

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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 AU OPTRONICS CORPORATION, and )  
 AU OPTRONICS CORPORATION AMERICA, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 SHARP CORPORATION a.k.a. SHARP )  
 KABUSHIKI KAISHA, and SHARP )  
 ELECTRONICS CORPORATION, )  
 )  
 Defendants. )  
 \_\_\_\_\_

Civil Action No. \_\_\_\_\_

**DEMAND FOR JURY TRIAL**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs AU OPTRONICS CORPORATION and AU OPTRONICS CORPORATION AMERICA (collectively, "AUO") for its complaint against defendants SHARP CORPORATION a.k.a. SHARP KABUSHIKI KAISHA ("Sharp Japan") and SHARP ELECTRONICS CORPORATION ("Sharp America") (collectively, "Sharp" or the "Defendants"), state and allege as follows:

**NATURE OF THE ACTION**

1. AUO is the owner of United States Patent 6,818,967 ("the '967 patent"), United States Patent No. 7,125,157 ("the '157 patent"), United States Patent No. 7,057,359 ("the '359 patent"), United States Patent No. 7,259,526 ("the '526 patent"), United States Patent No. 7,317,289 ("the '289 patent"), and United States Patent No. 7,172,331 ("the '331 patent"). The '967 patent, the '157 patent, the '359 patent, the '526 patent, the '289 patent, and the '331 patent are collectively referred to as the "Patents-in-Suit".

2. This is a civil action for the infringement of the Patents-in-Suit, including the willful infringement of the Patents-in-Suit by Defendants.

3. The technology at issue involves the design and manufacture of Liquid Crystal Display (“LCD”) modules, and thin film transistors on LCD glass panels, which are both types of flat panel displays that are incorporated into a variety of devices, including at least LCD portable computers and handheld devices, LCD computer monitors, and LCD televisions.

#### **THE PARTIES**

4. AU Optronics Corporation is a corporation existing under the laws of Taiwan, R.O.C., having a principal place of business located at No. 1 Li-Hsin Road 2, Science-Based Industrial Park, Hsinchu 300, Taiwan, R.O.C.

5. AU Optronics Corporation America is a California corporation, having a principal place of business at 1525 McCarthy Blvd., Milpitas, CA 95035.

6. On information and belief, Sharp Japan is a corporation existing under the laws of Japan, with a principal place of business located at 22-22 Nagaike-cho, Abeno-ku, Osaka, Japan 545-8522.

7. On information and belief, Sharp America is a corporation existing under the laws of New York, with a principal place of business located at Mahwah, New Jersey. On information and belief, Sharp America is a wholly owned subsidiary of Sharp Japan that either directly or indirectly imports into, sells, and/or offers for sale Sharp Japan products in Delaware and elsewhere in the United States. On information and belief, Sharp America has its principal place of business at Sharp Plaza, Mahwah, New Jersey 07495-1163.

8. On information and belief, Sharp America is registered to do business in Delaware.

**JURISDICTION AND VENUE**

9. This action is based upon and arises under the Patent Laws of the United States, 35 U.S.C. § 100 et seq., and in particular §§ 271, 281, 283, 284 and 285, and is intended to redress infringement of the Patents-in-Suit owned by AUO.

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

11. Defendants have transacted and continue to transact business in the United States and in this judicial district by: using or causing to be used; making; importing or causing to be imported; offering to sell or causing to be offered for sale; and/or selling or causing to be sold directly, through intermediaries and/or as an intermediary, a variety of products that infringe the Patents-in-Suit.

12. This Court has personal jurisdiction over Sharp Japan, and venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (b), (c) and (d), and 28 U.S.C. § 1400(b), in that the Defendants are committing and are causing acts of patent infringement within the United States and within this judicial district, including the infringing acts alleged herein, both directly, through one or more intermediaries, and as an intermediary, and in that Sharp Japan has caused and causes injury and damages in this judicial district by acts or omissions outside of this judicial district, including but not limited to utilization of its own distribution channels established in the United States, to import a variety of products that infringe the Patent-in-Suit into the United States and into this judicial district while deriving substantial revenue from services or things used or consumed within this judicial district, and will continue to do so unless enjoined by this Court.

13. This Court has personal jurisdiction over Sharp America and venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C. § 1400(b), in that

the Defendants are committing acts of patent infringement within the United States and within this judicial district, including the infringing acts alleged herein, both directly, through one or more intermediaries, and as an intermediary.

14. On information and belief, Sharp America regularly imports large quantities of Sharp Japan products into the United States for distribution throughout the United States, including in this judicial district. On information and belief, Sharp America is involved in the distribution of LCD products that infringe that Patents-in-Suit and is aware that its products are sold throughout the United States, including in Delaware. On information and belief, the established distribution networks of the Defendants consist of national distributors and resellers, and the Defendants distribute to national retailers that have stores located in Delaware. By shipping into, offering to sell in, using, or selling products that infringe the Patents-in-Suit in this judicial district, or by inducing or causing those acts to occur, Sharp America has transacted business and performed works and services in this judicial district, has contracted to supply services and things in this judicial district, and has caused injury and damages in this judicial district while deriving substantial revenue from services or things used or consumed within this judicial district.

#### **THE PATENTS-IN-SUIT**

15. On November 16, 2004, the '967 patent, entitled "Fabricating method of low temperature poly-silicon film and low temperature poly-silicon thin film transistor" was duly and legally issued. AU Optronics Corporation and AU Optronics Corporation America are the owners by assignment of all rights, title, and interest in and to the '967 patent. A copy of the '967 patent is attached as Exhibit A.

16. On October 24, 2006, the '157 patent, entitled "Backlight unit and liquid crystal display utilizing the same" was duly and legally issued. AU Optronics Corporation and AU

Optronics Corporation America are the owners by assignment of all rights, title, and interest in and to the '157 patent. A copy of the '157 patent is attached as Exhibit B.

17. On June 6, 2006, the '359 patent, entitled "Method and apparatus for controlling driving current of illumination source in a display system" was duly and legally issued. AU Optronics Corporation and AU Optronics Corporation America are the owners by assignment of all rights, title, and interest in and to the '359 patent. A copy of the '359 patent is attached as Exhibit C.

18. On August 21, 2007, the '526 patent, entitled "Method and apparatus for controlling driving current of illumination source in a display system" was duly and legally issued. AU Optronics Corporation and AU Optronics Corporation America are the owners by assignment of all rights, title, and interest in and to the '526 patent. A copy of the '526 patent is attached as Exhibit D.

19. On January 8, 2008, the '289 patent, entitled "Method and apparatus for controlling driving current of illumination source in a display system" was duly and legally issued. AU Optronics Corporation and AU Optronics Corporation America are the owners by assignment of all rights, title, and interest in and to the '289 patent. A copy of the '289 patent is attached as Exhibit E.

20. On February 6, 2007, the '331 patent, entitled "Backlight module" was duly and legally issued. AU Optronics Corporation and AU Optronics Corporation America are the owners by assignment of all rights, title, and interest in and to the '331 patent. A copy of the '331 patent is attached as Exhibit F.

21. AU Optronics Corporation and AU Optronics Corporation America own the Patents-in-Suit and possess the right to sue and to recover for infringement of the Patents-in-Suit.

**COUNT I**  
**INFRINGEMENT OF THE '967 patent**

22. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

23. In violation of 35 U.S.C. § 271, Defendants are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '967 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, and/or importing and/or causing to be imported without authority or license LCD devices (including but not limited to LCD panels and LCD modules) manufactured by Sharp, its subsidiaries, and its agents or third-party contract manufacturers and LCD products containing such Sharp LCD devices.

24. On information and belief, Defendants have had knowledge of the '967 patent through direct or indirect communications with AUO and/or as a result of their participation in the LCD industry. Thus Defendants' infringement of the '967 patent is and has been deliberate and willful.

25. Unless enjoined, Defendants will continue to infringe the '967 patent, and AUO will suffer irreparable injury as a direct and proximate result of Defendants' conduct.

26. AUO has been damaged by Defendants' conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

**COUNT II**  
**INFRINGEMENT OF THE '157 patent**

27. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

28. In violation of 35 U.S.C. § 271, Defendants are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '157 patent by, among

other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, and/or importing and/or causing to be imported without authority or license LCD devices (including but not limited to LCD panels and LCD modules) manufactured by Sharp, its subsidiaries, and its agents or third-party contract manufacturers and LCD products containing such Sharp LCD devices.

29. On information and belief, Defendants have had knowledge of the '157 patent through direct or indirect communications with AUO and/or as a result of their participation in the LCD industry. Thus Defendants' infringement of the '157 patent is and has been deliberate and willful.

30. Unless enjoined, Defendants will continue to infringe the '157 patent, and AUO will suffer irreparable injury as a direct and proximate result of Defendants' conduct.

31. AUO has been damaged by Defendants' conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

**COUNT III**  
**INFRINGEMENT OF THE '359 patent**

32. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

33. In violation of 35 U.S.C. § 271, Defendants are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '359 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, and/or importing and/or causing to be imported without authority or license LCD devices (including but not limited to LCD panels and LCD modules) manufactured by Sharp, its subsidiaries, and its agents or third-party contract manufacturers and LCD products containing such Sharp LCD devices.

34. On information and belief, Defendants have had knowledge of the '359 patent through direct or indirect communications with AUO and/or as a result of their participation in the LCD industry. Thus Defendants' infringement of the '359 patent is and has been deliberate and willful.

35. Unless enjoined, Defendants will continue to infringe the '359 patent, and AUO will suffer irreparable injury as a direct and proximate result of Defendants' conduct.

36. AUO has been damaged by Defendants' conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

**COUNT IV**  
**INFRINGEMENT OF THE '526 patent**

37. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

38. In violation of 35 U.S.C. § 271, Defendants are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '526 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, and/or importing and/or causing to be imported without authority or license LCD devices (including but not limited to LCD panels and LCD modules) manufactured by Sharp, its subsidiaries, and its agents or third-party contract manufacturers and LCD products containing such Sharp LCD devices.

39. On information and belief, Defendants have had knowledge of the '526 patent through direct or indirect communications with AUO and/or as a result of their participation in the LCD industry. Thus Defendants' infringement of the '526 patent is and has been deliberate and willful.



40. Unless enjoined, Defendants will continue to infringe the '526 patent, and AUO will suffer irreparable injury as a direct and proximate result of Defendants' conduct.

41. AUO has been damaged by Defendants' conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

**COUNT V**  
**INFRINGEMENT OF THE '289 patent**

42. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

43. In violation of 35 U.S.C. § 271, Defendants are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '289 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, and/or importing and/or causing to be imported without authority or license LCD devices (including but not limited to LCD panels and LCD modules) manufactured by Sharp, its subsidiaries, and its agents or third-party contract manufacturers and LCD products containing such Sharp LCD devices.

44. On information and belief, Defendants have had knowledge of the '289 patent through direct or indirect communications with AUO and/or as a result of their participation in the LCD industry. Thus Defendants' infringement of the '289 patent is and has been deliberate and willful.

45. Unless enjoined, Defendants will continue to infringe the '289 patent, and AUO will suffer irreparable injury as a direct and proximate result of Defendants' conduct.

46. AUO has been damaged by Defendants' conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

**COUNT VI**  
**INFRINGEMENT OF THE '331 patent**

47. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

48. In violation of 35 U.S.C. § 271, Defendants are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '331 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, and/or importing and/or causing to be imported without authority or license LCD devices (including but not limited to LCD panels and LCD modules) manufactured by Sharp, its subsidiaries, and its agents or third-party contract manufacturers and LCD products containing such Sharp LCD devices.

49. On information and belief, Defendants have had knowledge of the '331 patent through direct or indirect communications with AUO and/or as a result of their participation in the LCD industry. Thus Defendants' infringement of the '331 patent is and has been deliberate and willful.

50. Unless enjoined, Defendants will continue to infringe the '331 patent, and AUO will suffer irreparable injury as a direct and proximate result of Defendants' conduct.

51. AUO has been damaged by Defendants' conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs AUO prays for judgment as follows:

A. That Sharp Japan and Sharp America have directly and/or indirectly infringed the Patents-in-Suit;

B. That Sharp Japan's and Sharp America's infringement of the Patents-in-Suit has been willful;

C. That Sharp Japan and Sharp America and their parents, subsidiaries, affiliates, successors, predecessors, assigns, and the officers, directors, agents, servants and employees of each of the foregoing, and those persons acting in concert or participation with any of them, be preliminarily and permanently enjoined and restrained from continued infringement, including but not limited to using, making, importing, offering for sale and/or selling products that infringe, and from contributorily and/or inducing the infringement of the Patents-in-Suit prior to their expiration, including any extensions;

D. That AUO be awarded monetary relief adequate to compensate AUO for Sharp Japan's and Sharp America's acts of infringement of the Patents-in-Suit within the United States prior to the expiration of the Patents-in-Suit, including any extensions;

E. That any monetary relief awarded to AUO regarding the infringement of the Patents-in-Suit by Defendants be trebled due to the willful nature of Sharp Japan's and Sharp America's infringement of the Patents-in-Suit;

F. That any monetary relief awarded to AUO be awarded with prejudgment interest;

G. That this is an exceptional case and that AUO be awarded the attorneys' fees, costs and expenses that it incurs prosecuting this action; and

H. That AUO be awarded such other and further relief as this Court deems just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury of any and all issues triable of right by a jury.

**YOUNG CONAWAY STARGATT & TAYLOR LLP**

*/s/ Karen L. Pascale*

DATED: March 2, 2011

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