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 THX Ltd.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

14 THX LTD.,
 15 Plaintiff,
 16 v.
 17 APPLE INC.,
 18 Defendant.

Case No. CV-13-1161 JSW
**AMENDED COMPLAINT FOR PATENT
 INFRINGEMENT**
DEMAND FOR JURY TRIAL

1 Plaintiff THX Ltd. (“THX”) by and through its undersigned attorneys, for its amended
2 complaint against defendant Apple Inc. (“Apple”), hereby alleges as follows:

3 1. This is an action for patent infringement arising under the Patent Laws of
4 the United States, 35 U.S.C. § 1 *et seq.*

5 **THE PARTIES**

6 2. Plaintiff THX is a corporation duly organized and existing under the laws
7 of the State of Delaware, with its principal place of business at 1600 Los Gamos Drive, San
8 Rafael, California 94903.

9 3. On information and belief, defendant Apple is a corporation organized and
10 existing under the laws of the State of California with its principal place of business at 1 Infinite
11 Loop, Cupertino, California.

12 **JURISDICTION AND VENUE**

13 4. This Court has jurisdiction over this patent infringement action pursuant to
14 28 U.S.C. §§ 1331 and 1338(a).

15 5. This Court has specific and/or general personal jurisdiction over Apple
16 because Apple is doing business in this District and has committed acts giving rise to this action
17 within this District.

18 6. Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 1400
19 because Apple does business in the State of California and this District, Apple has committed acts
20 giving rise to this action in the State of California and this District, a substantial part of the events
21 or omissions giving rise to THX’s claims happened in this District, and Apple is subject to
22 personal jurisdiction in this District.

23 **INTRADISTRICT ASSIGNMENT**

24 7. Intradistrict assignment is proper in San Jose because a substantial part of
25 the acts giving rise to the claims asserted herein occurred in Santa Clara County and because
26 Apple maintains its principal place of business in Santa Clara County.

FIRST CLAIM FOR RELIEF

(Infringement of United States Patent No. 7,433,483)

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3 8. On October 7, 2008, the United States Patent and Trademark Office duly
4 and lawfully issued United States Patent No. 7,433,483 (“the ‘483 patent”). The ‘483 patent is
5 entitled “Narrow Profile Speaker Configurations and Systems.” A copy of the ‘483 patent is
6 attached hereto as Exhibit A.

7 9. THX is the owner and assignee of all right, title, and interest in and to the
8 ‘483 patent.

9 10. Apple has been and now is infringing the ‘483 patent in the State of
10 California and elsewhere in the United States by, among other things, making, using, importing,
11 offering to sell, and/or selling in the United States products covered by one or more claims of the
12 ‘483 patent in violation of 35 U.S.C. § 271, including but not limited to Apple’s iPhone 4 and
13 later models, as well as its iPad, and iMac products, which incorporate narrow-profile speaker
14 units that output sound through a duct or aperture having a narrow dimension.

15 11. Apple’s infringement of the ‘483 patent has caused and will continue to
16 cause THX both monetary damage and irreparable harm for which it has no adequate remedy at
17 law.

SECOND CLAIM FOR RELIEF

(Infringement of United States Patent No. 8,457,340)

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20 12. On June 4, 2013, the United States Patent and Trademark Office duly and
21 lawfully issued United States Patent No. 8,457,340 (“the ‘340 patent”). The ‘340 patent is
22 entitled “Narrow Profile Speaker Configurations and Systems.” A copy of the ‘340 patent is
23 attached hereto as Exhibit B.

24 13. THX is the owner and assignee of all right, title, and interest in and to the
25 ‘340 patent.

26 14. Apple has been and now is infringing the ‘340 patent in the State of
27 California and elsewhere in the United States by, among other things, making, using, importing,
28 offering to sell, and/or selling in the United States products covered by one or more claims of the

1 '340 patent in violation of 35 U.S.C. § 271, including but not limited to Apple's iPhone 4 and
2 later models, as well as its iPad, and iMac products, which incorporate narrow-profile speaker
3 units that output sound through a duct or aperture having a narrow dimension.

4 15. Apple's infringement of the '340 patent has caused and will continue to
5 cause THX both monetary damage and irreparable harm for which it has no adequate remedy at
6 law.

7 **PRAYER FOR RELIEF**

8 Accordingly, plaintiff THX respectfully requests that this Court enter judgment against
9 defendant Apple as follows:

10 16. Declaring that Apple has infringed the '483 and '340 patents;

11 17. Permanently enjoining Apple and its respective officers, directors, agents,
12 servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in
13 active concert therewith from infringement of the '483 and '340 patents;

14 18. Awarding damages in an amount adequate to compensate THX for Apple's
15 infringement, consisting of, inter alia, THX's lost profits, but in any event at least a reasonable
16 royalty; and

17 19. Awarding prejudgment interest, costs, attorney fees, and such other and
18 further relief as the Court may deem just and proper.

19 **JURY DEMAND**

20 Plaintiff respectfully demands a jury trial on all issues so triable.

21 DATED: July 11, 2013

PERKINS COIE LLP

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23 By: /s/ Eric L. Wesenberg
Eric L. Wesenberg
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25 Attorneys for Plaintiff
THX Ltd.