

1 RON E. SHULMAN (Bar No. 178263)
ron.shulman@lw.com
2 BOB STEINBERG (Bar No. 126407)
bob.steinberg@lw.com
3 LATHAM & WATKINS LLP
140 Scott Drive
4 Menlo Park, CA 94025
Telephone: 650-328-4600
5 Facsimile: 650-463-2600

6 LAWRENCE J. GOTTS (*pro hac vice pending*)
lawrence.gotts@lw.com
7 LATHAM & WATKINS LLP
555 Eleventh Street NW, Suite 1000
8 Washington, DC 20004-1304
Telephone: 202-637-2200
9 Facsimile: 202-637-2201

10 JULIE M. HOLLOWAY (Bar No. 196942)
julie.holloway@lw.com
11 LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
12 San Francisco, CA 94111-6538
Telephone: 415-391-0600
13 Facsimile: 415-395-8095

14 Attorneys for
AU OPTRONICS CORPORATION and
15 AU OPTRONICS CORPORATION AMERICA

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18

19 AU OPTRONICS CORPORATION, a
Taiwanese corporation, and
20 AU OPTRONICS CORPORATION
21 AMERICA, a California corporation,

22 Plaintiffs,

23 v.

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

28 Defendants.

Filed

JUN 27 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

JCS

CV 11-03170

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

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

6 7 NATURE OF THE ACTION

8 1. AU Optronics Corporation is the owner of United States Patent No. 6,281,955
 9 ("the '955 patent"); United States Patent No. 7,697,093 ("the '093 patent"); United States Patent
 10 No. 6,976,781 ("the '781 patent"); and United States Patent No. 6,818,319 ("the '319 patent").
 11 AU Optronics Corporation and AU Optronics Corporation America are the joint owners of
 12 United States Patent No. 7,057,359 ("the '359 patent") and United States Patent No. 7,172,331
 13 ("the '331 patent") (collectively, the "Patents-in-Suit").

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

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

20 21 THE PARTIES

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

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

27 6. On information and belief, Samsung Electronics Co., Ltd. ("Samsung") is a
 28 Korean corporation with its principal place of business at Samsung Electronics Bldg., 1320-10,

1 Seocho 2-dong, Seocho-gu, Seoul, Korea 137-857.

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

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

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

10 10. On information and belief, BrandsMart U.S.A., Inc. ("BrandsMart") is a Florida
11 corporation with its principal place of business at 3200 SW 42nd Street, Hollywood, Florida
12 33312-6813.

13 14 **JURISDICTION, VENUE, AND INTRADISTRICT ASSIGNMENT**

15 11. This action is based upon and arises under the Patent Laws of the United States,
16 35 U.S.C. § 100 et seq., and in particular §§ 271, 281, 283, 284 and 285, and is intended to
17 redress infringement of the Patents-in-Suit owned by AUO.

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

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

25
26 ¹ Moreover, AUO will conduct discovery concerning the identity of any and all entities
27 engaged in using or causing to be used; making; importing or causing to be imported;
28 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.

1 14. This Court has personal jurisdiction over Samsung, and venue is proper in this
2 judicial district pursuant to 28 U.S.C. §§ 1391 (b), (c) and (d), and 28 U.S.C. § 1400(b), in that
3 the Defendants are committing and are causing acts of patent infringement within the United
4 States and within this judicial district, including the infringing acts alleged herein, both directly,
5 through one or more intermediaries, and as an intermediary, and in that Samsung has caused and
6 causes injury and damages in this judicial district by acts or omissions outside of this judicial
7 district, including but not limited to utilization of its own distribution channels established in the
8 United States, to import a variety of products that infringe the Patent-in-Suit into the United
9 States and into this judicial district while deriving substantial revenue from services or things
10 used or consumed within this judicial district, and will continue to do so unless enjoined by this
11 Court.

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

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

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

27 18. This Court has personal jurisdiction over BrandsMart and venue is proper in this
28 judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C. § 1400(b), in that the

1 Defendants are committing acts of patent infringement within the United States and within this
 2 judicial district, including the infringing acts alleged herein, both directly, through one or more
 3 intermediaries, and as an intermediary

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

15 20. **Intradistrict Assignment.** This is an Intellectual Property case assigned on a
 16 district-wide basis pursuant to Local Rule 3-2(c).

17 18 **THE PATENTS-IN-SUIT**

19 21. The '955 Patent is entitled "Liquid Crystal Display Device and a Method of
 20 Making the Same Having Overlapping Color Filters with Apertures" and issued on August 28,
 21 2001. The '955 Patent issued from U.S. Patent Application Serial No. 09/081,681, which was
 22 filed on May 20, 1998. The inventors of the '955 Patent are Teruyuki Midorikawa, Yasuharu
 23 Tanaka, Masumi Manabe, Minako Kurosaki, Muneharu Akiyoshi, Daisuke Miyazaki, and
 24 Hitoshi Hatoh. AU Optronics Corporation is the owner, by valid assignment, of the entire right,
 25 title, and interest in and to the '955 Patent. A true and correct copy of the '955 patent is attached
 26 as Exhibit A.

27 22. The '093 Patent is entitled "Array Panel" and issued on April 13, 2010. The '093
 28 Patent issued from U.S. Patent Application Serial No. 11/671,049, which was filed on February

1 5, 2007. The inventors of the '093 Patent are Te-Wei Chan, Yi-Pai Huang, Chung-Yi Chiu, and
2 Yen-Ting Chen. AU Optronics Corporation is the owner, by valid assignment, of the entire
3 right, title, and interest in and to the '093 Patent. A true and correct copy of the '093 patent is
4 attached as Exhibit B.

5 23. The '781 Patent is entitled "Frame and Bezel Structure for Backlight Unit" and
6 issued on December 20, 2005. The '781 Patent issued from U.S. Patent Application Serial No.
7 10/446,103, which was filed on May 28, 2003. The inventors of the '781 Patent are Chi-Chih
8 Chu, Wen-Yuan Cheng, and Hui-Kai Chou. AU Optronics Corporation is the owner, by valid
9 assignment, of the entire right, title, and interest in and to the '781 Patent. A true and correct
10 copy of the '781 patent is attached as Exhibit C.

11 24. The '319 Patent is entitled "Diffusion Barrier Multi-Layer Structure for Thin Film
12 Transistor Liquid Crystal Displays and Process for Fabricating Thereof" and issued on
13 November 16, 2004. The '319 Patent issued from U.S. Patent Application Serial No.
14 10/414,282, which was filed on April 16, 2003. The inventors of the '319 Patent are I-Chang
15 Tsao and Ming-Wei Sun. AU Optronics Corporation is the owner, by valid assignment, of the
16 entire right, title, and interest in and to the '319 Patent. A true and correct copy of the '319
17 patent is attached as Exhibit D.

18 25. The '359 Patent is entitled "Method and Apparatus for Controlling Driving
19 Current of Illumination Source in a Display System" and issued on June 6, 2006. The '359
20 Patent issued from U.S. Patent Application Serial No. 10/695,592, which was filed on October
21 28, 2003. The inventors of the '359 Patent are Ghi-Mao Hung and I-Hsin Lo. AU Optronics
22 Corporation and AU Optronics Corporation America are the joint owners, by valid assignment,
23 of the entire right, title, and interest in and to the '359 Patent. A true and correct copy of the
24 '359 patent is attached as Exhibit E.

25 26. The '331 Patent is entitled "Backlight Module" and issued on February 6, 2007.
26 The '331 Patent issued from U.S. Patent Application Serial No. 11/025,918, which was filed on
27 January 3, 2005. The inventors of the '331 Patent are Chien-Hung Kuo and Ying Szutu. AU
28 Optronics Corporation and AU Optronics Corporation America are the joint owners, by valid

1 assignment, of the entire right, title, and interest in and to the '331 Patent. A true and correct
2 copy of the '331 patent is attached as Exhibit F.

3
4 **COUNT I**

5 **INFRINGEMENT OF THE '955 PATENT**

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

8 28. In violation of 35 U.S.C. § 271, Defendants Samsung and SEA are now, and have
9 been, directly infringing, contributorily infringing and/or inducing infringement of the '955
10 patent by, among other things, making, using, causing to be used, offering to sell, causing to be
11 offered for sale, selling, causing to be sold, importing and/or causing to be imported without
12 authority or license flat panel display devices, manufactured by Samsung, its subsidiaries, and its
13 agents or third-party contract manufacturers and flat panel display products containing such flat
14 panel display devices, including, but not limited to a Samsung 46" LCD television model
15 LN46C630K1F.

16 29. On information and belief, Samsung and SEA have had knowledge of the '955
17 patent since before filing of this Complaint, but in any case have had notice of the '955 patent
18 upon the filing of this Complaint. Thus Samsung and SEA's infringement of the '955 patent is
19 and has been deliberate and willful, and Samsung and SEA have induced and contributed to the
20 infringement of the '955 patent.

21 30. Unless enjoined, Samsung and SEA will continue to infringe the '955 patent, and
22 AUO will suffer irreparable injury as a direct and proximate result of Samsung and SEA's
23 conduct.

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

COUNT II

INFRINGEMENT OF THE '093 PATENT

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

33. 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 '093 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.

34. On information and belief, Samsung and SEA have had knowledge of the '093 patent since before filing of this Complaint, but in any case have had notice of the '093 patent upon the filing of this Complaint. Thus Samsung and SEA's infringement of the '093 patent is and has been deliberate and willful, and Samsung and SEA have induced and contributed to the infringement of the '093 patent.

35. Unless enjoined, Samsung and SEA will continue to infringe the '093 patent, and AUO will suffer irreparable injury as a direct and proximate result of Samsung and SEA's conduct.

36. 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 '781 PATENT

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

38. In violation of 35 U.S.C. § 271, Defendants Samsung, SEA, and BrandsMart are

1 now, and have been, directly infringing, contributorily infringing and/or inducing infringement
 2 of the '781 patent by, among other things, making, using, causing to be used, offering to sell,
 3 causing to be offered for sale, selling, causing to be sold, importing and/or causing to be
 4 imported without authority or license flat panel display devices, manufactured by Samsung, its
 5 subsidiaries, and its agents or third-party contract manufacturers and flat panel display products
 6 containing such flat panel display devices, including, but not limited to a Samsung 18.5" LCD
 7 monitor model E1920X.

8 39. On information and belief, Samsung, SEA, and BrandsMart have had knowledge
 9 of the '781 patent since before filing of this Complaint, but in any case have had notice of the
 10 '781 patent upon the filing of this Complaint. Thus Samsung, SEA, and BrandsMart's
 11 infringement of the '781 patent is and has been deliberate and willful, and Samsung, SEA, and
 12 BrandsMart have induced and contributed to the infringement of the '967 patent.

13 40. Unless enjoined, Samsung, SEA, and BrandsMart will continue to infringe the
 14 '781 patent, and AUO will suffer irreparable injury as a direct and proximate result of Samsung,
 15 SEA, and BrandsMart's conduct.

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

18 19 **COUNT IV**

20 **INFRINGEMENT OF THE '319 PATENT**

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

23 43. In violation of 35 U.S.C. § 271, Defendants Samsung, SEA, AT&T, Best Buy,
 24 and BrandsMart are now, and have been, directly infringing, contributorily infringing and/or
 25 inducing infringement of the '319 patent by, among other things, making, using, causing to be
 26 used, offering to sell, causing to be offered for sale, selling, causing to be sold, importing and/or
 27 causing to be imported without authority or license flat panel display devices, manufactured by
 28 Samsung, its subsidiaries, and its agents or third-party contract manufacturers and flat panel

1 display products containing such flat panel display devices, including, but not limited to a
2 Samsung AT&T Captivate Smartphone model SGH-I897.

3 44. On information and belief, Samsung, SEA, AT&T, Best Buy, and BrandsMart
4 have had knowledge of the '319 patent since before filing of this Complaint, but in any case have
5 had notice of the '319 patent upon the filing of this Complaint. Thus Samsung, SEA, AT&T,
6 Best Buy, and BrandsMart's infringement of the '319 patent is and has been deliberate and
7 willful, and Samsung, SEA, AT&T, Best Buy, and BrandsMart have induced and contributed to
8 the infringement of the '319 patent.

9 45. Unless enjoined, Samsung, SEA, AT&T, Best Buy, and BrandsMart will continue
10 to infringe the '319 patent, and AUO will suffer irreparable injury as a direct and proximate
11 result of Samsung, SEA, AT&T, Best Buy, and BrandsMart's conduct.

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

15 16 COUNT V

17 INFRINGEMENT OF THE '359 PATENT

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

20 48. In violation of 35 U.S.C. § 271, Defendants Samsung and SEA are now, and have
21 been, directly infringing, contributorily infringing and/or inducing infringement of the '359
22 patent by, among other things, making, using, causing to be used, offering to sell, causing to be
23 offered for sale, selling, causing to be sold, importing and/or causing to be imported without
24 authority or license flat panel display devices, manufactured by Samsung, its subsidiaries, and its
25 agents or third-party contract manufacturers and flat panel display products containing such flat
26 panel display devices, including, but not limited to a Samsung 46" LCD television model
27 UN46C8000XF.

28 49. On information and belief, Samsung and SEA have had knowledge of the '359

1 patent since before filing of this Complaint, but in any case have had notice of the '359 patent
2 upon the filing of this Complaint. Thus Samsung and SEA's infringement of the '359 patent is
3 and has been deliberate and willful, and Samsung and SEA have induced and contributed to the
4 infringement of the '359 patent.

5 50. Unless enjoined, Samsung and SEA will continue to infringe the '359 patent, and
6 AUO will suffer irreparable injury as a direct and proximate result of Samsung and SEA's
7 conduct.

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

10 11 COUNT VI

12 INFRINGEMENT OF THE '331 PATENT

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

15 53. In violation of 35 U.S.C. § 271, Defendants Samsung and SEA are now, and have
16 been, directly infringing, contributorily infringing and/or inducing infringement of the '331
17 patent by, among other things, making, using, causing to be used, offering to sell, causing to be
18 offered for sale, selling, causing to be sold, importing and/or causing to be imported without
19 authority or license flat panel display devices, manufactured by Samsung, its subsidiaries, and its
20 agents or third-party contract manufacturers and flat panel display products containing such flat
21 panel display devices, including, but not limited to a Samsung 46" LCD television model
22 LN46C630K1F.

23 54. On information and belief, Samsung and SEA have had knowledge of the '331
24 patent since before filing of this Complaint, but in any case have had notice of the '331 patent
25 upon the filing of this Complaint. Thus Samsung and SEA's infringement of the '331 patent is
26 and has been deliberate and willful, and Samsung and SEA have induced and contributed to the
27 infringement of the '331 patent.

28 55. Unless enjoined, Samsung and SEA will continue to infringe the '331 patent, and

1 AUO will suffer irreparable injury as a direct and proximate result of Samsung and SEA's
2 conduct.

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

5
6 **PRAYER FOR RELIEF**

7 WHEREFORE, AUO prays for Judgment as follows:

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

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

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

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

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

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

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

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

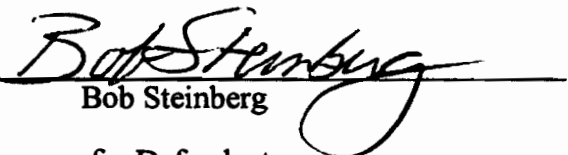
3 I. That AUO be awarded such other and further relief as this Court deems just and
4 proper.

5
6 **I. JURY DEMAND**

7 AUO demands a jury trial on all issues triable to a jury.
8

9 Dated: June 27, 2011

LATHAM & WATKINS LLP

10
11 By: 
Bob Steinberg

12 Attorneys for Defendants
13 AU OPTRONICS CORPORATION and
14 AU OPTRONICS CORPORATION AMERICA
15
16
17
18
19
20
21
22
23
24
25
26
27
28