

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AU OPTRONICS CORPORATION, a
Taiwanese corporation, and AU
OPTRONICS CORPORATION
AMERICA, a California corporation

Plaintiffs,

v.

SAMSUNG ELECTRONICS CO., LTD. a
Korean corporation, SAMSUNG
ELECTRONICS AMERICA, INC., a New
York corporation, AT&T, INC., a Delaware
corporation, BEST BUY CO., INC., a
Minnesota Corporation, and
BRANDSMART U.S.A., INC., a Florida
corporation

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs AU Optronics Corporation and AU Optronics Corporation America (hereinafter collectively "Plaintiff" or "AUO"), for its Complaint against Defendants Samsung Electronics Co., Ltd; Samsung Electronics America, Inc.; AT&T, Inc.; Best Buy Co., Inc.; and BrandsMart U.S.A., Inc. (hereinafter collectively "Defendants"), for injunctive relief and for damages, including treble or multiple damages, for patent infringement, state and allege as follows:

NATURE OF THE ACTION

1. AU Optronics Corporation is the owner of United States Patent No. 7,286,192 ("the '192 patent"); and United States Patent No. 7,663,729 ("the '729 patent"). AU Optronics Corporation and AU Optronics Corporation America are the joint owners of United States Patent No. 6,818,967 ("the '967 patent") and United States Patent No. 7,199,854 ("the '854 patent") (collectively, the "Patents-in-Suit").

2. This is a civil action for the infringement of the Patents-in-Suit, including the willful infringement of the Patents-in-Suit by Defendants.

3. The technology at issue pertains to flat panel displays. Flat panel displays are used in numerous applications, including televisions, computer monitors, laptop computers, mobile phones, and tablet devices. The accused products include both Liquid Crystal Display ("LCD") devices and Organic Light-Emitting Diode ("OLED") devices.

THE PARTIES

4. AU Optronics Corporation is a corporation existing under the laws of Taiwan, R.O.C., having a principal place of business located at No. 1 Li-Hsin Road 2, Science-Based Industrial Park, Hsinchu 30078, Taiwan, R.O.C.

5. AU Optronics Corporation America is a California corporation with its principal place of business at 1525 McCarthy Blvd., Suite 216, Milpitas, CA 95035.

6. On information and belief, Samsung Electronics Co., Ltd. ("Samsung") is a Korean corporation with its principal place of business at Samsung Electronics Bldg., 1320-10, Seocho 2-dong, Seocho-gu, Seoul, Korea 137-857.

7. On information and belief, Samsung Electronics America, Inc. ("SEA") is a New York corporation and is a wholly-owned subsidiary of Samsung Electronics Co., Ltd., with its principal place of business at 105 Challenger Road, Ridgefield Park, NJ 07660.

8. On information and belief, AT&T, Inc. ("AT&T") is a Delaware corporation with its principal place of business at 208 South Akard Street, Dallas, TX 75202-4206.

9. On information and belief, Best Buy Co., Inc. ("Best Buy") is a Minnesota corporation with its principal place of business at 7601 Penn Avenue South, Richfield, MN, 55423.

10. On information and belief, BrandsMart U.S.A., Inc. ("BrandsMart") is a Florida corporation with its principal place of business at 3200 SW 42nd Street, Hollywood, Florida 33312-66215.

JURISDICTION AND VENUE

11. This action is based upon and arises under the Patent Laws of the United States, 35 U.S.C. § 100 et seq., and in particular §§ 271, 281, 283, 284 and 285, and is intended to redress infringement of the Patents-in-Suit owned by AUO.

12. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

13. Defendants have transacted and continue to transact business in the United States and in this judicial district by: using or causing to be used; making; importing or causing to be imported; offering to sell or causing to be offered for sale; and/or selling or causing to be sold directly, through intermediaries and/or as an intermediary, a variety of products that infringe the Patents-in-Suit.¹

14. This Court has personal jurisdiction over Samsung, and venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (b), (c) and (d), and 28 U.S.C. § 1400(b), in that the Defendants are committing and are causing acts of patent infringement within the United States and within this judicial district, including the infringing acts alleged herein, both directly, through one or more intermediaries, and as an intermediary, and in that Samsung Electronics Co., Ltd. has caused and causes injury and damages in this judicial district by acts or omissions outside of this judicial district, including but not limited to utilization of its own distribution

¹ Moreover, AUO will conduct discovery concerning the identity of any and all entities engaged in using or causing to be used; making; importing or causing to be imported; offering to sell or causing to be offered for sale; and/or selling or causing to be sold directly, through intermediaries and/or as an intermediary, any products that infringe the Patents-in-Suit.

channels established in the United States, to import a variety of products that infringe the Patent-in-Suit into the United States and into this judicial district while deriving substantial revenue from services or things used or consumed within this judicial district, and will continue to do so unless enjoined by this Court.

15. This Court has personal jurisdiction over SEA, and venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C. § 1400(b), in that the Defendants are committing acts of patent infringement within the United States and within this judicial district, including the infringing acts alleged herein, both directly, through one or more intermediaries, and as an intermediary.

16. This Court has personal jurisdiction over AT&T, and venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C. § 1400(b), in that the Defendants are committing acts of patent infringement within the United States and within this judicial district, including the infringing acts alleged herein, both directly, through one or more intermediaries, and as an intermediary.

17. This Court has personal jurisdiction over Best Buy, and venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C. § 1400(b), in that the Defendants are committing acts of patent infringement within the United States and within this judicial district, including the infringing acts alleged herein, both directly, through one or more intermediaries, and as an intermediary.

18. This Court has personal jurisdiction over BrandsMart, and venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C. § 1400(b), in that the Defendants are committing acts of patent infringement within the United States and within this judicial district, including the infringing acts alleged herein, both directly, through one or more intermediaries, and as an intermediary

19. On information and belief, SEA regularly imports large quantities of Samsung products into the United States for distribution throughout the United States, including in this judicial district. On information and belief, Defendants are involved in the distribution and sale of flat panel display products that infringe the Patents-in-Suit and are aware that those products are sold throughout the United States, including in this judicial district. On information and belief, by shipping into, offering to sell in, using, or selling products that infringe the Patents-in-Suit in this judicial district, or by inducing or causing those acts to occur, Defendants have transacted business and performed works and services in this judicial district, have contracted to supply services and things in this judicial district, and have caused injury and damages in this judicial district while deriving substantial revenue from services or things used or consumed within this judicial district.

THE PATENTS-IN-SUIT

20. The '192 Patent is entitled "Transreflective Liquid Crystal Display" and issued on October 23, 2007. The '192 Patent issued from U.S. Patent Application Serial No. 11/146,568, which was filed on June 7, 2005. The inventors of the '192 Patent are Ching-Huan Lin and Ching-Yu Tsai. AU Optronics Corporation is the owner, by valid assignment, of the entire right, title, and interest in and to the '192 Patent. A true and correct copy of the '192 patent is attached as Exhibit A.

21. The '967 Patent is entitled "Fabricating Method of Low Temperature Poly-Silicon Film and Low Temperature Poly-Silicon Thin Film Transistor" and issued on November 16, 2004. The '967 Patent issued from U.S. Patent Application Serial No. 10/612,607, which was filed on July 1, 2003. The inventor of the '967 Patent is Yun-Sheng Chen. AU Optronics Corporation and AU Optronics Corporation America are joint the owners, by valid assignment,

of the entire right, title, and interest in and to the '967 Patent. A true and correct copy of the '967 patent is attached as Exhibit B.

22. The '854 Patent is entitled "Grounding Apparatus of Print Circuit Board in Liquid Crystal Display" and issued on April 3, 2007. The '854 Patent issued from U.S. Patent Application Serial No. 10/790,812, which was filed on March 3, 2004. The inventor of the '854 Patent is Tsung-His Yu. AU Optronics Corporation and AU Optronics Corporation America are the joint owners, by valid assignment, of the entire right, title, and interest in and to the '854 Patent. A true and correct copy of the '854 patent is attached as Exhibit C.

23. The '729 Patent is entitled "Arrangement of Photo Spacer Material" and issued on February 16, 2010. The '729 Patent issued from U.S. Patent Application Serial No. 11/270,576, which was filed on November 10, 2005. The inventor of the '729 Patent is Min-Feng Chiang. AU Optronics Corporation is the owner, by valid assignment, of the entire right, title, and interest in and to the '729 Patent. A true and correct copy of the '729 patent is attached as Exhibit D.

COUNT I

INFRINGEMENT OF THE '192 PATENT

24. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

25. In violation of 35 U.S.C. § 271, Defendants Samsung and SEA are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '192 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, importing and/or causing to be imported without authority or license flat panel display devices, manufactured by Samsung, its subsidiaries, and its agents or third-party contract manufacturers and flat panel display products containing such flat

panel display devices, including, but not limited to a Samsung 46" LCD television model LN46C630K1F.

26. On information and belief, Samsung and SEA have had knowledge of the '192 patent since before filing of this Complaint, but in any case have had notice of the '192 patent upon the filing of this Complaint. Thus Samsung and SEA's infringement of the '192 patent is and has been deliberate and willful, and Samsung and SEA have induced and contributed to the infringement of the '192 patent.

27. Unless enjoined, Samsung and SEA will continue to infringe the '192 patent, and AUO will suffer irreparable injury as a direct and proximate result of Samsung and SEA's conduct.

28. AUO has been damaged by Samsung and SEA's conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

COUNT II

INFRINGEMENT OF THE '729 PATENT

29. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

30. In violation of 35 U.S.C. § 271, Defendants Samsung and SEA are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '729 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, importing and/or causing to be imported without authority or license flat panel display devices, manufactured by Samsung, its subsidiaries, and its agents or third-party contract manufacturers and flat panel display products containing such flat panel display devices, including, but not limited to a Samsung 46" LCD television model LN46C630K1F.

31. On information and belief, Samsung and SEA have had knowledge of the '729 patent since before filing of this Complaint, but in any case have had notice of the '729 patent upon the filing of this Complaint. Thus Samsung and SEA's infringement of the '729 patent is and has been deliberate and willful, and Samsung and SEA have induced and contributed to the infringement of the '729 patent.

32. Unless enjoined, Samsung and SEA will continue to infringe the '729 patent, and AUO will suffer irreparable injury as a direct and proximate result of Samsung and SEA's conduct.

33. AUO has been damaged by Samsung and SEA's conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

COUNT III

INFRINGEMENT OF THE '967 PATENT

34. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

35. In violation of 35 U.S.C. § 271, Defendants Samsung, SEA, AT&T, Best Buy, and BrandsMart are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '967 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, importing and/or causing to be imported without authority or license flat panel display devices, manufactured by Samsung, its subsidiaries, and its agents or third-party contract manufacturers and flat panel display products containing such flat panel display devices, including, but not limited to a Samsung AT&T Captivate Smartphone model SGH-I897.

36. On information and belief, Samsung, SEA, AT&T, Best Buy, and BrandsMart have had knowledge of the '967 patent since before filing of this Complaint, but in any case have

had notice of the '967 patent upon the filing of this Complaint. Thus Samsung, SEA, AT&T, Best Buy, and BrandsMart's infringement of the '967 patent is and has been deliberate and willful, and Samsung, SEA, AT&T, Best Buy, and BrandsMart have induced and contributed to the infringement of the '967 patent.

37. Unless enjoined, Samsung, SEA, AT&T, Best Buy, and BrandsMart will continue to infringe the '967 patent, and AUO will suffer irreparable injury as a direct and proximate result of Samsung, SEA, AT&T, Best Buy, and BrandsMart's conduct.

38. AUO has been damaged by Samsung, SEA, AT&T, Best Buy, and BrandsMart's conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

COUNT IV

INFRINGEMENT OF THE '854 PATENT

39. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

40. In violation of 35 U.S.C. § 271, Defendants Samsung and SEA are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '854 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, importing and/or causing to be imported without authority or license flat panel display devices manufactured by Samsung, its subsidiaries, and its agents or third-party contract manufacturers and flat panel display products containing such flat panel display devices, including, but not limited to a Samsung 10.1" LCD monitor model LTN101NT06.

41. On information and belief, Samsung and SEA have had knowledge of the '854 patent since before filing of this Complaint, but in any case have had notice of the '854 patent

upon the filing of this Complaint. Thus Samsung and SEA's infringement of the '854 patent is and has been deliberate and willful, and Samsung and SEA have induced and contributed to the infringement of the '854 patent.

42. Unless enjoined, Samsung and SEA will continue to infringe the '854 patent, and AUO will suffer irreparable injury as a direct and proximate result of Samsung's conduct.

43. AUO has been damaged by Samsung and SEA's conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

JURY DEMAND

44. AUO demands a jury trial on all issues triable to a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff AUO prays for judgment as follows:

A. That the Defendants have directly and/or indirectly, by way of inducement or contributory infringement, infringed the Patents-in-Suit;

B. That the Defendants' infringement of the Patents-in-Suit has been willful;

C. That the Defendants and their parents, subsidiaries, affiliates, successors, predecessors, assigns, and the officers, directors, agents, servants and employees of each of the foregoing, customers and/or licensees and those persons acting in concert or participation with any of them, are preliminarily and permanently enjoined and restrained from continued infringement, including but not limited to using, making, importing, offering for sale and/or selling products that infringe, and from contributorily and/or inducing the infringement of the Patents-in-Suit prior to their expiration, including any extensions;

D. An Order directing Defendants to file with this Court and serve upon Plaintiffs' counsel within 30 days after the entry of the Order of injunction a report setting forth the manner and form in which Defendants have complied with the injunction;

E. That AUO be awarded monetary relief adequate to compensate AUO for the Defendants' acts of infringement of the Patents-in-Suit within the United States prior to the expiration of the Patents-in-Suit, including any extensions;

F. That any monetary relief awarded to AUO regarding the infringement of the Patents-in-Suit by Defendants be trebled due to the willful nature of the Defendants' infringement of the Patents-in-Suit;

G. That any monetary relief awarded to AUO be awarded with prejudgment and postjudgment interest;

H. That this is an exceptional case and that AUO be awarded the attorneys' fees, costs and expenses that it incurs prosecuting this action; and

I. That AUO be awarded such other and further relief as this Court deems just and proper.

Dated: June 27, 2011

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