IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BLACK HILLS MEDIA, LLC,

Plaintiff,

v.

PANASONIC CORPORATION and PANASONIC CORPORATION OF NORTH AMERICA,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Black Hills Media, LLC ("Black Hills" or "Plaintiff") in support of its Complaint against Panasonic Corporation ("Panasonic Corp.") and Panasonic Corporation of North America ("Panasonic America") (collectively, "Panasonic" or "Defendants") states and alleges as follows:

THE PARTIES

1. Plaintiff, Black Hills, is a privately held Delaware limited liability company with a principal place of business at 1000 N. West St., Wilmington, Delaware and business offices at 7011 Fayetteville Road, Durham, North Carolina.

2. Panasonic Corp. and Panasonic America are an interrelated group of companies.

3. Panasonic Corp. is a corporation existing under the laws of Japan with its principal place of business located in Osaka, Japan. Panasonic Corp. is the parent corporation of

Panasonic America. Panasonic Corp. is in the business of developing, manufacturing, and selling digital media devices.

4. Panasonic America is a Delaware corporation with a principal place of business in Secaucus, NJ. Panasonic America is in the business of developing, manufacturing, and selling digital media devices.

JURISDICTION AND VENUE

5. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. §§271 and 281-285. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 and 1338(a).

6. Personal jurisdiction over Defendants comports with U.S. Constitution and 10 Del. C. §3104 of the Delaware Code at least because Defendants have committed and continue to commit acts of patent infringement in this district as alleged in this Complaint.

7. Venue is proper under 28 U.S.C. §§1391(b), 1391(c) and 1400(b).

BACKGROUND

8. Black Hills, through assignment, owns all of the rights and interests in the United States Patent Nos. 8,028,323 ("the '323 Patent"); 8,214,873 ("the '873 Patent"); 8,230,099 ("the '099 Patent"); 8,045,952 ("the '952 Patent"); 8,050,652 ("the '652 Patent"); and 6,108,686 ("the '686 Patent") (collectively, the "Patents in Suit.").

9. The '323 Patent is entitled "Method and System for Employing a First Device to Direct a Networked Audio Device to Obtain a Media Item." The '323 patent names Martin Weel

as the inventor and was issued on September 27, 2011, after a full and fair examination. A true and accurate copy of the '323 patent is attached as **Exhibit A.**

10. The '873 Patent is entitled "Method, System and Computer-Readable Medium for Employing a First Device to Direct a Networked Audio Device to Render a Playlist." The '873 patent names Martin Weel as the inventor and was issued on July 3, 2012, after a full and fair examination. A true and accurate copy of the '873 patent is attached as **Exhibit B.**

11. The '099 Patent is entitled "System and Method for Sharing Playlists." The '099 patent names Martin Weel as the inventor and was issued on July 24, 2012, after a full and fair examination. A true and accurate copy of the '099 Patent is attached as **Exhibit C.**

12. The '952 Patent is entitled "Method and Device for Obtaining Playlist Content Over a Network." The '952 Patent names Safi Qureshey and Daniel D. Sheppard as inventors and was issued on October 25, 2011, after a full and fair examination. A true and accurate copy of the '952 Patent is attached as **Exhibit D.**

13. The '652 Patent is entitled "Method and Device for an Internet Radio Capable of Obtaining Playlist Content from a Content Server." The '652 Patent names Safi Qureshey and Daniel D. Sheppard as inventors and was issued on November 1, 2011, after a full and fair examination. A true and accurate copy of the '652 Patent is attached as **Exhibit E.**

14. The '686 Patent is entitled "Agent-Based On-line Information Retrieval and Viewing System." The '686 Patent names Henry R. Williams, Jr. as the inventor and was issued on August 22, 2000, after a full and fair examination. A true and accurate copy of the '686 Patent is attached as **Exhibit F.**

15. Upon information and belief, Defendants make, use, offer to sell, sell and import into the United States, including within this District, digital media devices including without

limitation digital televisions, Blu-ray disc players and home theater systems ("Accused Products") that infringe one or more claims of the Patents in Suit.

COUNT I

INFRINGEMENT OF THE '323 PATENT

16. Plaintiff incorporates each of the preceding paragraphs as if fully set forth herein.

17. Defendants are directly and/or indirectly infringing one or more of the claims of the '323 Patent literally, and/or under the doctrine of equivalents, by importing into the United States and/or making, using, selling, or offering for sale in the United States, including this District, the Accused Products.

18. Exemplary infringing products for this patent include televisions, home theater systems, and Blu-Ray players compatible with DLNA, DIAL, or other similar media sharing protocols. For example, these products include the DMP-BDT230, DMP-BDT330, DMP-MST60, SC-BTT190, SC-BTT195, SC-BTT490, ZT60 Series TV, WT60 Series TV, VT60 Series TV, DT60 Series TV, ST60 Series TV, ET60 Series TV, and E60 Series TV and other products with similar functionality.

19. As a developer, designer, maker and distributor of these products, as well as a holder of a significant patent portfolio in this field, Defendants knew or should have known that their products infringed on one or more claims of the '323 Patent. Should Defendants contend that they did not have prior notice of these patents, Defendants have notification of their infringement of the '323 Patent by the filing and service of this complaint.

20. Defendants' inducement of infringement of the '323 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in

ways that infringe the '323 Patent, including sharing media from a playlist across devices using DLNA, DIAL, and/or other similar media sharing protocols. Defendants' products are imported, marketed, offered for sale sold and/or used in the United States. Defendants vigorously promote, market, advertise and ship the Accused Products along with on screen display menus, directions, demonstrations, guides, manuals, training for use, user prompts, product and user manuals and other materials that are specifically intended to direct, cause, urge, encourage and facilitate others to perform acts of infringement of the '323 patent. These actions by Defendants are intended specifically to cause (and have caused) users, including end users in this District, to directly infringe the relevant claims.

21. Examples of instructions to cause infringement can be found at the following web links and documents, which are on information and belief maintained by Defendant:

http://www2.panasonic.com/webapp/wcs/stores/servlet/prModelDetail?storeId=11301&catalogId=13251&itemId=693511&modelNo=Content01072013035807322&surfModel=Content01072013035807322

http://service.us.panasonic.com/OPERMANPDF/E-HELP_E60.PDF

22. Defendants knew or should have known that its encouragement and instructions to third parties would result in infringement of the '323 Patent by those third parties, including end users in this District. Defendants are thus liable for inducing infringement of the '323 Patent pursuant to 35 U.S.C. §271(b).

23. This infringement by Defendants of the '323 Patent has injured Black Hills and will cause irreparable injury and damage in the future unless Defendants are enjoined from infringing the '323 Patent.

24. Black Hills reserves its rights to take discovery as to the extent of Defendants' pre-suit knowledge of the '323 Patent and to allege pre-suit willfulness. Defendants' continued infringement of the '323 Patent is willful infringement.

COUNT II

INFRINGEMENT OF THE '873 PATENT

25. Plaintiff incorporates by reference each of the preceding paragraphs as if set forth fully herein.

26. Defendants are directly and/or indirectly infringing one or more of the claims of the '873 Patent literally, or under the doctrine of equivalents, by importing into the United States and/or making, using, selling, or offering for sale in the United States, including this District, the Accused Products.

27. Exemplary infringing products for this patent include televisions, home theater systems, and Blu-Ray players compatible with DLNA, DIAL, or other similar media sharing protocols. For example, these products include the DMP-BDT230, DMP-BDT330, DMP-MST60, SC-BTT190, SC-BTT195, SC-BTT490, ZT60 Series TV, WT60 Series TV, VT60 Series TV, DT60 Series TV, ST60 Series TV, ET60 Series TV, and E60 Series TV and other products with similar functionality.

28. As a developer, designer, maker and distributor of these products, as well as a holder of a significant patent portfolio in this field, Defendants knew or should have known that

their products infringed on one or more claims of the '873 Patent. Should Defendants contend that they did not have prior notice of these patents, Defendants have notification of their infringement of the '873 Patent by the filing and service of this complaint.

29. Defendants' inducement of infringement of the '873 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in ways that infringe the '873 Patent, including sharing media from a playlist across devices using DLNA, DIAL, and/or other similar media sharing protocols. Defendants' products are imported, marketed, used, offered for sale and/or sold in the United States. Defendants vigorously promote, market, advertise and ship the Accused Products along with on screen display menus, directions, demonstrations, guides, manuals, training for use, user prompts, product and user manuals and other materials that are specifically intended to direct, cause, urge, encourage and facilitate others to perform acts of infringement of the '873 patent. These actions by Defendants are intended specifically to cause users, including end users in the District of Delaware, to directly infringe the relevant claims.

30. Examples of instructions to cause infringement can be found at the following web links and documents, which are on information and belief maintained by Defendant:

http://www2.panasonic.com/webapp/wcs/stores/servlet/prModelDetail?storeId=11301&catalogId=13251&itemId=693511&modelNo=Content01072013035807322&surfModel=Content01072013035807322

http://service.us.panasonic.com/OPERMANPDF/E-HELP_E60.PDF

31. Defendants knew or should have known that its encouragement and instructions to third parties would result in infringement of the '873 Patent by those third parties, including end users in the District of Delaware. Defendants are thus liable for inducing infringement of the '873 Patent pursuant to 35 U.S.C. §271(b).

32. This infringement by Defendants of the '873 Patent has injured Black Hills and will cause irreparable injury and damage in the future unless Defendants are enjoined from infringing the '873 Patent.

33. Black Hills reserves its rights to take discovery as to the extent of Defendants' pre-suit knowledge of the '873 Patent and to allege pre-suit willfulness. Defendants' continued infringement of the '873 Patent is willful infringement.

COUNT III

INFRINGEMENT OF THE '099 PATENT

34. Plaintiff incorporates by reference each of the preceding paragraphs as if set forth fully herein.

35. Defendants are directly and/or indirectly infringing one or more of the claims of the '099 Patent literally, or under the doctrine of equivalents, by importing into the United States and/or making, using, selling, or offering for sale in the United States, including the District of Delaware, the Accused Products.

36. Exemplary infringing products for this patent include televisions, home theater systems, and Blu-Ray players compatible with DLNA, DIAL, or other similar media sharing protocols. For example, these products include the DMP-BDT230, DMP-BDT330, DMP-MST60, SC-BTT190, SC-BTT195, SC-BTT490, ZT60 Series TV, WT60 Series TV, VT60 Series TV, DT60 Series TV, ST60 Series TV, ET60 Series TV, and E60 Series TV and other products with similar functionality.

37. As a developer, designer, maker and distributor of these products, as well as a holder of a significant patent portfolio in this field, Defendants knew or should have known that

their products infringed on one or more claims of the '099 Patent. Should Defendants contend that they did not have prior notice of these patents, Defendants have notification of their infringement of the '099 Patent by the filing and service of this complaint.

38. Defendants' inducement of infringement of the '099 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in ways that infringe the '099 Patent, including sharing media from a playlist across devices using DLNA, DIAL, and/or other similar media sharing protocols. Defendants' products are imported, used, marketed, offered for sale and/or sold in the United States. Defendants vigorously promote, market, advertise and ship the Accused Products along with on screen display menus, directions, demonstrations, guides, manuals, training for use, user prompts, product and user manuals and other materials that are specifically intended to direct, cause, urge, encourage and facilitate others to perform acts of infringement of the '099 patent. These actions by Defendants are intended specifically to cause users, including end users in the District of Delaware, to directly infringe the relevant claims.

39. Examples of instructions to cause infringement can be found at the following web links and documents, which are on information and belief maintained by Defendant:

http://www2.panasonic.com/webapp/wcs/stores/servlet/prModelDetail?storeId=11301&catalogId=13251&itemId=693511&modelNo=Content01072013035807322&surfModel=Content01072013035807322

http://service.us.panasonic.com/OPERMANPDF/E-HELP_E60.PDF

40. Defendants knew or should have known that its encouragement and instructions to third parties would result in infringement of the '099 Patent by these third parties, including end users in the District of Delaware. Defendants are thus liable for inducing infringement of the '099 Patent pursuant to 35 U.S.C. §271(b).

41. This infringement by Defendants of the '099 Patent has injured Black Hills and will cause irreparable injury and damage in the future unless Defendants are enjoined from infringing the '099 Patent.

42. Black Hills reserves its rights to take discovery as to the extent of Defendants' pre-suit knowledge of the '099 Patent and to allege pre-suit willfulness. Defendants' continued infringement of the '099 Patent is willful infringement.

COUNT IV

PATENT INFRINGEMENT OF THE '952 PATENT

43. Plaintiff incorporates by reference each of the preceding paragraphs as if set forth fully herein.

44. Defendants are directly and/or indirectly infringing one or more of the claims of the '952 Patent literally, or under the doctrine of equivalents, by importing into the United States and/or making, using, selling, or offering for sale in the United States, including the District of Delaware, the Accused Products.

45. Exemplary infringing products for this patent include TV Model TC-L42E60 and Blu-Ray Model DMP-BDT320 and other products with similar functionality.

46. As a developer, designer, maker and distributor of these products, as well as a holder of a significant patent portfolio in this field, Defendants knew or should have known that their products infringed on one or more claims of the '952 Patent. Should Defendants contend that they did not have prior notice of these patents, Defendants have notification of their infringement of the '952 Patent by the filing and service of this complaint.

47. Defendants' inducement of infringement of the '952 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in ways that infringe the '952 Patent, including utilizing an application such as Pandora to receive song playlists. Defendants' products are imported used, marketed, offered for sale and/or sold in the United States. Defendants vigorously promote, market, advertise and ship the accused products along with on screen display menus, directions, demonstrations, guides, manuals, training for use, user prompts, product and user manuals and other materials that are specifically intended to direct, cause, urge, encourage and facilitate others to perform acts of infringement of the '952 patent. These actions by Defendants are intended specifically to cause users, including end users in the District of Delaware, to directly infringe the relevant claims.

48. Examples of such instructions can be found in the following links to the Defendants' website:

- http://panasonic.net/avc/viera/global/connect_apps/category/2/0/ (Viera Connect Apps Navigator)
- http://shop.panasonic.com/docs/how-to/2012/video/How_to_Register_with_Pandora.html (How to Register With Pandora)

49. Defendants knew or should have known that its encouragement and instructions to third parties would result in infringement of the '952 Patent by these third parties, including end users in the District of Delaware. Defendants are thus liable for inducing infringement of the '952 Patent pursuant to 35 U.S.C. §271(b).

50. Upon information and belief Defendants also are contributory infringers, pursuant to 35 U.S.C. 271(c), because of sales and offers to sell within the United States of articles constituting or containing material parts of inventions claimed in at least one claim of the '952 Patent, when knowing and/or when willfully blind to the same being especially made and/or

adapted for use in an infringement of these patents, and not staples articles of commerce suitable for substantial non-infringing uses. For example, at least one of the exemplary products mentioned above constitutes or contains material parts of inventions claimed in at least one claim of the '952 Patent that have no substantial non-infringing uses.

51. This infringement by Defendants of the '952 Patent has injured Black Hills and will cause irreparable injury and damage in the future unless Defendants are enjoined from infringing the '952 Patent.

52. Black Hills reserves its rights to take discovery as to the extent of Defendants' pre-suit knowledge of the '952 Patent and to allege pre-suit willfulness. Defendants' continued infringement of the '952 Patent is willful infringement.

COUNT V

PATENT INFRINGEMENT OF THE '652 PATENT

53. Plaintiff incorporates by reference each of the preceding paragraphs as if set forth fully herein.

54. Defendants are directly and/or indirectly infringing one or more of the claims of the '652 Patent literally, or under the doctrine of equivalents, by importing into the United States and/or making, using, selling, or offering for sale in the United States, including the District of Delaware, the Accused Products.

55. Exemplary infringing products for this patent include TV Model TC-L42E60 and Blu-Ray Model DMP-BDT320 and other products with similar functionality.

56. As a developer, designer, maker and distributor of these products, as well as a holder of a significant patent portfolio in this field, Defendants knew or should have known that

their products infringed on one or more claims of the '652 Patent. Should Defendants contend that they did not have prior notice of these patents, Defendants have notification of their infringement of the '652 Patent by the filing and service of this complaint.

57. Defendants' inducement of infringement of the '652 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in ways that infringe the '652 Patent, including utilizing applications such as Pandora to receive song playlists and vTuner to receive Internet radio broadcasts. Defendants' products are imported, used, marketed, offered for sale and/or sold in the United States after importation. Defendants vigorously promote, market, advertise and ship the Accused Products along with on screen display menus, directions, demonstrations, guides, manuals, training for use, user prompts, product and user manuals and other materials that are specifically intended to direct, cause, urge, encourage and facilitate others to perform acts of infringement of the '652 patent. These actions by Defendants are intended specifically to cause users, including end users in the District of Delaware, to directly infringe the relevant claims.

58. Examples of such instructions can be found in the following links to the Defendants' website:

- http://panasonic.net/avc/viera/global/connect_apps/category/2/0/ (Viera Connect Apps Navigator)
- http://shop.panasonic.com/docs/how-to/2012/video/How_to_Register_with_Pandora.html (How to Register With Pandora)

59. Defendants knew or should have known that its encouragement and instructions to third parties would result in infringement of the '652 Patent by these third parties, including end users in the District of Delaware. Defendants are thus liable for inducing infringement of the '652 Patent pursuant to 35 U.S.C. §271(b).

60. Upon information and belief Defendants also are contributory infringers, pursuant to 35 U.S.C. 271(c), because of sales and offers to sell within the United States of articles constituting or containing material parts of inventions claimed in at least one claim of the '652 Patent, when knowing and/or when willfully blind to the same being especially made and/or adapted for use in an infringement of these patents, and not staples articles of commerce suitable for substantial non-infringing uses. For example, at least one of the exemplary products mentioned above constitutes or contains material parts of inventions claimed in at least one claim of the '652 Patent that have no substantial non-infringing uses.

61. This infringement by Defendants of the '652 Patent has injured Black Hills and will cause irreparable injury and damage in the future unless Defendants are enjoined from infringing the '652 Patent.

62. Black Hills reserves its rights to take discovery as to the extent of Defendants' pre-suit knowledge of the '652 Patent and to allege pre-suit willfulness. Defendants' continued infringement of the '652 Patent is willful infringement.

COUNT VI

PATENT INFRINGEMENT OF THE '686 PATENT

63. Plaintiff incorporates by reference each of the preceding paragraphs as if set forth fully herein.

64. Defendants are directly and/or indirectly infringing one or more of the claims of the '686 Patent literally, or under the doctrine of equivalents, by importing into the United States and/or making, using, selling, or offering for sale in the United States, including the District of Delaware, the Accused Products.

65. Exemplary infringing products for this patent include TV Model TC-L42E60 and Blu-Ray Model DMP-BDT320 and other products with similar functionality.

66. As a developer, designer, maker and distributor of these products, as well as a holder of a significant patent portfolio in this field, Defendants knew or should have known that their products infringed on one or more claims of the '686 Patent. Should Defendants contend that they did not have prior notice of these patents, Defendants have notification of their infringement of the '686 Patent by the filing and service of this complaint.

67. Defendants' inducement of infringement of the '686 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in ways that infringe the '686 Patent, including utilizing an application such as Pandora to provide local users with information stored remotely on a network. Defendants' products are imported, used, marketed, offered for sale and/or sold in the United States. Defendants vigorously promote, market, advertise and ship the Accused Products along with on screen display menus, directions, demonstrations, guides, manuals, training for use, user prompts, product and user manuals and other materials that are specifically intended to direct, cause, urge, encourage and facilitate others to perform acts of infringement of the '686 patent. These actions by Defendants are intended specifically to cause users, including end users in the District of Delaware, to directly infringe the relevant claims.

68. Examples of such instructions can be found in the following links to the Defendants' website:

- http://panasonic.net/avc/viera/global/connect_apps/category/2/0/ (Viera Connect Apps Navigator)
- http://shop.panasonic.com/docs/how-to/2012/video/How_to_Register_with_Pandora.html (How to Register With Pandora)

69. Defendants knew or should have known that its encouragement and instructions to third parties would result in infringement of the '686 Patent by these third parties, including end users in the District of Delaware. Defendants are thus liable for inducing infringement of the '686 Patent pursuant to 35 U.S.C. §271(b).

70. Upon information and belief Defendants also are contributory infringers, pursuant to 35 U.S.C. 271(c), because of sales and offers to sell within the United States of articles constituting or containing material parts of inventions claimed in at least one claim of the '686 Patent, when knowing and/or when willfully blind to the same being especially made and/or adapted for use in an infringement of these patents, and not staples articles of commerce suitable for substantial non-infringing uses. For example, at least one of the exemplary products mentioned above constitutes or contains material parts of inventions claimed in at least one claim of the '686 Patent that have no substantial non-infringing uses.

71. This infringement by Defendants of the '686 Patent has injured Black Hills and will cause irreparable injury and damage in the future unless Defendants are enjoined from infringing the '686 Patent.

72. Black Hills reserves its rights to take discovery as to the extent of Defendants' pre-suit knowledge of the '686 Patent and to allege pre-suit willfulness. Defendants' continued infringement of the '686 Patent is willful infringement.

REQUESTS FOR RELIEF

WHEREFORE, Black Hills respectfully requests that judgment be entered in its favor and against Defendants as follows:

a. That Defendants have directly and/or indirectly infringed the '323, '873, '099, '952, '652 and '686 Patents, literally and/or under the doctrine of equivalents;

b. That Defendants and their respective agents, servants, officers, directors, employees, and all persons acting in concert with them, directly or indirectly, be temporarily and permanently enjoined from infringement of the '323, '873, '099, '952, '652 and '686 Patents;

c. That Defendants be ordered to account for and pay to Black Hills the damages to which Black Hills is entitled as a result of the infringement of the '323, '873, '099, '952, '652 and '686 Patents, together with interest and costs;

d. That a post-judgment equitable accounting of damages be ordered for the period of infringement of the '323, '873, '099, '952, '652 and '686 Patents;

e. That Black Hills be awarded all other damages permitted by 35 U.S.C. §284, including increased damages up to three times the amount of compensatory damages found;

f. That the case be deemed exceptional under 35 U.S.C. § 285 and that Black Hills be awarded its costs and attorneys' fees; and

g. That Black Hills be awarded any other and further relief as this Court may deem is just and equitable.

DEMAND FOR TRIAL BY JURY

Black Hills respectfully demands a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure on any and all issues so triable.

SEITZ, VAN OGTROP & GREEN, P.A.

/s/ Kevin A. Guerke

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