

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

VIZIO, INC.,
39 Tesla
Irvine, California 92618

Plaintiff,

v.

LG ELECTRONICS INC.,
LG Twin Towers
20 Yoido-dong, Youngdungpo-Gu
Seoul, 150-721, South Korea
SERVE:

Ministry of Court Administration
Attn.: Director of International Affairs
967 Seocho-dong, Seocho-gu
SEOUL 137-750, SOUTH KOREA

LG ELECTRONICS U.S.A., INC.,
1000 Sylvan Avenue
Englewood Cliffs, New Jersey, 07632

SERVE:
Registered Agent
CSC-Lawyers Incorporating Service Company
7 St. Paul Street, Suite 1660
Baltimore, MD 21202

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff **VIZIO, Inc.**, for its Complaint against Defendants **LG Electronics, Inc. and**

LG Electronics U.S.A., Inc. alleges as follows:

THE PARTIES

1. Plaintiff **VIZIO, Inc.** (“**VIZIO**”) is a corporation organized and existing under the laws of the State of California with its principal place of business at 39 Tesla, Irvine, California 92618. **VIZIO** is a leading seller of LCD display televisions in the United States.

2. Defendant **LG Electronics, Inc. ("LGE")** is a South Korean corporation with its principal place of business at LG Twin Towers, 20 Yoido-dong, Youngdungpo-Gu, Seoul, 150-721, South Korea. **LGE** and subsidiaries acting at its direction and under its control, manufacture, *inter alia*, LCD and plasma display televisions.

3. **LG Electronics, U.S.A., Inc. ("LGEUS")** is a corporation organized and existing under the laws of the State of New Jersey with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey, 07632. **LGEUS** is a subsidiary of **LGE** that operates at **LGE's** direction in importing, marketing and selling, in this district and elsewhere in the United States, a variety of consumer electronic products, including LCD and plasma display televisions. **LGE's** and **LGEUS's** televisions are sold in the United States under the brand name LG.

4. **LGE** and **LGEUS** are hereafter referred to collectively as "Defendants."

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35, United States Code.

6. This Court has original jurisdiction over the subject matter of this patent infringement action pursuant to the provisions of 28 U.S.C. §§1331 and 1338(a).

7. Defendants are subject to personal jurisdiction in the State of Maryland because they transact business in this judicial district and division by, among other things, regularly and systematically offering for sale and selling their products (including infringing televisions) through Maryland retailers who in turn resell the products to Maryland consumers. Upon information and belief, **LGEUS** has an office in Maryland located at 8108 Gray Stone Lane, Pasadena, Maryland 21122. Further, Defendants have committed acts of direct infringement,

contributory infringement, and/or inducement of infringement, of one or more of the claims of one or more of the patents-in-suit in this judicial district and division.

8. Venue is properly laid in this judicial district pursuant to 28 U.S.C. §§1391(b), 1391(c), and 1391(d), as well as 28 U.S.C. §1400(b).

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 5,511,096)

9. **VIZIO** repeats, realleges, and incorporates by reference, as though fully set forth herein, the preceding paragraphs.

10. On April 23, 1996, the United States Patent and Trademark Office (“USPTO”) issued U.S. Patent No. 5,511,096 titled “Quadrature Amplitude Modulated Data for Standard Bandwidth Television Channel,” (hereafter “the ’096 Patent”). A true and correct copy of the ’096 Patent is attached hereto as **Exhibit A**.

11. **VIZIO** is the owner of all rights, title and interest in the ’096 Patent, with the full and exclusive right to bring suit to enforce this patent and recover for past infringement.

12. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe either literally and/or under the doctrine of equivalents, the ’096 Patent by practicing one or more claims of the ’096 Patent in the manufacture, use, offering for sale, sale, and/or importation of digital televisions.

13. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe, the ’096 Patent by contributing to and/or actively inducing others to infringe one or more claims of the ’096 Patent by their manufacture, use, offering for sale, sale, supplying and/or importation of digital televisions.

14. As a result of Defendant's infringement, **VIZIO** has suffered, and will continue to suffer damages.

15. **VIZIO** is entitled to recover from Defendants the damages it has sustained as a result of Defendants' infringing acts in an amount subject to proof at trial. **VIZIO** is also entitled to its costs of suit and interest.

16. Upon information and belief, Defendants' acts of infringement were in conscious and willful disregard for **VIZIO's** patent rights, and the resulting damage to **VIZIO** is such as to warrant the trebling of damages to provide just compensation.

17. Unless Defendants are enjoined by this Court from continuing their infringement of the '096 Patent, **VIZIO** will suffer additional irreparable harm and impairment of the value of its patent rights and is, therefore, entitled to a permanent injunction against further infringement.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 5,621,761)

18. **VIZIO** repeats, realleges, and incorporates by reference, as though fully set forth herein, the preceding paragraphs.

19. On April 15, 1997, the USPTO issued U.S. Patent No. 5,621,761 titled "Rotationally Invariant Trellis Coding Incorporating Transparent Binary Convolutional Codes," (hereafter "the '761 Patent"). A true and correct copy of the '761 Patent is attached hereto as **Exhibit B.**

20. **VIZIO** is the owner of all rights, title and interest in the '761 Patent, with the full and exclusive right to bring suit to enforce this patent and recover for past infringement.

21. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe either literally and/or under the doctrine of equivalents,

the '761 Patent by practicing one or more claims of the '761 Patent in the manufacture, use, offering for sale, sale, and/or importation of digital televisions.

22. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe, the '761 Patent by contributing to and/or actively inducing others to infringe one or more claims of the '761 Patent by their manufacture, use, offering for sale, sale, supplying and/or importation of digital televisions.

23. As a result of Defendants' infringement, **VIZIO** has suffered, and will continue to suffer damages.

24. **VIZIO** is entitled to recover from Defendants the damages it has sustained as a result of Defendants' infringing acts in an amount subject to proof at trial. **VIZIO** is also entitled to its costs of suit and interest.

25. Upon information and belief, Defendants' acts of infringement were in conscious and willful disregard for **VIZIO's** patent rights, and the resulting damage to **VIZIO** is such as to warrant the trebling of damages to provide just compensation.

26. Unless Defendants are enjoined by this Court from continuing their infringement of the '761 Patent, **VIZIO** will suffer additional irreparable harm and impairment of the value of its patent rights and is, therefore, entitled to a permanent injunction against further infringement.

COUNT III

(INFRINGEMENT OF U.S. PATENT NO. 5,703,887)

27. **VIZIO** repeats, realleges, and incorporates by reference, as though fully set forth herein, the preceding paragraphs.

28. On December 30, 1997, the USPTO issued U.S. Patent No. 5,703,887 titled “Synchronization and Error Detection in a Packetized Data Stream,” (hereafter “the ’887 Patent”). A true and correct copy of the ’887 Patent is attached hereto as **Exhibit C**.

29. **VIZIO** is the owner of all rights, title and interest in the ’887 Patent, with the full and exclusive right to bring suit to enforce this patent and recover for past infringement.

30. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe either literally and/or under the doctrine of equivalents, the ’887 Patent by practicing one or more claims of the ’887 Patent in the manufacture, use, offering for sale, sale, and/or importation of digital televisions.

31. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe, the ’887 Patent by contributing to and/or actively inducing others to infringe one or more claims of the ’887 Patent by their manufacture, use, offering for sale, sale, supplying and/or importation of digital televisions.

32. As a result of Defendants’ infringement, **VIZIO** has suffered, and will continue to suffer damages.

33. **VIZIO** is entitled to recover from Defendants the damages it has sustained as a result of Defendants’ infringing acts in an amount subject to proof at trial. **VIZIO** is also entitled to its costs of suit and interest.

34. Upon information and belief, Defendants’ acts of infringement were in conscious and willful disregard for **VIZIO**’s patent rights, and the resulting damage to **VIZIO** is such as to warrant the trebling of damages to provide just compensation.

35. Unless Defendants are enjoined by this Court from continuing their infringement of the '887 Patent, **VIZIO** will suffer additional irreparable harm and impairment of the value of its patent rights and is, therefore, entitled to a permanent injunction against further infringement.

COUNT IV

(INFRINGEMENT OF U.S. PATENT NO. 5,745,522)

36. **VIZIO** repeats, realleges, and incorporates by reference, as though fully set forth herein, the preceding paragraphs.

37. On April 28, 1998, the USPTO issued U.S. Patent No. 5,745,522 titled "Randomizer for Byte-Wise Scrambling of Data," (hereafter "the '522 Patent"). A true and correct copy of the '522 Patent is attached hereto as **Exhibit D**.

38. **VIZIO** is the owner of all rights, title and interest in the '522 Patent, with the full and exclusive right to bring suit to enforce this patent and recover for past infringement.

39. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe either literally and/or under the doctrine of equivalents, the '522 Patent by practicing one or more claims of the '522 Patent in the manufacture, use, offering for sale, sale, and/or importation of digital televisions.

40. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe, the '522 Patent by contributing to and/or actively inducing others to infringe one or more claims of the '522 Patent by their manufacture, use, offering for sale, sale, supplying and/or importation of digital televisions.

41. As a result of Defendants' infringement, **VIZIO** has suffered, and will continue to suffer damages.

42. **VIZIO** is entitled to recover from Defendants the damages it has sustained as a result of Defendants' infringing acts in an amount subject to proof at trial. **VIZIO** is also entitled to its costs of suit and interest.

43. Upon information and belief, Defendants' acts of infringement were in conscious and willful disregard for **VIZIO**'s patent rights, and the resulting damage to **VIZIO** is such as to warrant the trebling of damages to provide just compensation.

44. Unless Defendants are enjoined by this Court from continuing their infringement of the '522 Patent, **VIZIO** will suffer additional irreparable harm and impairment of the value of its patent rights and is, therefore, entitled to a permanent injunction against further infringement.

COUNT V

(INFRINGEMENT OF U.S. PATENT NO 5,511,082)

45. **VIZIO** repeats, realleges, and incorporates by reference, as though fully set forth herein, the preceding paragraphs.

46. On April 23, 1996, the USPTO issued U.S. Patent No. 5,511,082 titled "Punctured Convolutional Encoder" (hereafter "the '082 Patent"). A true and correct copy of the '082 Patent is attached hereto as **Exhibit E**.

47. **VIZIO** is the owner of all rights, title and interest in the '082 Patent, with the full and exclusive right to bring suit to enforce this patent and recover for past infringement.

48. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe either literally and/or under the doctrine of equivalents, the '082 Patent by practicing one or more claims of the '082 Patent in the manufacture, use, offering for sale, sale, and/or importation of digital televisions.

49. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe, the '082 Patent by contributing to and/or actively inducing others to infringe one or more claims of the '082 Patent by their manufacture, use, offering for sale, sale, supplying and/or importation of digital televisions.

50. As a result of Defendants' infringement, **VIZIO** has suffered, and will continue to suffer damages.

51. **VIZIO** is entitled to recover from Defendants the damages it has sustained as a result of Defendants' infringing acts in an amount subject to proof at trial. **VIZIO** is also entitled to its costs of suit and interest.

52. Upon information and belief, Defendants' acts of infringement were in conscious and willful disregard for **VIZIO's** patent rights, and the resulting damage to **VIZIO** is such as to warrant the trebling of damages to provide just compensation.

53. Unless Defendants are enjoined by this Court from continuing their infringement of the '082 Patent, **VIZIO** will suffer additional irreparable harm and impairment of the value of its patent rights and is, therefore, entitled to a permanent injunction against further infringement.

COUNT VI

(INFRINGEMENT OF U.S. PATENT NO 5,396,518)

54. **VIZIO** repeats, realleges, and incorporates by reference, as though fully set forth herein, the foregoing paragraphs.

55. On March 7, 1995, the USPTO issued U.S. Patent No. 5,396,518 titled "Apparatus and Method for Communicating Digital Data Using Trellis Coding with Punctured Convolutional Codes" (hereafter "the '518 Patent"). A true and correct copy of the '518 Patent is attached hereto as **Exhibit F**.

56. **VIZIO** is the owner of all rights, title and interest in the '518 Patent, with the full and exclusive right to bring suit to enforce this patent and recover for past infringement.

57. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe either literally and/or under the doctrine of equivalents, the '518 Patent by practicing one or more claims of the '518 Patent in the manufacture, use, offering for sale, sale, and/or importation of digital televisions.

58. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe, the '518 Patent by contributing to and/or actively inducing others to infringe one or more claims of the '518 Patent by their manufacture, use, offering for sale, sale, supplying and/or importation of digital televisions.

59. As a result of Defendants' infringement, **VIZIO** has suffered, and will continue to suffer damages.

60. **VIZIO** is entitled to recover from Defendants the damages it has sustained as a result of Defendants' infringing acts in an amount subject to proof at trial. **VIZIO** is also entitled to its costs of suit and interest.

61. Upon information and belief, Defendants' acts of infringement were in conscious and willful disregard for **VIZIO's** patent rights, and the resulting damage to **VIZIO** is such as to warrant the trebling of damages to provide just compensation.

62. Unless Defendants are enjoined by this Court from continuing their infringement of the '518 Patent, **VIZIO** will suffer additional irreparable harm and impairment of the value of its patent rights and is, therefore, entitled to a permanent injunction against further infringement.

COUNT VII

(INFRINGEMENT OF U.S. PATENT NO 5,233,629)

63. **VIZIO** repeats, realleges, and incorporates by reference, as though fully set forth herein, the preceding paragraphs.

64. On August 3, 1993, the USPTO issued U.S. Patent No. 5,233,629 titled “Method and Apparatus for Communicating Digital Data using Trellis Coded QAM” (hereafter “the ’629 Patent”). A true and correct copy of the ’629 Patent is attached hereto as **Exhibit H**.

65. **VIZIO** is the owner of all rights, title and interest in the ’629 Patent, with the full and exclusive right to bring suit to enforce this patent and recover for past infringement.

66. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe either literally and/or under the doctrine of equivalents, the ’629 Patent by practicing one or more claims of the ’629 Patent in the manufacture, use, offering for sale, sale, and/or importation of digital televisions.

67. Upon information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed, and are continuing to infringe, the ’629 Patent by contributing to and/or actively inducing others to infringe one or more claims of the ’629 Patent by their manufacture, use, offering for sale, sale, supplying and/or importation of digital televisions.

68. As a result of Defendants’ infringement, **VIZIO** has suffered, and will continue to suffer damages.

69. **VIZIO** is entitled to recover from Defendants the damages it has sustained as a result of Defendants’ infringing acts in an amount subject to proof at trial. **VIZIO** is also entitled to its costs of suit and interest.

70. Upon information and belief, Defendants’ acts of infringement were in conscious and willful disregard for **VIZIO’s** patent rights, and the resulting damage to **VIZIO** is such as to warrant the trebling of damages to provide just compensation.

71. Unless Defendants are enjoined by this Court from continuing their infringement of the '629 Patent, **VIZIO** will suffer additional irreparable harm and impairment of the value of its patent rights and is, therefore, entitled to a permanent injunction against further infringement.

PRAYER FOR RELIEF

WHEREFORE, **VIZIO** prays for relief as follows:

72. That Defendants be ordered to account for and pay over to **VIZIO** cumulative damages adequate to compensate **VIZIO** for Defendants' infringement of the '096 Patent, the '761 Patent, the '887 Patent, the '522 Patent, the '082 Patent, the '518 Patent, and the '629 Patent (hereafter "the **VIZIO** Patents"), that the amount of recovery be increased as provided by law, up to three times, and that interest and costs be awarded to **VIZIO** pursuant to 35 U.S.C. § 284;

73. That Defendants, their officers, directors, agents, servants, employees, attorneys, confederates, representatives and any person and/or entities acting for, with, by, through, in concert with, or in participation with them, or any of them, be enjoined permanently from:

(a) further infringement of each of **VIZIO's** Patents pursuant to 35 U.S.C. § 271, either directly or contributorily; and

(b) from inducing others to infringe **VIZIO's** Patents.

74. That the present case be found exceptional and that Defendants be ordered to pay attorneys' fees pursuant to 35 U.S.C. § 285 for each of the **VIZIO** Patents;

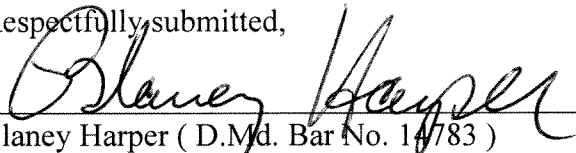
75. That Defendants be ordered to pay prejudgment interest;

76. That Defendants be ordered to pay all costs associated with this action; and

77. That **VIZIO** be granted such other and additional relief as the Court deems just and proper.

Dated: June 5, 2009

Respectfully submitted,



Blaney Harper (D.Md. Bar No. 14783)

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Counsel for Plaintiff

VIZIO, INC.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38, **VIZIO** respectfully demands a trial by jury on all issues so triable.


Blaney Harper
Counsel for Plaintiff VIZIO, Inc.