." OC manufactures accused digital cameras outside of the United States. OCA purchases cameras made by OC outside of the United States and then induces OC to import those cameras into the United States, for delivery to OCA. Thus OCA induces infringement when OC imports accused products into the United States, with OCA's knowledge that such products infringe the '614 patent.

83. Upon information and belief, Defendant OCA currently infringes and has infringed one or more of the claims of the '614 Patent under 35 U.S.C. §271 by the activities as described above.

84. Plaintiff is entitled to recover damages from OCA including reasonable royalties and lost profits, sustained as a result of OCA's infringing acts under 35 U.S.C. §271 and §284.

85. Defendants have been aware of Plaintiff's rights in the patents in suit and of Plaintiff's intent to enforce those rights. Defendants have, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

86. Plaintiff is entitled to damages for induced infringement as set forth in 35 USC §284 and §285.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- A. That Defendants Olympus Corporation of The Americas and Olympus Corporation be held to have infringed U.S. Patent No. 9,264,614 under 35 U.S.C. §271(a)(b) and (c).
- B. That Defendants acted with knowledge of the '614 patent in suit.
- C. That judgment be entered for Plaintiff against Defendants, for Plaintiff's actual damages according to proof, and for any additional damages attributable to infringements of Plaintiff's patent rights, and for enhanced damages under 35 U.S.C. §284 and §285.
- D. That judgment be entered for Plaintiff against Defendants, adequate to compensate Plaintiff, for reasonable royalties and/or other statutory damages based upon Defendants' acts of patent infringement and for its other violations of law under 35 U.S.C. §271, §284 and §285.
- E. That Defendants be required to account for all gains, profits, and advantages derived from its acts of infringement and for its other violations of law and that Plaintiff be awarded damages in the amount of such profits under 35 U.S.C. §284 and §285.
- F. That the actions of Defendants be found willful.
- G. That judgment be entered for Plaintiff and against Defendants, for enhancement of the damages awarded for patent infringement under 35 U.S.C. §284 and §285.
- H. That the actions of Defendants be found exceptional under 35 U.S.C. §285.
- I. That Plaintiff be granted judgment against the Defendants for Plaintiff's costs and attorney's fees under 35 U.S.C. §285 and/or the inherent powers of the Court.

J. That the Court grant such other, further, and different relief as the Court deems proper under the circumstances.

**DEMAND FOR JURY TRIAL**

K. Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by jury on all issues raised by the complaint which are properly triable to a jury.

DATED: February 1, 2017

Respectfully submitted,

/s/ Luiz Filipe Oliveira  
Joseph J. Zito  
Luiz Felipe Oliveira  
DNL ZITO  
1250 Connecticut Avenue N.W.  
Suite 200  
Washington, D.C. 20036  
Tel: 202-466-3500

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Amended Complaint was filed using the Court's CM/ECF filing system on the 2nd day of February 2017, and that the foregoing was served upon all counsel of record thereby. Counsel has also served a copy on counsel for Olympus by e-mails on February 2, 2017, as follows:

William McCabe  
Perkins Coie LLP  
30 Rockefeller Plaza 22nd Floor  
New York, NY 10112-0015  
212-261-6829  
WMcCabe@perkinscoie.com

/s/ Luiz F. Oliveira  
Luiz F. Oliveira