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RICHARD W. WIEKING  
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NORTHERN DISTRICT OF CALIFORNIA  
E-filing

8 *Attorney for Plaintiff*  
9 *Technology Licensing Company Inc.*

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**CV10 5400**

**EMC**

<p>12 <b>Technology Licensing Company, Inc.,</b></p> <p>13</p> <p>14 Plaintiff</p> <p>15</p> <p>16 v.</p> <p>17 <b>Vizio, Inc.</b></p> <p>18</p> <p>19 Defendant</p> <p>20</p> <p>21</p> <p>22</p>	<p>Case No.:</p> <p><b>COMPLAINT FOR INDUCING PATENT INFRINGEMENT, AND CONTRIBUTORY PATENT INFRINGEMENT</b></p> <p><b>DEMAND FOR JURY TRIAL</b></p>
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**COMPLAINT FOR INDUCING PATENT INFRINGEMENT, AND CONTRIBUTORY  
PATENT INFRINGEMENT**

Plaintiff, Technology Licensing Company Inc., complains of and for causes of action against Defendant, Vizio Inc., alleges as follows:

Nature of the Case

1. This is an action arising under the Patent Laws and Statutes of the United States in which Plaintiff seeks to recover for inducing patent infringement, and for contributory infringement, and for any and all damages and costs flowing therefrom.

Jurisdiction and Venue

2. The Court has exclusive jurisdiction of the inducement of patent infringement claim, and the contributory infringement claim, all asserted in this case pursuant to the Patent Laws and Statutes of the United States (e.g., 35 U.S.C. §§ 271, *et seq.* and § 281) including 28 U.S.C. §§ 1331, 1338, 2201-2202. Venue is proper in this district under 28 U.S.C § 1391.

The Parties

3. Plaintiff, Technology Licensing Company Inc. ("Plaintiff") is a California Corporation with a principal place of business in Nicasio, California.

4. Defendant, Vizio Inc. ("Defendant") is a California Corporation having a principal place of business in Irvine, CA 92618.

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Plaintiff's Patent

5. Plaintiff is the owner of United States No.5,734,862 ("the Patent") which was duly issued on March 31, 1998. The Patent concerns *inter alia* embodiments for a system and method for making and/or viewing DVDs. Plaintiff has licensed the Patent to more than 20 (twenty) manufacturers and/or sellers of DVD Players.

**COUNT I**

**(Actively Inducing Patent Infringement)**

6. This COUNT is instituted against Defendant for actively inducing patent infringement.

7. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

8. On information and belief, Defendant is manufacturing and/or selling and/or using and/or offering for sale and/or importing to persons in this Judicial District and elsewhere in the United States embodiments of the invention of the Patent.

9. On information and belief, when Defendant makes and sells and/or offers to sell to persons, embodiments of the invention of the Patent in this Judicial District and elsewhere in the United States, the sales are accompanied with documents, written instructions, and/or other instructions, from Defendant on how to operate embodiments of the invention of the Patent.

10. On information and belief, when Defendant accompanies its sales and/or offers to sell to persons with documents, written instructions, and/or other instructions, on how to operate embodiments of the invention of the Patent, Defendant was and is aware that such documents, written instructions, and/or other instructions, are inducing the persons to infringe the claims of

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1 the Patent. On further information and belief, Defendant thereby has actively induced and/or is  
2 actively inducing the persons in this Judicial District and elsewhere in the United States to infringe  
3 the claims of the Patent.  
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5 11. On information and belief, at least one embodiment of the invention of the Patent  
6 which Defendant is actively inducing infringement, and/or has actively induced infringement,  
7 operates, at least in part, in accordance with and/or complies, at least in part, with technical  
8 standards generally adhered to by the DVD Player Industry.  
9

10 12. On information and belief, at least one embodiment of the invention of the Patent  
11 which Defendant is actively inducing infringement, and/or has actively induced infringement,  
12 operates, at least in part, in accordance with and/or complies at least in part with "DVD  
13 Specifications for read-Only Disc, Part 3 VIDEO SPECIFICATIONS," Version 1.13, March  
14 2002, published by DVD Format/Logo Licensing Corporation.  
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17 13. Plaintiff has suffered damages by reason of Defendant's active inducement of  
18 infringement of the Patent, and will suffer additional damages unless Defendant is enjoined by the  
19 Court from continuing to actively induce the infringement of the Patent.  
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21 14. On information and belief, Defendant's active inducement of the infringement of the  
22 Patent has been willful and deliberate, thus warranting an increase of the damages recoverable by  
23 Plaintiff under the provisions of 35 U.S.C. § 284, up to three times the amount of actual damages  
24 sustained by Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. §  
25 285.  
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**COUNT II**  
**(Contributory Infringement)**

15. This COUNT is instituted against Defendant for contributory infringement the Patent.

16. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

17. On information and belief, the embodiments of the invention made and sold by Defendant to persons in this Judicial District and elsewhere in the United States constitute a material part of embodiments of the invention of the Patent. On further information and belief, Defendant knew and knows that such manufacture and sale of embodiments of the invention were and are especially made or especially adapted for use in infringement of the claims of the Patent, and that the embodiments of the invention were and are not staple articles or commodities of commerce suitable for substantial non-infringing use. Accordingly, on further information and belief Defendant has contributory infringed, and/or is contributory infringing, in this Judicial District and elsewhere in the United States the claims of the Patent.

18. On information and belief, at least one embodiment of the invention of the Patent which Defendant is contributory infringing, and/or has contributory infringed, operates, at least in part, in accordance with and/or complies, at least in part, with technical standards generally adhered to by the DVD Player Industry.

19. On information and belief, at least one embodiment of the invention of the Patent which Defendant is contributory infringing, and/or has contributory infringed, operates, at least in part, in accordance with and/or complies, at least in part, with "DVD Specifications for read-Only

1 Disc, Part 3 VIDEO SPECIFICATIONS,” Version 1.13, March 2002, published by DVD  
2 Format/Logo Licensing Corporation.

3  
4 20. Plaintiff has suffered damages by reason of Defendant’s contributory infringement of  
5 the Patent, and will suffer additional damages unless Defendant is enjoined by the Court from  
6 continuing contributory infringement of the Patent.

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8 21. On information and belief, Defendant’s contributory infringement of the Patent has  
9 been willful and deliberate, thus warranting an increase of the damages recoverable by Plaintiff  
10 under the provisions of 35 U.S.C. § 284, up to three times the amount of actual damages sustained  
11 by Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. § 285.  
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16 **RELIEF**

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18 WHEREFOR PLAINTIFF PRAYS:

19 (a) For decree and judgment against Defendant and all in privity with Defendant that the  
20 Patent is valid and enforceable;

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22 (b) For decree and judgment against Defendant and all in privity with Defendant, that the  
23 Patent is, and has been, infringed by Defendant and that Defendant is liable as a patent infringer;

24 (c) For decree and judgment against Defendant and all in privity with Defendant, that the  
25 Patent is, and has been, infringed by active inducement of infringement by Defendant and that  
26 Defendant is liable as an active inducer of infringement;  
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1 (d) For decree and judgment against Defendant and all in privity with Defendant, that the  
2 Patent is, and has been, contributory infringed by Defendant and that Defendant is liable as a  
3 contributory infringer;  
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5 (e) For an accounting for, and an assignment of, an award of profits derived by Defendant  
6 and damages suffered by Plaintiff in consequence of the active inducement of patent infringement,  
7 and the contributory infringement, of the Patent;  
8

9 (f) For a decree and judgment against Defendant trebling the profits derived by Defendant  
10 and damages suffered by Plaintiff pursuant to statute (e.g., 35 U.S.C. § 284);  
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12 (g) For an injunction permanently enjoining Defendant, its officers, agents, servants,  
13 employees, attorneys and all those in active concert, participation or privity with Defendant from  
14 further active inducement and/or contributory infringement , in any form what ever, of the Patent;  
15

16 (h) For the costs of this suit, reasonable attorney's fees as provided by statute (e.g., 35  
17 U.S.C. § 285), and an assessment of interest and cost against the Defendant;  
18

19 (i) For prejudgment interest at the maximum rate allowed by law;

20 (j) For post judgment interest at the maximum rate allowed by law, from the date of the  
21 judgment until paid; and

22 (k) For such other and further relief which should appear just and equitable to this Court.  
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**DEMAND FOR JURY TRIAL**

In accordance with Civil Local Rule No. 3-6, Plaintiff requests for a trial by jury.

Respectfully submitted,



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