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10 Attorneys for Plaintiff
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
CORPORATION OF AMERICA; SONY
18 ELECTRONICS, INC.; SONY COMPUTER
ENTERTAINMENT, INC.; and SONY
19 COMPUTER ENTERTAINMENT AMERICA
20 LLC,

21 Defendants.

Case No. '11CV0247 WQHBS

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

22
23 Plaintiff LG Electronics, Inc. (hereinafter Plaintiff or "LGE") hereby files this complaint
24 against Defendants Sony Corporation, Sony Corporation of America, Sony Electronics, Inc., Sony
25 Computer Entertainment, Inc., and Sony Computer Entertainment America LLC, and alleges as
26 follows:
27
28

PARTIES

1
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 licensing, and/or distributing a variety of electronic devices and media for use by consumers in the
10 United States including (a) game consoles with Blu-ray Disc players such as, for example, the
11 PlayStation3 game console ("the Accused Sony Game Consoles"); (b) personal computers ("PCs")
12 such as, for example, the Sony VAIO EA, EB, and/or X series PCs ("the Accused Sony PCs"); (c)
13 digital cameras, such as, for example, the Sony Model Numbers A55 and TX9 ("the Accused
14 Sony Digital Cameras"); (d) camcorders such as, for example, the Sony HDR-XR550 ("the
15 Accused Sony Camcorders"); and (e) Blu-ray Discs, such as, for example, a game for the
16 aforementioned Sony PlayStation3 called "Hot Shots Golf Out of Bounds" ("the Accused Sony
17 Blu-ray Discs"). As used hereinafter, the phrase "Accused Sony Products" shall mean
18 individually and collectively the Accused Sony Game Consoles, the Accused Sony PCs, the
19 Accused Sony Digital Cameras, the Accused Sony Camcorders, and the Accused Sony Blu-ray
20 Discs.

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

27 4. Defendant Sony Electronics, Inc. ("SEL") is a Delaware corporation with its
28 headquarters in this District at 16530 Via Esprillo, San Diego, CA 92127, and is a wholly-owned

1 subsidiary of Sony Corporation of America and/or of Sony Corporation conducting business in
2 this District. On information and belief, SEL sells, offers for sale, uses, and/or distributes
3 Accused Sony Products in the United States including within this District.

4 5. Defendant Sony Computer Entertainment, Inc. ("SCE") is a Japanese corporation
5 with its principal place of business at 2-6-21, Minami-Aoyama, Minato-ku, Tokyo, Tokyo 107-
6 0062, Japan, and conducts business in this District, in conjunction with its wholly-owned
7 subsidiaries including those identified herein. On information and belief, SCE operates as a
8 subsidiary of Sony Corporation. On information and belief, SCE, along with its subsidiary
9 divisions, sells, offers for sale, uses, and/or distributes Accused Sony Products in the United States
10 including within this District, and/or imports Accused Sony Products into the United States.

11 6. Defendant Sony Computer Entertainment America LLC ("SCEA") is a Delaware
12 corporation with its principal place of business at 919 East Hillsdale Blvd., Foster City, CA
13 94404, and is a subsidiary of Sony Corporation of America. On information and belief, SCEA
14 sells, offers for sale, uses, and/or distributes Accused Sony Products in the United States including
15 within this District.

16 7. As used herein, the term "Defendants" or "Sony" means individually and/or
17 collectively Sony Corporation, SCA, SEL, SCE, and SCEA.

18 **JURISDICTION AND VENUE**

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

22 9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and 1400(b)
23 because, among other reasons, Sony Corporation, SCA, SEL, SCE, and SCEA are subject to
24 personal jurisdiction in this judicial district and have committed acts of infringement in this
25 judicial district, and SCA and SEL each has a regular and established place of business in this
26 judicial district.

27 10. Upon information and belief, Sony has placed infringing products including
28 Accused Sony Products into the stream of commerce by shipping those products into this judicial

1 district and/or by knowing that such products would be shipped into this judicial district. Sony's
2 established distribution network, including through its ecommerce website www.sony.com,
3 includes national distributors and resellers, and Sony distributes to national and local retailers that
4 have stores located in this District. By shipping into, selling, offering to sell, and/or using
5 products that infringe the patents-in-suit in this District, or by inducing or causing those acts to
6 occur, Sony has transacted and continues to transact business and perform work and services in
7 this District, has supplied and continues to supply services and things in this District, has caused
8 and continues to cause injury and damages in this District by acts and omissions in this District,
9 and has caused and continues to cause injury and damages in this District by acts or omissions
10 outside of this District while deriving substantial revenue from services or things used or
11 consumed within this District, and will continue to do so unless enjoined by this Court.

12 **FIRST CLAIM FOR RELIEF**

13 **INFRINGEMENT OF U.S. PATENT NO. 5,995,767**

14
15 11. The allegations of Paragraphs 1-10 are incorporated herein by reference.

16 12. LGE is the owner by assignment of all right, title, and interest in and to United
17 States Patent No. 5,995,767 entitled "Method for Controlling Focusing Areas of a Camera and an
18 Apparatus for Performing the Same" (hereinafter "the '767 patent"), which was duly and legally
19 issued on November 30, 1999.

20 13. Defendants have made, used, offered to sell, and/or sold within the United States,
21 and/or imported into the United States, Accused Sony Products, and specifically the Accused
22 Sony Digital Cameras, the Accused Sony PCs, and the Accused Sony Camcorders, that infringe
23 the claims of the '767 patent, literally and/or under the doctrine of equivalents, in violation of
24 LGE's statutory rights.

25 14. Defendants have induced and/or are inducing the infringement of the '767 patent
26 by selling, offering to sell, and/or importing into the United States Accused Sony Products, and
27 specifically the Accused Sony Digital Cameras, the Accused Sony PCs, and the Accused Sony
28 Camcorders, that infringe the claims of the '767 patent in violation of LGE's statutory rights. On

1 information and belief, Defendants were aware of the '767 patent at the time they engaged in their
2 directly and indirectly infringing activities and, in any event, were aware of the '767 patent at least
3 as early as the service date of this complaint. Moreover, on information and belief, Defendants
4 sold and/or offered for sale and/or imported Accused Sony Products, and specifically the Accused
5 Sony Digital Cameras, the Accused Sony PCs, and the Accused Sony Camcorders, and are
6 continuing to do so, to customers and others specifically intending to actively encourage such
7 customers and others to use the Accused Sony Products in the United States in a manner that
8 Defendants know to be infringing. On information and belief, those customers and others in fact
9 used the Accused Sony Digital Cameras, the Accused Sony PCs, and the Accused Sony
10 Camcorders in the United States in an infringing manner.

11 15. As a result of Sony's unlawful infringement of the '767 patent, LGE has suffered
12 and will continue to suffer damage. LGE is entitled to recover from Sony the damages adequate
13 to compensate for such infringement, which have yet to be determined.

14 16. Defendants' acts of infringement of the '767 patent herein have been made, and/or
15 are being made at the time of service of this complaint, with full knowledge of LGE's rights in the
16 patent. On information and belief, Defendants have acted and/or are continuing to act despite an
17 objectively high likelihood that their actions constituted direct and/or indirect infringement of a
18 valid patent, and, on information and belief, Defendants knew or should have known of that
19 objectively high risk. Defendants' acts herein constitute willful and deliberate infringement,
20 entitling LGE to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees and
21 costs.

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

24 **SECOND CLAIM FOR RELIEF**

25 **INFRINGEMENT OF U.S. PATENT NO. 7,197,756**

26
27 18. The allegations of Paragraphs 1-17 are incorporated herein by reference.
28

1 19. LGE is the owner by assignment of all right, title, and interest in and to United
2 States Patent No. 7,197,756 entitled "Optical Disc Having a Projection with Lateral Inclined
3 Surface" (hereinafter "the '756 patent"), which was duly and legally issued on March 27, 2007.

4 20. Defendants have made, used, offered to sell, and/or sold within the United States,
5 and/or imported into the United States, Accused Sony Products, and specifically the Accused
6 Sony Blu-ray Discs, that infringe the claims of the '756 patent, literally and/or under the doctrine
7 of equivalents, in violation of LGE's statutory rights.

8 21. Defendants have induced and/or are inducing the infringement of the '756 patent
9 by selling, offering to sell, and/or importing into the United States Accused Sony Products, and
10 specifically the Accused Sony Blu-ray Discs, that infringe the claims of the '756 patent in
11 violation of LGE's statutory rights. On information and belief, Defendants were aware of the
12 '756 patent at the time they engaged in their directly and indirectly infringing activities and, in
13 any event, were aware of the '756 patent at least as early as the service date of this complaint.
14 Moreover, on information and belief, Defendants sold and/or offered for sale and/or imported
15 Accused Sony Products, and specifically the Accused Sony Blu-ray Discs, and are continuing to
16 do so, to customers and others specifically intending to actively encourage such customers and
17 others to use the Accused Sony Products in the United States in a manner that Defendants know to
18 be infringing. On information and belief, those customers and others in fact used the Accused
19 Sony Blu-ray Discs in the United States in an infringing manner.

20 22. As a result of Sony's unlawful infringement of the '756 patent, LGE has suffered
21 and will continue to suffer damage. LGE is entitled to recover from Sony the damages adequate
22 to compensate for such infringement, which have yet to be determined.

23 23. Defendants' acts of infringement of the '756 patent herein have been made, and/or
24 are being made at the time of service of this complaint, with full knowledge of LGE's rights in the
25 patent. On information and belief, Defendants have acted and/or are continuing to act despite an
26 objectively high likelihood that their actions constituted direct and/or indirect infringement of a
27 valid patent, and, on information and belief, Defendants knew or should have known of that
28 objectively high risk. Defendants' acts herein constitute willful and deliberate infringement,

1 entitling LGE to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees and
2 costs.

3 24. Defendants' acts of infringement have caused and will continue to cause
4 irreparable harm to LGE unless and until enjoined by this Court.

5 **THIRD CLAIM FOR RELIEF**

6 **INFRINGEMENT OF U.S. PATENT NO. 7,392,460**

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8 25. The allegations of Paragraphs 1-24 are incorporated herein by reference.

9 26. LGE is the owner by assignment of all right, title, and interest in and to United
10 States Patent No. 7,392,460 entitled "Mobile Communication System and Signal Processing
11 Method Thereof" (hereinafter "the '460 patent"), which was duly and legally issued on June 24,
12 2008.

13 27. Defendants have made, used, offered to sell, and/or sold within the United States,
14 and/or imported into the United States, Accused Sony Products, and specifically the Accused
15 Sony PCs, that infringe the claims of the '460 patent, literally and/or under the doctrine of
16 equivalents, in violation of LGE's statutory rights.

17 28. Defendants have induced and/or are inducing the infringement of the '460 patent
18 by selling, offering to sell, and/or importing into the United States Accused Sony Products, and
19 specifically the Accused Sony PCs, that infringe the claims of the '460 patent in violation of
20 LGE's statutory rights. On information and belief, Defendants were aware of the '460 patent at
21 the time they engaged in their directly and indirectly infringing activities and, in any event, were
22 aware of the '460 patent at least as early as the service date of this complaint. Moreover, on
23 information and belief, Defendants sold and/or offered for sale and/or imported Accused Sony
24 Products, and specifically the Accused Sony PCs, and are continuing to do so, to customers and
25 others specifically intending to actively encourage such customers and others to use the Accused
26 Sony Products in the United States in a manner that Defendants know to be infringing. On
27 information and belief, those customers and others in fact used the Accused Sony PCs in the
28 United States in an infringing manner.

1 29. As a result of Sony's unlawful infringement of the '460 patent, LGE has suffered
2 and will continue to suffer damage. LGE is entitled to recover from Sony the damages adequate
3 to compensate for such infringement, which have yet to be determined.

4 30. Defendants' acts of infringement of the '460 patent herein have been made, and/or
5 are being made at the time of service of this complaint, with full knowledge of LGE's rights in the
6 patent. On information and belief, Defendants have acted and/or are continuing to act despite an
7 objectively high likelihood that their actions constituted direct and/or indirect infringement of a
8 valid patent, and, on information and belief, Defendants knew or should have known of that
9 objectively high risk. Defendants' acts herein constitute willful and deliberate infringement,
10 entitling LGE to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees and
11 costs.

12 31. Defendants' acts of infringement have caused and will continue to cause
13 irreparable harm to LGE unless and until enjoined by this Court.

14 **FOURTH CLAIM FOR RELIEF**

15 **INFRINGEMENT OF U.S. PATENT NO. 7,545,730**

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17 32. The allegations of Paragraphs 1-31 are incorporated herein by reference.

18 33. LGE is the owner by assignment of all right, title, and interest in and to United
19 States Patent No. 7,545,730 entitled "Read-Only Recording Medium and Reproducing Method
20 Thereof" (hereinafter "the '730 patent"), which was duly and legally issued on June 9, 2009.

21 34. Defendants have made, used, offered to sell, and/or sold within the United States,
22 and/or imported into the United States, Accused Sony Products, and specifically the Accused
23 Sony Blu-ray Discs, that infringe the claims of the '730 patent, literally and/or under the doctrine
24 of equivalents, in violation of LGE's statutory rights.

25 35. Defendants have induced and/or are inducing the infringement of the '730 patent
26 by selling, offering to sell, and/or importing into the United States Accused Sony Products, and
27 specifically the Accused Sony Blu-ray Discs, that infringe the claims of the '730 patent in
28 violation of LGE's statutory rights. On information and belief, Defendants were aware of the

1 '730 patent at the time they engaged in their directly and indirectly infringing activities and, in
2 any event, were aware of the '730 patent at least as early as the service date of this complaint.
3 Moreover, on information and belief, Defendants sold and/or offered for sale and/or imported
4 Accused Sony Products, and specifically the Accused Sony Blu-ray Discs, and are continuing to
5 do so, to customers and others specifically intending to actively encourage such customers and
6 others to use the Accused Sony Products in the United States in a manner that Defendants know to
7 be infringing. On information and belief, those customers and others in fact used the Accused
8 Sony Blu-ray Discs in the United States in an infringing manner.

9 36. As a result of Sony's unlawful infringement of the '730 patent, LGE has suffered
10 and will continue to suffer damage. LGE is entitled to recover from Sony the damages adequate
11 to compensate for such infringement, which have yet to be determined.

12 37. Defendants' acts of infringement of the '730 patent herein have been made, and/or
13 are being made at the time of service of this complaint, with full knowledge of LGE's rights in the
14 patent. On information and belief, Defendants have acted and/or are continuing to act despite an
15 objectively high likelihood that their actions constituted direct and/or indirect infringement of a
16 valid patent, and, on information and belief, Defendants knew or should have known of that
17 objectively high risk. Defendants' acts herein constitute willful and deliberate infringement,
18 entitling LGE to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees and
19 costs.

20 38. Defendants' acts of infringement have caused and will continue to cause
21 irreparable harm to LGE unless and until enjoined by this Court.

22 **FIFTH CLAIM FOR RELIEF**

23 **INFRINGEMENT OF U.S. PATENT NO. 7,826,368**

24
25 39. The allegations of Paragraphs 1-38 are incorporated herein by reference.

26 40. LGE is the owner by assignment of all right, title, and interest in and to United
27 States Patent No. 7,826,368 entitled "Apparatus and method for moving a receive window in a
28

1 radio access network" (hereinafter "the '368 patent"), which was duly and legally issued on
2 November 2, 2010.

3 41. Defendants have made, used, offered to sell, and/or sold within the United States,
4 and/or imported into the United States, Accused Sony Products, and specifically the Accused
5 Sony PCs, that infringe the claims of the '368 patent, literally and/or under the doctrine of
6 equivalents, in violation of LGE's statutory rights.

7 42. Defendants have induced and/or are inducing the infringement of the '368 patent
8 by selling, offering to sell, and/or importing into the United States Accused Sony Products, and
9 specifically the Accused Sony PCs, that infringe the claims of the '368 patent in violation of
10 LGE's statutory rights. On information and belief, Defendants were aware of the '368 patent at
11 the time they engaged in their directly and indirectly infringing activities and, in any event, were
12 aware of the '368 patent at least as early as the service date of this complaint. Moreover, on
13 information and belief, Defendants sold and/or offered for sale and/or imported Accused Sony
14 Products, and specifically the Accused Sony PCs, and are continuing to do so, to customers and
15 others specifically intending to actively encourage such customers and others to use the Accused
16 Sony Products in the United States in a manner that Defendants know to be infringing. On
17 information and belief, those customers and others in fact used the Accused Sony PCs in the
18 United States in an infringing manner.

19 43. As a result of Sony's unlawful infringement of the '368 patent, LGE has suffered
20 and will continue to suffer damage. LGE is entitled to recover from Sony the damages adequate
21 to compensate for such infringement, which have yet to be determined.

22 44. Defendants' acts of infringement of the '368 patent herein have been made, and/or
23 are being made at the time of service of this complaint, with full knowledge of LGE's rights in the
24 patent. On information and belief, Defendants have acted and/or are continuing to act despite an
25 objectively high likelihood that their actions constituted direct and/or indirect infringement of a
26 valid patent, and, on information and belief, Defendants knew or should have known of that
27 objectively high risk. Defendants' acts herein constitute willful and deliberate infringement,
28

1 entitling LGE to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees and
2 costs.

3 45. Defendants' acts of infringement have caused and will continue to cause
4 irreparable harm to LGE unless and until enjoined by this Court.

5 **SIXTH CLAIM FOR RELIEF**

6 **INFRINGEMENT OF U.S. PATENT NO. 7,826,720**

7
8 46. The allegations of Paragraphs 1-45 are incorporated herein by reference.

9 47. LGE is the owner by assignment of all right, title, and interest in and to United
10 States Patent No. 7,826,720 entitled "Recording medium having data structure for managing
11 recording and reproduction of multiple path data recorded thereon and recording and reproducing
12 methods and apparatus" (hereinafter "the '720 patent"), which was duly and legally issued on
13 November 2, 2010.

14 48. Defendants have made, used, offered to sell, and/or sold within the United States,
15 and/or imported into the United States, Accused Sony Products, and specifically the Accused
16 Sony Game Consoles, that infringe the claims of the '720 patent, literally and/or under the
17 doctrine of equivalents, in violation of LGE's statutory rights.

18 49. Defendants have induced and/or are inducing the infringement of the '720 patent
19 by selling, offering to sell, and/or importing into the United States Accused Sony Products, and
20 specifically the Accused Sony Game Consoles, that infringe the claims of the '720 patent in
21 violation of LGE's statutory rights. On information and belief, Defendants were aware of the
22 '720 patent at the time they engaged in their directly and indirectly infringing activities and, in
23 any event, were aware of the '720 patent at least as early as the service date of this complaint.
24 Moreover, on information and belief, Defendants sold and/or offered for sale and/or imported
25 Accused Sony Products, and specifically the Accused Sony Game Consoles, and are continuing to
26 do so, to customers and others specifically intending to actively encourage such customers and
27 others to use the Accused Sony Products in the United States in a manner that Defendants know to
28

1 be infringing. On information and belief, those customers and others in fact used the Accused
2 Sony Game Consoles in the United States in an infringing manner.

3 50. As a result of Sony's unlawful infringement of the '720 patent, LGE has suffered
4 and will continue to suffer damage. LGE is entitled to recover from Sony the damages adequate
5 to compensate for such infringement, which have yet to be determined.

6 51. Defendants' acts of infringement of the '720 patent herein have been made, and/or
7 are being made at the time of service of this complaint, with full knowledge of LGE's rights in the
8 patent. On information and belief, Defendants have acted and/or are continuing to act despite an
9 objectively high likelihood that their actions constituted direct and/or indirect infringement of a
10 valid patent, and, on information and belief, Defendants knew or should have known of that
11 objectively high risk. Defendants' acts herein constitute willful and deliberate infringement,
12 entitling LGE to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees and
13 costs.

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

16 **PRAYER FOR RELIEF**

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

18 (a) That Sony has directly infringed the '767 patent, the '756 patent, the '460 patent,
19 the '730 patent, the '368 patent, and the '720 patent (individually and collectively "the patents in
20 suit");

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

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

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

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

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

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

5
6 **DEMAND FOR JURY TRIAL**

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

9
10 Dated: February 4, 2011

FISH & RICHARDSON P.C.

11
12 By: /s/ Christopher S. Marchese
13 Christopher S, Marchese (SBN 170239)

14 Attorneys for Plaintiff
15 LG Electronics, Inc.
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