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11 LG Electronics, Inc.

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 LG ELECTRONICS, INC.,
15 Plaintiff,
16 v.
17 SONY CORPORATION; SONY
18 CORPORATION OF AMERICA; and SONY
ELECTRONICS, INC.,
19 Defendants.

Case No. **'11CV0248 DMS CAB**

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

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21
22 Plaintiff LG Electronics, Inc. (hereinafter Plaintiff or "LGE") hereby files this complaint
23 against Defendants Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc.,
24 and alleges as follows:
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PARTIES

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2 1. Plaintiff LGE is a Korean corporation with its principal place of business located at
3 LG Twin Towers, 20, Yeouido-dong, Yeongdeungpo-gu, Seoul 150-721, Korea.

4 2. Defendant Sony Corporation is organized under the laws of Japan with its principal
5 place of business at 7-1, Konan 1-Chome, Minato-ku, Tokyo 108-0075, Japan, and conducts
6 business in this District, in conjunction with its wholly-owned subsidiaries including those
7 identified herein. On information and belief, Sony Corporation, on its own and/or through its
8 identified subsidiaries, is in the business of manufacturing, importing, selling, offering to sell,
9 and/or distributing high-definition television ("HDTV") products such as, for example, the Sony
10 "Bravia" television models including the KDL-46HX800 and KDL-32EX500 (hereinafter "the
11 Accused Sony TV Products") and digital cameras, such as, for example, the Sony Model Numbers
12 A55 and TX9 ("the Accused Sony Digital Cameras") (individually and collectively "Accused
13 Sony Products").

14 3. Defendant Sony Corporation of America ("SCA") is a Delaware corporation with a
15 principal place of business at 550 Madison Avenue, New York, New York 10022, and is a
16 wholly-owned subsidiary of Sony Corporation conducting business in this District. On
17 information and belief, SCA has a place of business in this District located at 16530 Via Esprillo,
18 San Diego, CA 92127. On information and belief, SCA sells, offers for sale, uses, and/or
19 distributes Accused Sony Products in the United States including within this District.

20 4. Defendant Sony Electronics, Inc. ("SEL") is a Delaware corporation with its
21 headquarters in this District at 16530 Via Esprillo, San Diego, CA 92127, and is a wholly-owned
22 subsidiary of Sony Corporation of America and/or of Sony Corporation conducting business in
23 this District. On information and belief, SEL sells, offers for sale, uses, and/or distributes
24 Accused Sony Products in the United States including within this District.

25 5. As used herein, the term "Defendants" or "Sony" means individually and/or
26 collectively Sony Corporation, SCA, and SEL.

1 **JURISDICTION AND VENUE**

2 6. This Court has subject matter jurisdiction over the cause of this action pleaded
3 herein under 28 U.S.C. §§ 1331 and 1338(a) because the action concerns a federal question arising
4 under the patent laws of the United States, including 35 U.S.C. § 271.

5 7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and 1400(b)
6 because, among other reasons, Sony Corporation, SCA, and SEL are subject to personal
7 jurisdiction in this judicial district and have committed acts of infringement in this judicial district,
8 and SCA and SEL each has a regular and established place of business in this judicial district.

9 8. Upon information and belief, Sony has placed infringing products including
10 Accused Sony Products into the stream of commerce by shipping those products into this judicial
11 district and/or by knowing that such products would be shipped into this judicial district. Sony's
12 established distribution network, including through its ecommerce website www.sony.com,
13 includes national distributors and resellers, and Sony distributes to national and local retailers that
14 have stores located in this District. By shipping into, selling, offering to sell, and/or using
15 products that infringe the patents-in-suit in this District, or by inducing or causing those acts to
16 occur, Sony has transacted and continues to transact business and perform work and services in
17 this District, has supplied and continues to supply services and things in this District, has caused
18 and continues to cause injury and damages in this District by acts and omissions in this District,
19 and has caused and continues to cause injury and damages in this District by acts or omissions
20 outside of this District while deriving substantial revenue from services or things used or
21 consumed within this District, and will continue to do so unless enjoined by this Court.

22 **FIRST CLAIM FOR RELIEF**

23 **INFRINGEMENT OF U.S. PATENT NO. 5,537,612**

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25 9. The allegations of Paragraphs 1-8 are incorporated herein by reference.

26 10. LGE is the owner by assignment of all right, title, and interest in and to United
27 States Patent No. 5,537,612 entitled "Remotely Selectable Audio/Video/Text Disruption"
28 (hereinafter "the '612 patent"), which was duly and legally issued on July 16, 1996.

1 11. Defendants have made, used, offered to sell, and/or sold within the United States,
2 and/or imported into the United States, Accused Sony TV Products that infringe the claims of the
3 '612 patent, literally and/or under the doctrine of equivalents, in violation of LGE's statutory
4 rights.

5 12. Defendants have induced and/or are inducing the infringement of the '612 patent by
6 selling, offering to sell, and/or importing into the United States Accused Sony TV Products that
7 infringe the claims of the '612 patent in violation of LGE's statutory rights. On information and
8 belief, Defendants were aware of the '612 patent at the time they engaged in their directly and
9 indirectly infringing activities and, in any event, were aware of the '612 patent at least as early as
10 the service date of this complaint. Moreover, on information and belief, Defendants sold and/or
11 offered for sale and/or imported Accused Sony TV Products, and are continuing to do so, to
12 customers and others specifically intending to actively encourage such customers and others to
13 use the Accused Sony TV Products in the United States in a manner that Defendants know to be
14 infringing. On information and belief, those customers and others in fact used the Accused Sony
15 TV Products in the United States in an infringing manner.

16 13. As a result of Sony's unlawful infringement of the '612 patent, LGE has suffered
17 and will continue to suffer damage. LGE is entitled to recover from Sony the damages adequate
18 to compensate for such infringement, which have yet to be determined.

19 14. Defendants' acts of infringement of the '612 patent herein have been made, and/or
20 are being made at the time of service of this complaint, with full knowledge of LGE's rights in the
21 patent. On information and belief, Defendants have acted and/or are continuing to act despite an
22 objectively high likelihood that their actions constituted direct and/or indirect infringement of a
23 valid patent, and, on information and belief, Defendants knew or should have known of that
24 objectively high risk. Defendants' acts herein constitute willful and deliberate infringement,
25 entitling LGE to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees and
26 costs.

27 15. Defendants' acts of infringement have caused and will continue to cause irreparable
28 harm to LGE unless and until enjoined by this Court.

1 **SECOND CLAIM FOR RELIEF**

2 **INFRINGEMENT OF U.S. PATENT NO. 6,281,895**

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4 16. The allegations of Paragraphs 1-15 are incorporated herein by reference.

5 17. LGE is the owner by assignment of all right, title, and interest in and to United
6 States Patent No. 6,281,895 entitled "Level Adjust Display Apparatus and Method for On-Screen
7 Display Menu in Image Display Device" (hereinafter "the '895 patent"), which was duly and
8 legally issued on August 28, 2001.

9 18. Defendants have made, used, offered to sell, and/or sold within the United States,
10 and/or imported into the United States, Accused Sony Products, and specifically including the
11 Accused Sony Digital Cameras, that infringe the claims of the '895 patent, literally and/or under
12 the doctrine of equivalents, in violation of LGE's statutory rights.

13 19. Defendants have induced and/or are inducing the infringement of the '895 patent by
14 selling, offering to sell, and/or importing into the United States Accused Sony Products, and
15 specifically including the Accused Sony Digital Cameras, that infringe the claims of the '895
16 patent in violation of LGE's statutory rights. On information and belief, Defendants were aware
17 of the '895 patent at the time they engaged in their directly and indirectly infringing activities and,
18 in any event, were aware of the '895 patent at least as early as the service date of this complaint.
19 Moreover, on information and belief, Defendants sold and/or offered for sale and/or imported
20 Accused Sony Products, and specifically including the Accused Sony Digital Cameras, and are
21 continuing to do so, to customers and others specifically intending to actively encourage such
22 customers and others to use the Accused Sony Products in the United States in a manner that
23 Defendants know to be infringing. On information and belief, those customers and others in fact
24 used the Accused Sony Products, and specifically including the Accused Digital Cameras, in the
25 United States in an infringing manner.

26 20. As a result of Sony's unlawful infringement of the '895 patent, LGE has suffered
27 and will continue to suffer damage. LGE is entitled to recover from Sony the damages adequate
28 to compensate for such infringement, which have yet to be determined.

1 21. Defendants' acts of infringement of the '895 patent herein have been made, and/or
2 are being made at the time of service of this complaint, with full knowledge of LGE's rights in the
3 patent. On information and belief, Defendants have acted and/or are continuing to act despite an
4 objectively high likelihood that their actions constituted direct and/or indirect infringement of a
5 valid patent, and, on information and belief, Defendants knew or should have known of that
6 objectively high risk. Defendants' acts herein constitute willful and deliberate infringement,
7 entitling LGE to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees and
8 costs.

9 22. Defendants' acts of infringement have caused and will continue to cause irreparable
10 harm to LGE unless and until enjoined by this Court.

11 **THIRD CLAIM FOR RELIEF**

12 **INFRINGEMENT OF U.S. PATENT NO. 6,598,233**
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14 23. The allegations of Paragraphs 1-22 are incorporated herein by reference.

15 24. LGE is the owner by assignment of all right, title, and interest in and to United
16 States Patent No. 6,598,233 entitled "Channel Control Apparatus of Digital Television and
17 Method Thereof" (hereinafter "the '233 patent"), which was duly and legally issued on July 22,
18 2003.

19 25. Defendants have made, used, offered to sell, and/or sold within the United States,
20 and/or imported into the United States, Accused Sony TV Products that infringe the claims of the
21 '233 patent, literally and/or under the doctrine of equivalents, in violation of LGE's statutory
22 rights.

23 26. Defendants have induced and/or are inducing the infringement of the '233 patent by
24 selling, offering to sell, and/or importing into the United States Accused Sony TV Products that
25 infringe the claims of the '233 patent in violation of LGE's statutory rights. On information and
26 belief, Defendants were aware of the '233 patent at the time they engaged in their directly and
27 indirectly infringing activities and, in any event, were aware of the '233 patent at least as early as
28 the service date of this complaint. Moreover, on information and belief, Defendants sold and/or

1 offered for sale and/or imported Accused Sony TV Products, and are continuing to do so, to
2 customers and others specifically intending to actively encourage such customers and others to
3 use the Accused Sony TV Products in the United States in a manner that Defendants know to be
4 infringing. On information and belief, those customers and others in fact used the Accused Sony
5 TV Products in the United States in an infringing manner.

6 27. As a result of Sony's unlawful infringement of the '233 patent, LGE has suffered
7 and will continue to suffer damage. LGE is entitled to recover from Sony the damages adequate
8 to compensate for such infringement, which have yet to be determined.

9 28. Defendants' acts of infringement of the '233 patent herein have been made, and/or
10 are being made at the time of service of this complaint, with full knowledge of LGE's rights in the
11 patent. On information and belief, Defendants have acted and/or are continuing to act despite an
12 objectively high likelihood that their actions constituted direct and/or indirect infringement of a
13 valid patent, and, on information and belief, Defendants knew or should have known of that
14 objectively high risk. Defendants' acts herein constitute willful and deliberate infringement,
15 entitling LGE to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees and
16 costs.

17 29. Defendants' acts of infringement have caused and will continue to cause irreparable
18 harm to LGE unless and until enjoined by this Court.

19 **FOURTH CLAIM FOR RELIEF**

20 **INFRINGEMENT OF U.S. PATENT NO. 7,154,564**

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22 30. The allegations of Paragraphs 1-29 are incorporated herein by reference.

23 31. LGE is the owner by assignment of all right, title, and interest in and to United
24 States Patent No. 7,154,564 entitled "Method for Controlling Channel Tuning of Digital TV"
25 (hereinafter "the '564 patent"), which was duly and legally issued on December 26, 2006.

26 32. Defendants have made, used, offered to sell, and/or sold within the United States,
27 and/or imported into the United States, Accused Sony TV Products that infringe the claims of the
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1 '564 patent, literally and/or under the doctrine of equivalents, in violation of LGE's statutory
2 rights.

3 33. Defendants have induced and/or are inducing the infringement of the '564 patent by
4 selling, offering to sell, and/or importing into the United States Accused Sony TV Products that
5 infringe the claims of the '564 patent in violation of LGE's statutory rights. On information and
6 belief, Defendants were aware of the '564 patent at the time they engaged in their directly and
7 indirectly infringing activities and, in any event, were aware of the '564 patent at least as early as
8 the service date of this complaint. Moreover, on information and belief, Defendants sold and/or
9 offered for sale and/or imported Accused Sony TV Products, and are continuing to do so, to
10 customers and others specifically intending to actively encourage such customers and others to
11 use the Accused Sony TV Products in the United States in a manner that Defendants know to be
12 infringing. On information and belief, those customers and others in fact used the Accused Sony
13 TV Products in the United States in an infringing manner.

14 34. As a result of Sony's unlawful infringement of the '564 patent, LGE has suffered
15 and will continue to suffer damage. LGE is entitled to recover from Sony the damages adequate
16 to compensate for such infringement, which have yet to be determined.

17 35. Defendants' acts of infringement of the '564 patent herein have been made, and/or
18 are being made at the time of service of this complaint, with full knowledge of LGE's rights in the
19 patent. On information and belief, Defendants have acted and/or are continuing to act despite an
20 objectively high likelihood that their actions constituted direct and/or indirect infringement of a
21 valid patent, and, on information and belief, Defendants knew or should have known of that
22 objectively high risk. Defendants' acts herein constitute willful and deliberate infringement,
23 entitling LGE to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees and
24 costs.

25 36. Defendants' acts of infringement have caused and will continue to cause irreparable
26 harm to LGE unless and until enjoined by this Court.

1 **FIFTH CLAIM FOR RELIEF**

2 **INFRINGEMENT OF U.S. PATENT NO. 7,760,491**

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4 37. The allegations of Paragraphs 1-36 are incorporated herein by reference.

5 38. LGE is the owner by assignment of all right, title, and interest in and to United
6 States Patent No. 7,760,491 entitled "Display Apparatus" (hereinafter "the '491 patent"), which
7 was duly and legally issued on July 20, 2010.

8 39. Defendants have made, used, offered to sell, and/or sold within the United States,
9 and/or imported into the United States, Accused Sony TV Products that infringe the claims of the
10 '491 patent, literally and/or under the doctrine of equivalents, in violation of LGE's statutory
11 rights.

12 40. Defendants have induced and/or are inducing the infringement of the '491 patent by
13 selling, offering to sell, and/or importing into the United States Accused Sony TV Products that
14 infringe the claims of the '491 patent in violation of LGE's statutory rights. On information and
15 belief, Defendants were aware of the '491 patent at the time they engaged in their directly and
16 indirectly infringing activities and, in any event, were aware of the '491 patent at least as early as
17 the service date of this complaint. Moreover, on information and belief, Defendants sold and/or
18 offered for sale and/or imported Accused Sony TV Products, and are continuing to do so, to
19 customers and others specifically intending to actively encourage such customers and others to
20 use the Accused Sony TV Products in the United States in a manner that Defendants know to be
21 infringing. On information and belief, those customers and others in fact used the Accused Sony
22 TV Products in the United States in an infringing manner.

23 41. As a result of Sony's unlawful infringement of the '491 patent, LGE has suffered
24 and will continue to suffer damage. LGE is entitled to recover from Sony the damages adequate
25 to compensate for such infringement, which have yet to be determined.

26 42. Defendants' acts of infringement of the '491 patent herein have been made, and/or
27 are being made at the time of service of this complaint, with full knowledge of LGE's rights in the
28 patent. On information and belief, Defendants have acted and/or are continuing to act despite an

1 objectively high likelihood that their actions constituted direct and/or indirect infringement of a
2 valid patent, and, on information and belief, Defendants knew or should have known of that
3 objectively high risk. Defendants' acts herein constitute willful and deliberate infringement,
4 entitling LGE to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees and
5 costs.

6 43. Defendants' acts of infringement have caused and will continue to cause irreparable
7 harm to LGE unless and until enjoined by this Court.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, LGE prays that this Court enters judgment and provides relief as follows:

10 (a) That Sony has directly infringed the '612 patent, the '895 patent, the '233 patent, the
11 '564 patent, and the '491 patent (individually and collectively "the patents in suit");

12 (b) That Sony has induced infringement of the patents in suit;

13 (c) That Sony has willfully infringed the patents in suit;

14 (d) That Sony, and its officers, agents, servants, employees, and those in active concert
15 or participation with them directly or indirectly, be enjoined from infringing the patents in suit;

16 (e) That Sony be ordered to account for and pay to LGE the damages resulting from
17 Sony's infringement of the patents in suit, together with interest and costs, and all other damages
18 permitted by 35 U.S.C. § 284, including enhanced damages up to three times the amount of
19 damages found or measured;

20 (f) That this action be adjudged an exceptional case and LGE be awarded its attorneys'
21 fees, expenses and costs in this action pursuant to 35 U.S.C. § 285; and

22 (g) That LGE be awarded such other equitable or legal relief as this Court deems just
23 and proper under the circumstances.

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1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Federal Rule of Civil Procedure 38, Plaintiff LGE demands a jury trial on all
3 issues so triable.

4 Dated: February 4, 2011

FISH & RICHARDSON P.C.

6 By: /s/ Christopher S. Marchese
7 Christopher S, Marchese (SBN 170239)

8 Attorneys for Plaintiff
9 LG Electronics, Inc.

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