

1 Jill F. Kopeikin (State Bar No. 160792) jkopeikin@gcalaw.com
2 Valerie M. Wagner (State Bar No. 173146) vwagner@gcalaw.com
3 GCA LAW PARTNERS LLP
4 2570 W. El Camino Real, Suite 500
5 Mountain View, CA 94040
6 Telephone: (650) 428-3900
7 Fax: (650) 428-3901

8 Attorneys for Plaintiff
9 INDUSTRIAL TECHNOLOGY
10 RESEARCH INSTITUTE

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

13 INDUSTRIAL TECHNOLOGY
14 RESEARCH INSTITUTE,

15 *Plaintiff,*

16 LG ELECTRONICS INC.,
17 LG ELECTRONICS U.S.A., INC.,
18 AND LG ELECTRONICS
19 MOBILECOMM U.S.A., INC.,

CASE NO. '13CV2016 GPC NLS

ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

20 Plaintiff Industrial Technology Research Institute (“ITRI” or “Plaintiff”) by
21 and through its undersigned counsel, files this Original Complaint against
22 Defendants LG Electronics Inc., LG Electronics U.S.A., Inc., and LG Electronics
23 MobileComm U.S.A., Inc. (collectively, “LG” or “Defendants”) as follows:

24 **THE PARTIES**

25 1. Industrial Technology Research Institute is Taiwan's largest applied
26 technology research and development institution, having a principal address of 195,
27 Sec. 4, Chung Hsing Rd., Chutung, Hsinchu, Taiwan 31040, R.O.C.

1 2. Upon information and belief, LG Electronics Inc. is a Korean
2 corporation with its principal place of business at LG Twin Towers, 20 Yeouido-
3 dong, Yeongdeungpo-gu, Seoul 150-721, Korea. Upon information and belief, LG
4 Electronics may be served at LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-
5 gu, Seoul 150-721, Korea via an officer, a managing or general agent, or any other
6 agent authorized by appointment or by law to receive service of process.

7 3. Upon information and belief, LG Electronics U.S.A., Inc. is a Delaware
8 corporation with its principal place of business at 1000 Sylvan Avenue, Englewood
9 Cliffs, NJ, 07632. Upon information and belief, LG Electronics U.S.A., Inc. may be
10 served with process by serving its registered agent, Lawyers Incorporating Service,
11 2710 Gateway Oaks Dr., Suite 150N, Sacramento, CA 95833. Upon information and
12 belief, LG Electronics U.S.A., Inc. is a wholly owned subsidiary of LG Electronics
13 Inc.

14 4. Upon information and belief, LG Electronics MobileComm U.S.A., Inc.
15 is a California corporation with its principal place of business at 10101 Old Grove
16 Road, San Diego, California 92131. Upon information and belief, LG Electronics
17 MobileComm U.S.A., Inc. also conducts business as "LG Mobile Phones." Upon
18 information and belief, LG Electronics MobileComm U.S.A., Inc. may be served
19 with process by serving its registered agent, National Registered Agents, Inc., 818
20 W. Seventh St., Los Angeles, CA 90017. Upon information and belief, LG
21 Electronics MobileComm U.S.A., Inc. is a wholly owned subsidiary of LG
22 Electronics U.S.A., Inc.

23 **JURISDICTION AND VENUE**

24 5. This action arises under the Patent Laws of the United States, 35 U.S.C.
25 § 1, et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has
26 subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§
27 1331 and 1338(a).

28

1 6. This Court has personal jurisdiction over each Defendant. Each
2 Defendant has conducted and does conduct business within the state of California.
3 Each Defendant, directly or through intermediaries (including distributors, retailers,
4 and others), ships, distributes, offers for sale, and/or sells its devices in the United
5 States, the State of California, and the Southern District of California. Each
6 Defendant has purposefully and voluntarily placed one or more of its infringing
7 devices into the stream of commerce with the expectation that they will be purchased
8 by consumers in the Southern District of California. Upon information and belief,
9 each Defendant has committed acts of patent infringement within the State of
10 California and, more particularly, within the Southern District of California.

11 7. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d),
12 as well as 28 U.S.C. § 1400(b), in that, upon information and belief, each Defendant
13 has committed acts within this judicial District giving rise to this action and does
14 business in this District, including using, selling, offering for sale, providing service
15 and support for their respective customers, and/or importing infringing devices in
16 and/or into this District. Further, LG intentionally availed itself of this judicial
17 District by filing a motion to transfer claims from the Eastern District of Texas to the
18 Southern District of California. As in the instant case, the transferred case involved
19 cellular telephones. *Industrial Technology Research Institute v. LG Corporation, LG*
20 *Electronics, Inc., and LG Electronics, U.S.A., Inc.*, No. 6:10-cv-631-LED
21 (transferred from Eastern District of Texas to Southern District of California on
22 February 13, 2012).

23

24 **PATENT INFRINGEMENT OF U.S. PATENT NO. 6,163,355**

25 8. Plaintiff repeats and re-alleges each and every allegation of paragraphs
26 1-7 as though fully set forth herein.

27

28

1 9. United States Patent No. 6,163,355, titled “In-plane switching array of
2 TFT liquid crystal display in which an electrode on the same side of an insulating
3 layer is made thinner than the source and drain” (“the ’355 Patent”), was duly and
4 legally issued by the United States Patent and Trademark Office on December 19,
5 2000, after full and fair examination. A true and correct copy of the ’355 Patent is
6 attached as Exhibit A and made a part hereof.

7 10. ITRI is the owner of all right, title, and interest in and to the ’355 Patent
8 with full right to bring suit to enforce the patent, including the right to recover for
9 past infringement damages.

10 11. The ’355 Patent is valid and enforceable.

11 12. LG has at no time, either expressly or impliedly, been licensed under
12 the ’355 Patent.

13 13. With respect to the ’355 Patent, ITRI has complied with 35 U.S.C. §
14 287.

15 14. Upon information and belief, LG has been and now is directly, literally
16 under 35 U.S.C. § 271(a), and/or equivalently under the doctrine of equivalents,
17 infringing the ’355 Patent, by making, using, selling, offering for sale, and/or
18 importing into the United States, without authority, devices that fall within the scope
19 of one or more claims of the ’355 Patent, including, but not limited to, the LG
20 Optimus G, and other similar devices, which perform substantially the same function
21 as the devices embodied in one or more claims of the ’355 Patent in substantially the
22 same way to achieve the same result.

23 15. TAKE NOTICE that ITRI reserves the right to further allege indirect
24 infringement, contributory infringement, inducing infringement, and/or willful
25 infringement, and amend, supplement, or modify its allegations of infringement as
26 facts regarding such allegations arise during the course of this case.

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONCLUSION

16. Unless Defendants are enjoined by this Court from continuing their patent infringements, Plaintiff will suffer additional irreparable harm for which there is no adequate remedy at law and impairment of the value of its patent rights.

17. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants’ wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

18. Plaintiff has incurred and will incur attorneys’ fees, costs, and expenses in the prosecution of this action.

JURY DEMAND

19. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

20. Plaintiff respectfully requests that the Court find in its favor and against LG, and that the Court grant Plaintiff the following relief:

- A. A judgment that each Defendant infringed U.S. Patent No. 6,163,355 as alleged herein;
- B. A judgment for an accounting of all damages sustained by ITRI as a result of the acts of infringement by each Defendant;
- C. A judgment and order requiring each Defendant to pay ITRI damages under 35 U.S.C. § 284, supplemental damages for any continuing post-verdict infringement of active patents until entry of the final judgment with an accounting as needed, and any royalties determined to be appropriate;
- D. A judgment and order requiring each Defendant to pay ITRI pre-

1 judgment and post-judgment interest on the damages awarded;

2 E. A permanent injunction against further and continued infringement of
3 U.S. Patent No. 6,163,355; and

4 F. Such other and further relief as the Court deems just and equitable.
5
6

7 Dated: August 29, 2013

Respectfully submitted,

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Jill F. Kopeikin
Jill F. Kopeikin (State Bar No. 160792)
jkopeikin@gcalaw.com
Valerie M. Wagner (State Bar No. 173146)
vwagner@gcalaw.com
GCA LAW PARTNERS LLP
2570 W. El Camino Real, Suite 500
Mountain View, CA 94040
(Tel.) 650-428-3900
650-428-3901

Counsel for Plaintiff, Industrial Technology
Research Institute