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8 Attorneys for Plaintiff
9 SANDISK CORPORATION

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12
13 SANDISK CORPORATION

14 Plaintiff,

15 v.

16 MOBILE MEDIA IDEAS LLC,

17 Defendant.
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2011 FEB -9 A-11
ORIGINAL
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. CALIF.
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SI
(14)
CV 11-00597 JCS
Case No.

COMPLAINT FOR DECLARATORY
JUDGMENT OF PATENT NON-
INFRINGEMENT, PATENT
INVALIDITY, AND/OR PATENT
UNENFORCEABILITY

DEMAND FOR JURY TRIAL

20 Plaintiff SanDisk Corporation ("SanDisk") hereby alleges as follows:
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22 NATURE OF THE ACTION

23 1. This is an action for a declaratory judgment of non-infringement, invalidity, and
24 unenforceability of United States Patent Nos. 6,427,078 (the "'078 Patent"); 5,812,954 (the
25 "'954 Patent"); 5,490,170 (the "'170 Patent"); 5,557,541 (the "'541 Patent"); 5,841,979 (the
26 "'979 Patent"); 5,914,941 (the "'941 Patent"); 6,002,390 (the "'390 Patent"); 6,125,143 (the
27 "'143 Patent"); 6,385,386 (the "'386 Patent"); 6,393,430 (the "'430 Patent"); 6,441,828 (the
28 "'828 Patent"); 6,446,080 (the "'080 Patent"); 6,549,942 (the "'942 Patent"); 6,975,732 (the

1 “732 Patent”); 7,190,971 (the “971 Patent”); 7,313,647 (the “647 Patent”); 7,349,012 (the
2 “012 Patent”); 6,725,155 (the “155 Patent”); 7,111,069 (the “069 Patent”); (collectively, the
3 “Mobile Media Patents”).

4 **PARTIES**

5 2. Plaintiff SanDisk is a corporation organized and existing under the laws of
6 Delaware, and has its headquarters and principal place of business in Milpitas, California.
7 SanDisk is engaged in the business of, among other things, designing manufacturing, and selling
8 digital media players.

9 3. On information and belief, Defendant Mobile Media Ideas LLC (“Mobile Media”) is a Delaware limited liability company with its principal place of business in Chevy Chase,
10 Maryland.
11

12 **JURISDICTION AND VENUE**

13 4. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et. seq.*,
14 and under the patent laws of the United States, Title 35 of the United States Code. This Court
15 has jurisdiction over this action pursuant to 35 U.S.C. §§ 271, *et. seq.*, and 28 U.S.C. §§ 1331,
16 1338, and 2201-2202.

17 5. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b) because a
18 substantial part of the events giving rise to the claims at issue occurred in this District.

19 6. This Court has personal jurisdiction over Mobile Media by virtue of the business
20 activities it conducts within the State of California and within this District, resulting in sufficient
21 minimum contacts with this forum.

22 **INTRADISTRICT ASSIGNMENT**

23 7. This case is an Intellectual Property Action under Civil Local Rule 3-2(c) and,
24 pursuant to Civil Local Rule 3-5(b), shall be assigned on a district-wide basis.

25 **MOBILE MEDIA’S PATENTS**

26 8. U.S. Patent No. 6,427,078, which is entitled “Device for Personal
27 Communications, Data Collection and Data Processing, and a Circuit Card,” issued on June 30,
28 2002.

1 9. U.S. Patent No. 5,812,954, which is entitled "Mobile Telephone Power Key Lock
2 Function," issued on September 22, 1998.

3 10. U.S. Patent No. 5,490,170, which is entitled "Coding Apparatus for Digital
4 Signal," issued on February 6, 1996.

5 11. U.S. Patent No. 5,557,541, which is entitled "Apparatus for Distributing
6 Subscription and On-Demand Audio Programming," issued on September 17, 1996.

7 12. U.S. Patent No. 5,841,979, which is entitled "Enhanced Delivery of Audio Data,"
8 issued on November 24, 1998.

9 13. U.S. Patent No. 5,914,941, which is entitled "Portable Information
10 Storage/Playback Apparatus Having a Data Interface," issued on June 29, 1999.

11 14. U.S. Patent No. 6,002,390, which is entitled "Text Input Device and Method,"
12 issued on December 14, 1999.

13 15. U.S. Patent No. 6,125,143, which is entitled "Picture Encoding Device and
14 Method Thereof, Picture Decoding Device and Method Thereof, and Recording Medium,"
15 issued on September 26, 2000

16 16. U.S. Patent No. 6,385,386, which is entitled "Recording/Playback Apparatus,
17 Recording/Playback Method and recording Medium," issued on May 7, 2002.

18 17. U.S. Patent No. 6,393,430, which is entitled "Method and System for
19 Automatically Recording Music Data Files by Using the Hard Drive of a Personal Computer as
20 an Intermediate Storage Medium," issued May 21, 2002

21 18. U.S. Patent No. 6,441,828, which is entitled "Image Display Apparatus," issued
22 on August 27, 2002.

23 19. U.S. Patent No. 6,446,080, which is entitled "Method for Creating, Modifying,
24 and Playing a Custom Playlist, Saved as a Virtual CD, to be Played by a Digital Audio/Visual
25 Actuator Device," issued on September 3, 2002.

26 20. U.S. Patent No. 6,549,942, which is entitled "Enhanced Delivery of Audio Data
27 for Portable Playback," issued on April 15, 2003.

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1 21. U.S. Patent No. 6,975,732, which is entitled "Audio Signal Reproducing
2 Apparatus," issued on December 13, 2005.

3 22. U.S. Patent No. 7,190,971, which is entitled "Information Processing Apparatus
4 and Method, Information Processing System, and Transmission Medium," issued on March 13,
5 2007.

6 23. U.S. Patent No. 7,313,647, which is entitled "Storage and Reproduction
7 Apparatus," issued on December 25, 2007.

8 24. U.S. Patent No. 7,349,012, which is entitled "Imaging Apparatus With Higher
9 and Lower Resolution Converters and a Compression Unit to Compress Decreased Resolution
10 Image Data,' issued on March 25, 2008.

11 25. U.S. Patent No. 6,725,155, which is entitled "Method and Apparatus for
12 Information Processing, and Medium for Information Processing," issued on April 20, 2004.

13 26. U.S. Patent No. 7,111,069, which is entitled "Information Processing Apparatus
14 and Method, and Program Storage Medium," issued on September 19, 2006.

15 27. The patents described in paragraphs 8-26 above are hereafter referred to as the
16 Mobile Media Patents. Mobile Media asserts that it has an ownership interest in, including but
17 not limited to, the right to license the Mobile Media Patents.

18 **MOBILE MEDIA'S ASSERTION OF THE MOBILE MEDIA PATENTS**

19 28. On April 16, 2010, Mobile Media contacted SanDisk to initiate patent license
20 negotiations for several of SanDisk's digital media players. Mobile Media claimed that several
21 of SanDisk's digital media players infringed the Mobile Media Patents, and offered a license to
22 SanDisk. Mobile Media offered to meet with SanDisk at SanDisk's headquarters to discuss
23 licensing the Mobile Media Patents. Since April 2010, Mobile Media has contacted SanDisk
24 several times, accusing SanDisk and its customers of infringing the Mobile Media Patents and
25 asking SanDisk to discuss licensing the Mobile Media Patents, and offering to meet with
26 SanDisk at its headquarters..

27 29. SanDisk has informed Mobile Media that it does not believe that it is required to
28 license the Mobile Media Patents.

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- 1 C. A declaration that the Mobile Media Patents are unenforceable;
2 D. For an award of all damages, including special damages, provable at trial;
3 E. An order enjoining Mobile Media, its officers, directors, agents, counsel, servants,
4 and employees, and all persons in active concert or participation with any of them, from charging
5 infringement of, or instituting any action for infringement of the Mobile Media Patents against
6 SanDisk and/or any of SanDisk's customers;
7 F. An order declaring that SanDisk is the prevailing party and that this is an
8 exceptional case under 35 U.S.C. § 285 and award SanDisk its reasonable attorneys fees,
9 expenses, and costs in this action; and
10 G. Such other and further relief as this Court may deem just and proper.

11 **DEMAND FOR JURY TRIAL**

12 Pursuant to Federal Rule of Civil Procedure 38(b) and Northern District of California
13 Local Rule 3-6(a), Plaintiff respectfully requests a jury trial on all issues triable thereby.

14 Dated: February 9, 2011.

JONES DAY

15
16 By: 

17 Gregory L. Lippetz

18 Attorneys for Plaintiff
19 SANDISK CORPORATION
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