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Attorneys for Plaintiff
SungKyunKwan University,
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUNGKYUNKWAN UNIVERSITY, RESEARCH AND BUSINESS FOUNDATION, Plaintiff, v. **ARTEC GROUP, INC., and ARTEC EUROPE SARL d/b/a ARTEC 3D.** Defendants.	Case No. 3:16-cv-7333 **ORIGINAL COMPLAINT**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which SungKyunKwan University, Research and Business Foundation ("SKK University") makes the following allegations against Artec Group, Inc., and Artec Europe SARL d/b/a Artec 3D. (collectively "Defendant"):

PARTIES

1. SKK University is a Korean Private Research University with a principle place of business located at 2066 Seobu-ro, Jangan-gu, Suwon, Gyeonggi-do 440-746, Republic of Korea. SKK University was initially founded in 1398. SKK University has two campuses in Seoul and Suwon, South Korea.

2. Artec Group, Inc., is a corporation organized and existing under the laws of the State of California with a principal place of business located at 335 Bryant Street, Suite 100, Palo Alto, California 94301. Artec Group, Inc., can be served via its registered agent for service of process: Leonard Grayver, 21515 Hwthorne Blvd., Suite 450, Torrance, California, 90503.

3. Artec Europe SARL is a private limited company organized and existing under the laws of the Luxembourg.

JURISDICTION AND VENUE

4. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271(a), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and §1338(a).

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Defendant has transacted business in this district, and has committed acts of patent infringement in this district.

6. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the California Long Arm Statute, due at least to Defendant's substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in California and in this district.

U.S. PATENT NO. 7,957,639

7. On June 7, 2011, United States Patent No. 7,957,639 (the "'639 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Method and System for Determining Optimal Exposure of a Structured Light Based 3D Camera." A true and correct copy of the '639 patent is attached hereto as Exhibit A.

8. Sukhan Lee, Moon Wook Ryu, and Dae Sik Kim are the inventors of the '639 patent. Professor Sukhan Lee is a director of the Intelligent Systems Research Institute at Sungkyunkwan University. He is a pioneer in the field of 3D scanning and has published numerous scholarly articles in the field. *See http://isrc.skku.ac.kr/people/people_detail.php?idx=82*

9. SKK University is the owner of the '639 Patent with all rights in and to that patent.

10. Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287, SKK University has complied with such requirements.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,957,639

11. Defendant directly or through intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Eva, Eva Lite, Spider, Space Spider, Shapify Booth Products (the "Accused Instrumentalities")) that infringe claim 1 of the '639 patent.

12. Upon information and belief, Defendant has been and is now infringing claim 1 of the '639 Patent in the State of California, in this judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale three dimensional scanners, *i.e.*, the Accused Instrumentalities, covered by one or more claims of the '639 Patent to the injury of SKK University. Defendant is directly infringing, literally infringing, and/or infringing the '639 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '639 Patent pursuant to 35 U.S.C. § 271(a).

13. The Accused Instrumentalities infringe claim 1 of the '639 Patent and performs a method for determining an optimal exposure of a structured light based three dimensional (3D) camera system including a projecting means for illuminating a predetermined pattern on a target object (*e.g.*, a specific light pattern is projected onto the object to be scanned), an image capturing means for capturing an image of the target object with the pattern projected (*e.g.*, a high resolution digital camera), and a processing means for reconstructing 3D data based on the captured image (*i.e.*, a computer running Artec 3d Software Platform). *See* Ex. B, Figs. 2-4; Ex. C, Figs. 2-4; Ex. D, Figs 3-4; Ex. E, Fig. 3.

14. The Accused Instrumentality obtains an image of a target object with a predetermined pattern projected thereon, which is illuminated from a projecting means, and an image of the target object without a predetermined pattern projected thereon (*i.e.*, the Accused Instrumentality captures an image with the projected pattern and an image without the projected pattern). *See* Ex. B, Figs. 2-4; Ex. C, Figs. 2-4; Ex. D, Figs 3-4; Ex. E, Fig. 3.

15. The Accused Instrumentality automatically determines an optimal exposure level of the structured light based 3D camera system using said two kinds of images (*e.g.*, the light levels are adjusted based on the images returned). *See* Ex. B, Figs. 2-4; Ex. C, Figs. 2-4; Ex. D, Figs 3-4; Ex. E, Fig. 3.

16. As a result of Defendant's infringement of the '639 Patent, SKK University has suffered monetary damages and are entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and SKK University will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

17. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '639 Patent, SKK University will be greatly and irreparably harmed.

JURY DEMAND

SKK University hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

SKK University requests that the Court find in their favor and against Defendant, and that the Court grant SKK University the following relief:

a. Judgment that one or more claims of the '639 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing infringement of, or contributing to infringement of the '639 patent;

c. Judgment that Defendant account for and pay to SKK University all damages and costs incurred by SKK University, caused by Defendant's infringing activities and other conduct complained of herein;

d. That SKK University be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;

e. That this Court declare this an exceptional case and award SKK University reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

f. That SKK University be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: December 26, 2016.

LOWE & ASSOCIATES, P.C.

/s/ Kris LeFan

By: _____
KRIS LEFAN

Attorney for Plaintiff
SUNGKYUNKWAN UNIVERSITY, RESEARCH AND BUSINESS FOUNDATION