

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

MEDIA DIGITAL CORPORATION,

Plaintiff,

vs.

ASUS COMPUTER INTERNATIONAL,
INC., DELL INC., HTC AMERICA, INC.,
and PANTECH WIRELESS, INC.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§
§

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Media Digital Corporation (“Media Digital”) brings this action against Defendants Asus Computer International, Inc. (“Asus”), Dell Inc. (“Dell”), HTC America, Inc. (“HTC”), and Pantech Wireless, Inc. (“Pantech”) (herein, collectively, “Defendants”) and for its cause of action alleges:

THE PARTIES

1. Media Digital is a corporation organized and existing under the laws of the State of New Hampshire, with its principal place of business at 7 Warren Avenue, Salem, New Hampshire, 03079-1633.

2. Asus, on information and belief, is a corporation organized and existing under the laws of the State of California, with its principal place of business at 800 Corporate Way, Fremont, California 94539. Asus may be served with process by serving its Chief Executive Officer, Ivan Hoe, at 800 Corporate Way, Fremont, California 94539.

3. Dell, on information and belief, is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at One Dell Way, Austin,

Texas 78682. Dell may be served with process by serving its registered agent, Lawyers Incorporating Service, at 14 Centre Street, Concord, New Hampshire 03301-6302.

4. HTC, on information and belief, is a corporation organized and existing under the laws of the State of Washington, with its principal place of business at 13920 SE Eastgate Way Suite 400, Bellevue, Washington 98005. HTC may be served with process by serving its President, Fred Liu, 13920 SE Eastgate Way Suite 400, Bellevue, Washington 98005.

5. Pantech, on information and belief, is a corporation organized and existing under the laws of the State of Georgia, with its principal place of business at 5607 Glenridge Drive NE Suite 500, Atlanta, Georgia 30342. Pantech may be served with process by serving its President, Sung-Kyu Lee, at 5607 Glenridge Drive NE Suite 500, Atlanta, Georgia 30342.

THE PATENT

6. On August 8, 2000, United States Patent No. 6,101,324 (the “‘324 patent”) entitled “Computer Touch Screen Radio Station Control System” was duly and legally issued. A true and correct copy of the ‘324 patent is attached as Exhibit A. The ‘324 patent relates generally to touch screen control of multimedia systems that play audio or video programs. The system allows touch screen control of a schedule log to arrange and edit a schedule of audio or video events for playback.

7. Pursuant to 35 U.S.C. § 282, the ‘324 patent is presumed valid.

8. By assignment, Plaintiff is the owner of the ‘324 patent and at all relevant times has had the right to enforce the ‘324 patent.

JURISDICTION AND VENUE

9. This action arises under the patent laws of the United States, Title 35 of the United States Code, particularly §§ 271 and 281. This Court has jurisdiction over the claim for patent infringement under 28 U.S.C. § 1338(a).

10. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

11. Asus, upon information and belief, transacts business in this district by making, using, selling or offering to sell methods and systems as described and claimed in the '324 patent and/or conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

12. Dell, upon information and belief, transacts business in this district by making, using, selling or offering to sell methods and systems as described and claimed in the '324 patent and/or conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

13. HTC, upon information and belief, transacts business in this district by making, using, selling or offering to sell methods and systems as described and claimed in the '324 patent and/or conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

14. Pantech, upon information and belief, transacts business in this district by making, using, selling or offering to sell methods and systems as described and claimed in the '324 patent and/or conducting other business in this judicial district sufficient to render it subject to jurisdiction in this district.

CLAIM FOR PATENT INFRINGEMENT

15. On information and belief, Asus makes, uses, sells, and/or offers to sell touch-screen controlled tablets that include a media player and the ability to update a playlist of music, including but not limited to the Eee Slate EP121 tablet, that infringe at least claim 1 of the '324 patent; and/or induces and/or contributes to the infringement of at least claim 1 of the '324 patent by others.

16. On information and belief, Dell makes, uses, sells, and/or offers to sell touch-screen controlled tablets and smartphones that include a media player and the ability to update a playlist of music, including but not limited to the Streak 5, Streak 7, Latitude XT2, and Inspiron Duo tablets as well as the Venue and Venue Pro mobile phones, that infringe at least claim 1 of the '324 patent; and/or induces and/or contributes to the infringement of at least claim 1 of the '324 patent by others.

17. On information and belief, HTC makes, uses, sells, and/or offers to sell touch-screen controlled smartphones that include a media player and the ability to update a playlist of music, including but not limited to the Freestyle, Thunderbolt, Inspire, Wildfire, HD7, Surround, my Touch 3G, myTouch 4G, Evo 4G, Droid Incredible, Aria, Desire, HD2, Hero, Touch Cruise, G1, G2, Arrive, Evo Shift 4G, Tilt 2, Touch Pro2 mobile phones, that infringe at least claim 1 of the '324 patent; and/or induces and/or contributes to the infringement of at least claim 1 of the '324 patent by others.

18. On information and belief, Pantech makes, uses, sells, and/or offers to sell touch-screen controlled smartphones that include a media player and the ability to update a playlist of music, including but not limited to the Ease, Jest, Laser and Pursuit mobile phones, that infringe

at least claim 1 of the '324 patent; and/or induces and/or contributes to the infringement of at least claim 1 of the '324 patent by others.

19. By making, using, selling and offering to sell the aforementioned systems, Defendants have been and continue to infringe the '324 patent.

20. The infringement of the '324 patent alleged above has injured Media Digital and thus, it is entitled to recover damages adequate to compensate for Defendants' infringement, which in no event can be less than a reasonable royalty.

DEMAND FOR JURY TRIAL

Media Digital demands a jury trial on all claims and issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Media Digital prays for entry of judgment:

A. That Defendants, Asus, Dell, HTC, and Pantech, have infringed one or more claims of the '324 patent;

B. That Defendants, Asus, Dell, HTC, and Pantech, account for and pay to Media Digital all damages caused by the infringement of the '324 patent, which by statute can be no less than a reasonable royalty;

C. That Media Digital be granted pre-judgment and post-judgment interest on the damages caused to it by Defendants' infringement of the '324 patent;

D. That Media Digital be granted its attorneys' fees in this action;

E. That costs be awarded to Media Digital;

F. That Media Digital be granted such other and further relief that is just and proper under the circumstances.

Respectfully submitted,

DATED: September 12, 2011

/s/ David K. Pinsonneault
David K. Pinsonneault, Esquire #2033
WINER & BENNETT, LLP
111 Concord Street, P.O. Box 488
Nashua, NH 03061
(603) 882-5157
Fax: (603) 882-2694

OF COUNSEL:

/s/ Jonathan T. Suder
Texas Bar No. 19463350
Corby R. Vowell
Texas Bar No. 24031621
FRIEDMAN, SUDER & COOKE, P.C.
Tindall Square Warehouse No. 1
604 East 4th Street, Suite 200
Fort Worth, Texas 76102
(817) 334-0400
Fax: (817) 334-0401
jts@fsclaw.com
vowell@fsclaw.com

Edward W. Goldstein
Texas Bar. No. 08099500
GOLDSTEIN & LIPSKI, PLLC
1177 West Loop South, Suite 400
Houston, Texas 77027
(713) 877-1515
Fax: (713) 877-1737
egoldstein@gliplaw.com