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Attorneys for Samsung Electronics Co., Ltd.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Samsung Electronics Co., Ltd.,

Plaintiff,

v.

AU Optronics Corp., AU Optronics
Corporation America, Acer America
Corporation, Acer Inc., BenQ
America Corp., BenQ Corp., SANYO
Electric Co., Ltd., and SANYO North
America Corporation,

Defendants.

Case No. _____

**COMPLAINT FOR PATENT
INFRINGEMENT OF U.S. PATENT
NOS. 7,264,480 AND 6,954,248; AND
FOR DECLARATORY JUDGMENT
OF PATENT NON-INFRINGEMENT,
AND/OR PATENT INVALIDITY**

DEMAND FOR JURY TRIAL

FILED
201 JUN - 1 P 3:44
RICHARD W. WIEKING
U.S. DISTRICT COURT
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CV 11 2620

1 Plaintiff Samsung Electronics Co., Ltd. ("Samsung"), by and through its
2 undersigned attorneys, demands a trial by jury on all issues and hereby alleges as follows
3 for its Complaint against Defendants AU Optronics Corp., AU Optronics Corporation
4 America (collectively, "AUO"); Acer America Corporation, Acer Inc., (collectively,
5 "Acer"); BenQ America Corp., BenQ Corp., (collectively, "BenQ"); SANYO Electric Co.,
6 Ltd., and SANYO North America Corporation (collectively, "SANYO"); (all collectively,
7 "defendants").

8
9 **PARTIES**

10 1. Samsung Electronics Co., Ltd. is a multi-national corporation organized
11 under the laws of Korea, with its principal place of business at Samsung Electronics Bldg.,
12 1320-10, Seocho 2-dong, Seocho-gu, Seoul, Korea 137-857.

13 2. On information and belief, defendant AU Optronics Corp. is a Taiwanese
14 corporation with its principal place of business at No. 1 Li-Hsin Road 2, Hsinchu Science
15 Park, Hsinchu 30078, Taiwan.

16 3. On information and belief, defendant AU Optronics Corporation America is a
17 California corporation with its principal place of business at 9720 Cypresswood Drive,
18 Suite 241, Houston, Texas 77070. On information and belief, AU Optronics Corporation
19 America is a subsidiary of AU Optronics Corp.

20 4. On information and belief, defendants AU Optronics Corp. and AU Optronics
21 Corporation America sell thin film transistor liquid crystal displays (TFT-LCDs) and other
22 flat panel displays, which are used in various computer products, monitors, and LCD
23 televisions. On information and belief, LCD products containing AUO devices are sold in
24 this judicial district, in California, and throughout the United States through various means,
25 including online and at retail stores.

26 5. On information and belief, defendant Acer Inc. is a Taiwanese corporation
27 with its principal place of business at 369 Fu Hsin North Road 7F-5, Taipei 10479, Taiwan.
28

1 6. On information and belief, defendant Acer America Corporation is a
2 California corporation with its principal place of business at 333 West San Carlos Street,
3 Suite 1500, San Jose, California 95110. On information and belief, Acer America
4 Corporation is a subsidiary of Acer, Inc.

5 7. On information and belief, defendants Acer America Corporation and Acer
6 Inc. are in the business of manufacturing, selling and/or importing into the United States flat
7 panel displays, including LCD monitors. On information and belief, Acer LCD products
8 are sold in this judicial district, in California, and throughout the United States through
9 various means, including online and at retail stores.

10 8. On information and belief, defendant BenQ Corp. is a Taiwanese corporation
11 with its principal place of business at 16 Jihu Rd., Taipei, 114, Taiwan.

12 9. On information and belief, defendant BenQ America Corp. is a California
13 corporation with its principal place of business at 15375 Barranca, Suite A205, Irvine,
14 California 92618. On information and belief, BenQ America Corp. is a subsidiary of BenQ
15 Corp.

16 10. On information and belief, defendants BenQ America Corp. and BenQ Corp.
17 are in the business of manufacturing, selling and/or importing into the United States flat
18 panel displays, including LCD monitors. On information and belief, BenQ LCD products
19 are sold in this judicial district, in California, and throughout the United States through
20 various means, including online and at retail stores.

21 11. On information and belief, defendant SANYO Electric Co., Ltd. is a Japanese
22 corporation with its principal place of business at 5-5 Keihan-Hondori 2-Chome, Moriguchi
23 City, Osaka 570-8677, Japan.

24 12. On information and belief, defendant SANYO North America Corporation is
25 a Delaware corporation with its principal place of business at 2055 Sanyo Avenue, San
26 Diego, California 92154. On information and belief, SANYO North America Corporation
27 is a subsidiary of SANYO Electric Co.

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1 things, making, importing, using, offering to sell and/or selling in the United States and in
2 this judicial district monitors containing AUO's infringing LCD products.

3 20. Also at issue is a patent infringement action brought by Samsung against
4 BenQ for infringement of the '480 patent. BenQ is infringing the '480 patent by, among
5 other things, making, importing, using, offering to sell and/or selling in the United States
6 and in this judicial district monitors containing AUO's infringing LCD products.

7 21. Also at issue is a patent infringement action brought by Samsung against
8 SANYO for infringement of Samsung's Patents. SANYO is infringing Samsung's Patents
9 by, among other things, making, importing, using, offering to sell and/or selling in the
10 United States and in this judicial district, televisions containing AUO's infringing LCD
11 products.

12 22. Also at issue is an action for declaratory judgment of non-infringement and
13 invalidity of patents purportedly owned by AUO: United States Patent Nos. 6,281,955 (the
14 "'955 patent") and 7,697,093 (the "'093 patent") (collectively, "AUO's Patents").

15
16 **FACTS**

17 23. Plaintiff Samsung is the sole owner by assignment of United States Patent
18 No. 6,954,248, which issued on October 11, 2005, and is entitled "Liquid Crystal Displays
19 Having Multi-Domains and a Manufacturing Method Thereof." A copy of the '248 Patent
20 is attached hereto as Exhibit A.

21 24. Plaintiff Samsung is the sole owner by assignment of United States Patent
22 No. 7,264,480, which issued on September 4, 2007, and is entitled "Display Device." A
23 copy of the '480 Patent is attached hereto as Exhibit B.

24 25. United States Patent No. 6,281,955, which is entitled "Liquid Crystal Display
25 Device and a Method of Making the Same Having Overlapping Color Filters With
26 Apertures," was filed on May 20, 1998 and issued on August 28, 2001. On information and
27 belief, the '955 patent was assigned to AU Optronics Corp. on August 2, 2010.

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THIRD CAUSE OF ACTION

(Acer's Infringement of U.S. Patent No. 7,264,480)

42. The allegations of paragraphs 1-41 are incorporated herein by reference.

43. Plaintiff Samsung is the sole owner by assignment of the '480 patent.

44. Upon information and belief, Acer has infringed and, if not enjoined, will continue to infringe one or more claims of the '480 patent by performing, without authority, one or more of the following acts: (1) making, using, offering for sale, or selling in the United States LCD products that infringe one or more claims of the '480 patent, in violation of 35 U.S.C. §271(a); (2) importing into the United States monitors containing LCD products that infringe one or more claims of the '480 patent, in violation of 35 U.S.C. §271(a); (3) inducing infringement of one or more claims of the '480 patent, in violation of 35 U.S.C. §271(b); and/or (4) contributing to the infringement of one or more claims of the '480 patent in violation of 35 U.S.C. §271(c).

45. Acer's acts of infringement of the '480 patent include the manufacturing, using, marketing, offering for sale, and/or selling of Acer's LCD products, including, for example, Acer's G185HV monitor.

46. Upon information and belief, Acer's acts of infringing the '480 patent have been willful and in deliberate disregard of Samsung's patent rights.

47. As a result of Acer's infringement of the '480 patent, Samsung has suffered and will continue to suffer damages.

FOURTH CAUSE OF ACTION

(BenQ's Infringement of U.S. Patent No. 7,264,480)

48. The allegations of paragraphs 1-47 are incorporated herein by reference.

49. Plaintiff Samsung is the sole owner by assignment of the '480 patent.

50. Upon information and belief, BenQ has infringed and, if not enjoined, will continue to infringe one or more claims of the '480 patent by performing, without authority,

1 one or more of the following acts: (1) making, using, offering for sale, or selling in the
2 United States monitors containing LCD products that infringe one or more claims of the
3 '480 patent, in violation of 35 U.S.C. §271(a); (2) importing into the United States monitors
4 containing LCD products that infringe one or more claims of the '480 patent, in violation of
5 35 U.S.C. §271(a); (3) inducing infringement of one or more claims of the '480 patent, in
6 violation of 35 U.S.C. §271(b); and/or (4) contributing to the infringement of one or more
7 claims of the '480 patent in violation of 35 U.S.C. §271(c).

8 51. BenQ's acts of infringement of the '480 patent include the manufacturing,
9 using, marketing, offering for sale, and/or selling of BenQ's LCD products, including, for
10 example, BenQ's V2200 and EW2420 monitors.

11 52. Upon information and belief, BenQ's acts of infringing the '480 patent have
12 been willful and in deliberate disregard of Samsung's patent rights.

13 53. As a result of BenQ's infringement of the '480 patent, Samsung has suffered
14 and will continue to suffer damages.

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16 **FIFTH CAUSE OF ACTION**

17 **(SANYO's Infringement of U.S. Patent No. 6,954,248)**

18 54. The allegations of paragraphs 1-53 are incorporated herein by reference.

19 55. Plaintiff Samsung is the sole owner by assignment of the '248 patent.

20 56. Upon information and belief, SANYO has infringed and, if not enjoined, will
21 continue to infringe one or more claims of the '248 patent by performing, without authority,
22 one or more of the following acts: (1) making, using, offering for sale, or selling in the
23 United States televisions containing LCD products that infringe one or more claims of the
24 '248 patent, in violation of 35 U.S.C. §271(a); (2) importing into the United States
25 televisions containing LCD products that infringe one or more claims of the '248 patent, in
26 violation of 35 U.S.C. §271(a); (3) inducing infringement of one or more claims of the '248
27 patent, in violation of 35 U.S.C. §271(b); and/or (4) contributing to the infringement of one
28 or more claims of the '248 patent in violation of 35 U.S.C. §271(c).

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SEVENTH CAUSE OF ACTION

(Declaratory Judgment of Non-Infringement of AUO's Patents)

66. The allegations of paragraphs 1-65 are incorporated herein by reference.

67. AUO has advised Samsung that certain of Samsung's LCD products infringe AUO's Patents and that Samsung is required to license AUO's Patents.

68. Samsung has informed AUO that it is not required to license AUO's Patents because Samsung has not directly infringed, induced infringement of, and/or contributed to infringement of any valid claim of any of AUO's Patents, either literally or under the doctrine of equivalents.

69. By virtue of the foregoing, Samsung has a real and reasonable apprehension that Samsung and/or Samsung's customers will face patent infringement claims from AUO. An actual controversy has arisen and now exists between the parties regarding whether Samsung infringes any of AUO's Patents.

70. Samsung is entitled to a declaratory judgment that it has not infringed and is not infringing any valid or enforceable claim of any of AUO's Patents.

EIGHTH CAUSE OF ACTION

(Declaratory Judgment of Invalidity of AUO's Patents)

71. The allegations of paragraphs 1-70 are incorporated herein by reference.

72. AUO has advised Samsung that certain of Samsung's LCD products infringe AUO's Patents and that Samsung is required to license AUO's Patents.

73. Samsung has informed AUO that it is not required to license AUO's Patents because Samsung has not directly infringed, induced infringement of, and/or contributed to infringement of any valid claim of any of AUO's Patents, either literally or under the doctrine of equivalents.

74. By virtue of the foregoing, Samsung has a real and reasonable apprehension that Samsung and/or Samsung's customers will face patent infringement claims from AUO.

1 An actual controversy has arisen and now exists between the parties regarding whether
2 Samsung infringes any of AUO's Patents.

3 75. Samsung believes that, after a reasonable opportunity for further
4 investigation or discovery, it will be able to demonstrate that the claims of AUO's Patents,
5 as properly construed, are invalid for failure to comply with the requirements of the patent
6 laws of the United States, as set for in 35 U.S.C. §§ 101 *et seq.*

7 76. Samsung is entitled to a declaratory judgment that the claims of AUO's
8 Patents are invalid.

9
10 **JURY DEMAND**

11 77. Samsung demands a trial by jury on all issues.
12

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Samsung respectfully requests entry of a judgment in its favor
15 against defendants as follows:

- 16 i) Declaring that AUO has directly and/or indirectly infringed the '248 and '480
17 patents;
- 18 ii) Declaring that Acer has directly and/or indirectly infringed the '480 patent;
- 19 iii) Declaring that BenQ has directly and/or indirectly infringed the '480 patent;
- 20 iv) Declaring that SANYO has directly and/or indirectly infringed the '248 and
21 '480 patents;
- 22 v) Awarding the damages arising out of defendants' infringement of the '248
23 and '480 patents, including enhanced damages pursuant to 35 U.S.C. § 284, as
24 well as any prejudgment and post-judgment interest, in an amount according to
25 proof;
- 26 vi) Permanently enjoining defendants and their respective officers, agents,
27 employees, and those acting in privity with them, from further infringement,
28 including contributory infringement and/or inducing infringement, of Samsung's

1 Patents or in the alternative, a post-judgment royalty for post-judgment
2 infringement;

- 3 vii) Declaring that Samsung's products have not infringed and do not infringe,
4 either directly or indirectly, any valid and enforceable claim of AUO's Patents;
5 viii) Declaring that the claims of AUO's Patents are invalid;
6 ix) Awarding of attorney's fees pursuant to 35 U.S.C. § 285 or as otherwise
7 permitted by law; and
8 x) Awarding any such other costs and further relief as the Court may deem just
9 and proper.

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13 Dated: June 1, 2011

Respectfully submitted,

14
15 By: 

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