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UNITED STATES DISTRICT COURT
for the
CENTRAL DISTRICT OF CALIFORNIA

Joseph Alter **Plaintiff** v. The Walt Disney Company **Defendant**	)	Civil Action No. **COMPLAINT FOR PATENT INFRINGEMENT and DEMAND FOR JURY TRIAL**

COMPLAINT FOR PATENT INFRINGEMENT
and Demand for Jury Trial

PLAINTIFF'S ORIGINAL COMPLAINT

1. Plaintiff Joseph Alter ("Plaintiff"), by and through the undersigned Pro Se litigant, files this Original Complaint against The Walt Disney Company, ("Defendant").

NATURE OF THE ACTION

2. This is a patent infringement action to stop Defendant's infringement of Plaintiff's United States Patent No. 6,720,962 entitled "Hair generation and other natural phenomena with surface derived control volumes in computer graphics and animation." (the "'962 patent"; a copy of which is fixed hereto as Exhibit A). Plaintiff is the exclusive assignee of the '962 patent. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

3. Plaintiff is an individual and a citizen of the state of California. Plaintiff maintains its principal place of residence at 1412 Oldbury Place, Westlake Village, CA, 91361. Plaintiff is the sole assignee of the patent-in-suit with respect to the Defendant, and possesses the right to sue for infringement and recover past damages.

4. Upon information and belief, The Walt Disney Company is a corporation organized and existing under the laws of the State of California with its principal place of business located at 500 S. Buena Vista Street, Burbank, CA 91521.

BACKGROUND

5. In layman's terms, what is principally at issue here are details central to systems for creating hair and fur on animated characters in film, commercials, games and simulations. It is also used for creating things like grass, feathers, trees, and other systems that manage enormous amounts of natural detail in ways that practical and do not inhibit artistic creativity. To the lay person, this might seem like a trivial issue, and the patent claims themselves even more so - however if you put Toy Story beside virtually any animated or visual effects film made in the last 10 years, it is quite apparent that this kind of high detail is principally what's different 17 years later. It was for many years a highly sought after goal in the industry. Toy Story was not a movie about plastic toys by coincidence.

6. Joseph Alter is a well known and respected pioneer in the field of computer graphics animation. His work on particularly intractable problems in the field have won him awards and worldwide recognition. The '962 patent is cited by 21 other patents from industry giants like Microsoft, Sony, Pixar, and Dreamworks. Its methodology is central to a product that the plaintiff has created and distributed for 11 years known as "Shave and a Haircut". It is used routinely in thousands of studios worldwide.

7. The '962 patent is important because it was the first research to identify what is now

recognized as a central defining issue in what are considered modern hair systems and has added key insight to the field. Prior to breakthrough discussed in the '962 patent, 20 years of research directed at this kind of "multiplication of detail" for hair, fur, and similar phenomena, at some of the largest universities and corporations in the world prior to the Plaintiffs effort failed to make the observations this patent focuses on exclusively, favoring instead well worn incremental engineering related to speed, rendering and applied physics, while overlooking the very fundamental issue of creating methods to create a coordinate system framework to reliably carry out computations of lifelike detail that can naturally flex and move in natural ways in conjunction with physical simulations, particularly long dynamic hair. There are a handful of patents issued prior to this patent that all fail to deal with the issue and who's claims are mostly well covered ground in prior art, some of which is the Plaintiff's own, which dates back to 1992.

9. Prior to the embodiment cited in the patent, you will find research that has interpolated guides [Plaintiff - Oct 1995 Computer Graphics World], you will find research that applies rendering [kijiya '91], physical simulation [Rosenblum '92] lifelike displacements to them [kijiya '91] that remain oriented to the skin in motion. What you will not find, is a solution that can maintain all that lifelike detail's shape inside the interpolated elements as the hair blows around. The key insight was that

creating a coordinate system that extended out from the skin was not sufficient, that every hair that fills that volume needs to have its own coordinate system via a series of mathematical transformation matrices placed up the hair's length. As we will show at trial, the matrices need to be updated to flex with the hair as it moves around in a way that doesn't just mush all of the hair around like it's a stretchy block of rubber. Importantly, the matrices need to be created in a repeatable way since the actual interpolated hairs are usually thrown away right after they're drawn to make room for more. It is also discussed that these transforms can move virtually any kind of geometry around in place of hairs. This method is particularly easy to spot when you view a flowchart of the hair pipeline, but is also pretty easy to spot visually in motion.

8. Every related patent after the '962 patent discuss this coordinate system framework as a central feature that they build claims on top of.

9. The US patent office was not created to protect expedience - it was created to protect innovation *from* the gears of commerce allowing innovators to be rewarded for their discoveries. Protecting this patent serves the greater public good in that the conflict arises from a major multinational corporation that the Plaintiff feels is about to "*squash him under its heels and then beat him over the head with his own invention*".

This situation, he would respectfully submit is exactly what the patent system was created for.

10. As admirable and beloved as The Disney Corporation is, you cannot escape the fact that they are a production engineering machine. With this kind of apparatus at their disposal it is tempting if not easy, to reverse engineer efforts that are available as commercial products (such as the plaintiffs), copy their embodiment on as many machines as they would like (10s of thousands in house machines, more than Nasa) without restriction, make small tweaks to it, and shape it to their expedience and perhaps create some incremental improvements on the way.

11. The plaintiff at all times in his 11 years conducting business as a software publisher, has acted in good faith and has made high quality software that utilizes the '962 patent available for free to dozens of universities and research labs. It has been available to consumers and the production community at large at a quite reasonable price. It has been available to software publishers on license for inclusion into their own products. The plaintiff has not "sat on" a patent waiting to "pounce" on unsuspecting infringers without even putting the patent into practice, as is common with many frivolous patent suits. [Exhibit B,G]

12. What has brought the Defendant's infringement(s) to the Plaintiff's attention was their announcement that they plan to license their production software in direct competition with the Plaintiff for worldwide distribution.

13. The Plaintiff has acted in good faith with respect to the Defendant has, quite unusually, given specific arguments and has provided the Defendant every opportunity to dispute the claim of infringement [Exhibits C,D,E,F,G] with a substantive argument against, however the defendant has not been cooperative with regards specifics and has declined to participate in basic fact finding surrounding the alleged infringement. It is therefore necessary to utilize the courts to compel reasonable discovery and restrict the trade and practice of the '962 patent's claims until such time that a court can make its determination with the requisite information at its disposal.

14. Over the remaining lifetime of the Plaintiff's patent, distribution of said infringing software the Defendant has licensed out, it is believed, will create a multi million dollar hole in the Plaintiff's income and will dilute his brand creating irreparable harm whilst enriching the Defendant.

JURISTICTION AND VENUE

14. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This court has subject matter over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

15. The Court has personal jurisdiction over the defendant because: the Defendant is present within or has minimum contacts with the State of California and the Central District of California; the Defendant has purposefully availed itself of the privileges of conducting business in the State of California and in the Central District of California; the Defendant has sought protection and benefit from the laws of the State of California; the Defendant regularly conducts business within the State of California and within the Central District of California; and Plaintiff's causes of action arise directly from the Defendants' business contacts and other activities in the State of California and in the Central District of California.

16. More specifically, the Defendant, directly and/or through authorized intermediaries, or subsidiaries ships, distributes, offers for sale, sells, uses and/or advertises (including the provision of an interactive web page) its products and services in the United States, the State of California, and the Central District of California. Upon information and belief, the Defendant has committed patent infringement in the State of California and in the Central District of California, has

contributed to patent infringement in the State of California and in the Central District of California, and/or has induced others to commit patent infringement in the State of California and in the Central District of California. The Defendant has illegally solicited and engaged in license deals related to said infringement with customers in the State of California and in the Central District of California. The Defendants' employees who have engaged in infringement on their behalf are residents of the State of California, and the alleged infringing activities have taken place primarily in the State of California and the Central District.

17. Plaintiff notified Defendant of the '962 patent and Plaintiff's potential infringement claims in its August 12, 2011 letter [Exhibit E]. Further, patent notices are clearly visible on Plaintiff's web site, Plaintiff's software, and Plaintiff's documentation under 35 U.S.C. §287 and establish Defendant's constructive notice of the '962 patent at all times relevant to this Complaint. [Exhibit B and G]

18. Venue is proper in the Central District of California pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I - PATENT INFRINGEMENT

19. The '962 patent was duly and legally issued by the United States Patent and Trademark Office on April 13, 2004, after full and fair examination. Plaintiff is the owner of the entire right, title, and interest in and to the '962 patent, including the right to sue for infringement and recover past damages. A true and correct copy of the '962 patent is attached as Exhibit A to this Complaint.

20. Plaintiff is informed and believes that Defendant owns, operates, advertises, controls, sells, uses and otherwise provides several Hair, Fur, and Arbitrary Geometry generation systems wherein dynamic guides as those in the '962 patent are created, interpolated, and a plurality of matrices are formed along the length of the interpolated guides which are used to procedurally manipulate an instance of hair, fur, and , other geometric instances for the purposes of creation and rendering in ways that are stable with respect to a coordinate space that can move and flex while maintaining important visual details of the hair structure without aberrant motion artifacts directly as a result of the application of said plurality of matrices. Upon information and belief, Defendant has infringed and continues to infringe one or more claims in the '962 patent by making use of said systems as a key part of their production pipeline on a number of films, as has as well a recently advertised licensing deal involving one of said systems

(X-Gen) to Autodesk, Inc for commercial sale and distribution as part of their Maya product worldwide in direct competition with Plaintiff.

21. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of the Defendants' wrongful acts as in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

22. Defendants' infringement of Plaintiff's exclusive rights under the '962 patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

23. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

A. An adjudication that one or more claims of the '962 patent have been infringed, either literally and/or under the doctrine of equivalents, by the Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;

B. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendants' acts of infringement together with pre-judgment and post-judgment interest;

C. That, should the Defendant's acts of infringement be found to be willful from the time that Defendant became aware of the infringing nature of their actions, which is the time of filing of Plaintiff's Original Complaint at the latest, that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;

D. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of (1) infringement, (2) contributory infringement, (3) actively inducing infringement with respect to the claims of the '962 patent.

E. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. §285; and

F. Any further relief that this court deems just and proper.

Respectfully submitted,

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Joseph S. Alter
In Pro Per

Dated : September 30, 2011