

1 Kevin P.B. Johnson (Bar No. 177129)  
kevinjohnson@quinnemanuel.com  
2 Ray Zado (Bar No. 208501)  
rayzado@quinnemanuel.com  
3 Heather Belville (Bar No. 262328)  
heatherbelville@quinnemanuel.com  
4 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
555 Twin Dolphin Drive, Fifth Floor  
5 Redwood Shores, California 94065  
Telephone: (650) 801-5000  
6 Facsimile: (650) 801-5100

7 Edward J. DeFranco (Bar No. 165596)  
eddefranco@quinnemanuel.com  
8 Eric Huang (*pro hac vice* pending)  
erichuang@quinnemanuel.com  
9 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
51 Madison Avenue, 22<sup>nd</sup> Floor  
10 New York, NY 10010  
Telephone: (212) 849-7000  
11 Facsimile: (212) 849-7100

12 Rory S. Miller (Bar No. 238780)  
rorymiller@quinnemanuel.com  
13 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
865 South Figueroa Avenue, 10<sup>th</sup> Floor  
14 Los Angeles, California 90017  
Telephone: (213) 443-3000  
15 Facsimile: (213) 443-3100

16 Attorneys for Plaintiff  
SONY ELECTRONICS INC.

18 UNITED STATES DISTRICT COURT  
19 SOUTHERN DISTRICT OF CALIFORNIA

20 SONY ELECTRONICS INC., a Delaware  
21 corporation,

22 Plaintiff,

23 vs.

24  
25 LG ELECTRONICS, INC., a Korean  
26 corporation,

27 Defendant.

Case No. : **'11CV0732 BEN MDD**

**SONY ELECTRONICS INC.'S  
COMPLAINT FOR DECLARATORY  
RELIEF**

**JURY TRIAL DEMANDED**

1 Plaintiff Sony Electronics Inc. files this complaint against LG Electronics, Inc.:

2 **THE PARTIES**

3 1. Plaintiff Sony Electronics Inc. (“Sony”) is a Delaware corporation with its principal  
4 place of business at 16530 Via Esprillo, San Diego, California 92127. Sony sells, offers for sale,  
5 and/or distributes in the United States HDTV products and digital cameras.

6 2. Upon information and belief, Defendant LG Electronics, Inc. (“LG Electronics”) is  
7 a foreign corporation organized and existing under the laws of Korea, with its principal place of  
8 business at LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-gu, Seoul 150-721, South Korea.  
9 Upon information and belief, LG Electronics regularly conducts business within this judicial  
10 District.

11 **NATURE OF THE ACTION**

12 3. This is a declaratory judgment action seeking a determination that Sony does not  
13 infringe any valid or enforceable claim of U.S. Patent Nos. 5,537,612; 6,281,895; 6,598,233;  
14 7,154,564; and 7,760,491 (collectively, the “Patents-in-Suit”) under 35 U.S.C. § 271, and that  
15 these patents are invalid under at least 35 U.S.C. §§ 102, 103 and 112.

16 4. On information and belief, LG Electronics is the owner by assignment of United  
17 States Patent No. 5,537,612 (the “‘612 Patent”) is entitled “Remotely Selectable  
18 Audio/Video/Text Disruption,” and indicates on its face that it issued on July 16, 1996. A true  
19 copy of the ‘612 patent is attached as Exhibit A.

20 5. On information and belief, LG Electronics is the owner by assignment of United  
21 States Patent No. 6,281,895 (“the ‘895 patent”) is entitled “Level Adjust Display Apparatus and  
22 Method for On-Screen Display Menu in Image Display Device,” and indicates on its face that it  
23 issued on August 28, 2001. A true copy of the ‘895 patent is attached as Exhibit B.

24 6. On information and belief, LG Electronics is the owner by assignment of United  
25 States Patent No. 6,598,233 (“the ‘233 patent”) is entitled “Channel Control Apparatus of Digital  
26  
27  
28

1 Television and Method Thereof,” and indicates on its face that it issued on July 22, 2003. A true  
2 copy of the ‘233 patent is attached as Exhibit C.

3 7. On information and belief, LG Electronics is the owner by assignment of United  
4 States Patent No. 7,154,564 (“the ‘564 patent”) is entitled “Method for Controlling Channel  
5 Tuning of Digital TV,” and indicates on its face that it issued on December 26, 2006. A true copy  
6 of the ‘564 patent is attached as Exhibit D.

8 8. On information and belief, LG Electronics is the owner by assignment of United  
9 States Patent No. 7,760,491 (“the ‘491 patent”) is entitled “Display Apparatus,” and indicates on  
10 its face that it issued on July 20, 2010. A true copy of the ‘491 patent is attached as Exhibit E.

11 **JURISDICTION AND VENUE**

12 9. This lawsuit is an action for declaratory relief under the Declaratory Judgment Act,  
13 28 U.S.C. §§ 2201 and 2202, and under the Patent Laws of the United States, 35 U.S.C. § 101, *et*  
14 *seq.* This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C.  
15 §§ 1331 and 1338(a).

16 10. LG Electronics is subject to personal jurisdiction in this Court because, on  
17 information and belief, it does and has done substantial business in this judicial District, including:  
18 (i) regularly doing business or soliciting business, engaging in other persistent courses of conduct,  
19 and/or deriving substantial revenue from products and/or services provided to individuals in this  
20 District and in this State; and (ii) initiating and participating in litigation asserting the same  
21 patents-in-suit in this judicial District.

22 11. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b)  
23 because LG Electronics regularly conducts business in this judicial district, has regular and  
24 established places of business in this judicial district, and/or because certain of the acts alleged  
25 herein occurred in this judicial district.  
26  
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

**COUNT VI**

**(Declaratory Judgment of Non-Infringement of the ‘233 Patent)**

36. Sony realleges and incorporates by reference the allegations in the preceding paragraphs as though fully set forth in this Paragraph.

37. Sony has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the ‘233 patent.

38. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

39. A judicial declaration is necessary and appropriate so that Sony may ascertain its rights regarding the ‘233 patent.

**COUNT VII**

**(Declaratory Judgment of Invalidity of the ‘564 Patent)**

40. Sony realleges and incorporates by reference the allegations in the preceding paragraphs as though fully set forth in this Paragraph.

41. The ‘564 patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 101, 102, 103, 112 and 132.

42. As a result of the acts described in the foregoing paragraphs, there exists a substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

43. A judicial declaration is necessary and appropriate so that Sony may ascertain its rights regarding the ‘564 patent.

**COUNT VIII**

**(Declaratory Judgment of Non-Infringement of the ‘564 Patent)**

44. Sony realleges and incorporates by reference the allegations in the preceding paragraphs as though fully set forth in this Paragraph.







1 M. That Sony be granted such other and additional relief as the Court deems just and  
2 proper.

3 **DEMAND FOR JURY TRIAL**

4 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Sony Electronics  
5 Inc. requests a trial by jury as to all issues so triable.

6  
7 DATED: April 8, 2011

Respectfully submitted,

8 QUINN EMANUEL URQUHART & SULLIVAN,  
9 LLP

10 By s/ Rory S. Miller  
11 Rory S. Miller  
12 Attorneys for Sony Electronics Inc.

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

### I. (a) PLAINTIFFS

Sony Electronics, Inc.

(b) County of Residence of First Listed Plaintiff San Diego, CA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Kevin P.B. Johnson, Esq., Quinn Emanuel Urquhart & Sullivan, LLP, 555  
Twin Dolphin Dr., 5th Floor, Redwood Shores, CA, 94065; (650) 801-5000

### DEFENDANTS

LG Electronics, Inc.

County of Residence of First Listed Defendant Korea  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**'11CV0732 BEN MDD**

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION	FEDERAL TAX SUITS
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

### V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

### VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 2201 and 2202, and the patent laws of the United States, Title 35, U.S.C. 271

Brief description of cause:

Complaint for Declaratory Judgment of Patent Noninfringement and Invalidity

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ \_\_\_\_\_ CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Dana M. Sabraw DOCKET NUMBER 3:11-cv-00248-DMS -WMC

DATE \_\_\_\_\_ SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

04/08/2011 /s/ Kevin P.B. Johnson

### FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_