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**INDUSTRIAL TECHNOLOGY  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**INDUSTRIAL TECHNOLOGY  
RESEARCH INSTITUTE**

**Plaintiff,**

**v.**

**LG ELECTRONICS, INC., AND  
LG ELECTRONICS U.S.A., INC.,**

**Defendants.**

**CASE 2:12-CV-03282-KSH-CLW**

**JURY TRIAL DEMANDED**

**PLAINTIFF'S AMENDED COMPLAINT**

Plaintiff Industrial Technology Research Institute (hereinafter "ITRI" or "Plaintiff") by and through its undersigned counsel, file this Amended Complaint against Defendants LG Electronics, Inc. and LG Electronics U.S.A., Inc. (collectively, "LG" or "Defendants") as follows:

### **NATURE OF THE ACTION**

1. This is a civil action for damages and injunctive relief resulting from infringement of U.S. Patent No. 5,710,459.

### **THE PARTIES**

2. Industrial Technology Research Institute is Taiwan's largest applied technology research and development institution, having a principal address of 195, Sec. 4, Chung Hsing Rd., Chutung, Hsinchu, Taiwan 31040, R.O.C.

3. Upon information and belief, LG Electronics, Inc. is a Korean corporation with its principal place of business at LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-gu, Seoul 150-721, Korea. Upon information and belief, LG Electronics may be served at LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-gu, Seoul 150-721, Korea via an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process.

4. Upon information and belief, LG Electronics U.S.A., Inc. is a Delaware corporation with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, NJ, 07632. Upon information and belief, LG Electronics U.S.A., Inc. may be served with process by serving its registered agent, United States Corporation Company, 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3218. Upon information and belief, LG Electronics U.S.A., Inc. is a wholly owned subsidiary of LG Electronics, Inc.

5. LG Electronics, Inc. and LG Electronics U.S.A., Inc. will be collectively referred to as "LG."

### JURISDICTION AND VENUE

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over each Defendant. Each Defendant has conducted and does conduct business within the State of New Jersey. Each Defendant, directly or through intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, and/or sells its products to customers in the United States, and the State of New Jersey. Each Defendant has purposefully and voluntarily placed one or more of its infringing products, as described below, into the stream of commerce with the expectation that they will be purchased by consumers in the State of New Jersey. These infringing products have been and continue to be purchased by consumers in the State of New Jersey. Upon information and belief, each Defendant has committed the tort of patent infringement in the State of New Jersey.

8. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b), in that, on information and belief, each Defendant has committed acts within this judicial District giving rise to this action and does business in this District, including making sales and/or providing service and support for their respective customers in this District. Further, LG Electronics, Inc. intentionally availed itself of this judicial District by intentionally filing a motion to transfer claims from the Eastern District of Texas to the District of New Jersey, involving similar products at issue in the present case, namely *Industrial Technology Research Institute v. LG Corporation, LG Electronics, Inc., and LG Electronics U.S.A., Inc.*, No. 2:12-CV-00949 (transferred from Eastern District of Texas to District of New Jersey on February 13, 2012).

**PATENT INFRINGEMENT OF U.S. PATENT NO. 5,710,459**

9. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-9 as though fully set forth herein.

10. United States Patent No. 5,710,459, titled “Integrated Circuit Package Provided With Multiple Heat-Conducting Paths for Enhancing Heat Dissipation and Wrapping Around Cap for Improving Integrity and Reliability” (hereinafter “the ’459 patent”) was duly and legally issued by the United States Patent and Trademark Office on January 20, 1998, after full and fair examination. A copy of the ’459 patent is attached as Exhibit 1.

11. ITRI is the owner of all right, title, and interest in and to the ’459 patent by assignment, with full right to bring suit to enforce the patent, including the right to recover for past infringement damages and the right to recover future royalties, damages, and income. ITRI owned the ’459 patent throughout the entire period of LG’s infringing conduct.

12. The ’459 patent is valid and enforceable.

13. LG has at no time, either expressly or impliedly, been licensed under the ’459 patent.

14. Plaintiff has complied with 35 U.S.C. § 287.

15. Upon information and belief, LG has been and now is directly, literally under 35 U.S.C. § 271(a) and/or equivalently under the doctrine of equivalents, infringing the ’459 patent by making, using, offering to sell, and/or selling to customers and/or distributors (directly or through intermediaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, devices that fall within the scope of one or more claims of the ’459 patent, including, but not limited to, products incorporating the LG 1152D-B2 packaged chip and similar chips, including products with the LG model numbers 55LM9600 and

47G2, and other similar products, which perform substantially the same function as the devices embodied in one or more claims of the 459 patent in substantially the same way to achieve the same result and have no substantial non-infringing uses.

16. As a direct and proximate result of LG's acts of patent infringement, ITRI has been and will continue to be irreparably damaged and deprived of its right in the '459 patent in amounts not yet determined, and for which ITRI is entitled to relief.

17. TAKE NOTICE that ITRI reserves the right to further allege indirect infringement, contributory infringement, inducing infringement, and/or willful infringement, and amend, supplement, or modify its allegations of infringement as facts regarding such allegations arise during the course of this case.

### **CONCLUSION**

18. Unless Defendants are enjoined by this Court from continuing their patent infringements, Plaintiff will suffer additional irreparable harm for which there is no adequate remedy at law and impairment of the value of its patent rights.

19. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

20. Plaintiff has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Plaintiff is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

**JURY DEMAND**

21. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

22. Plaintiff respectfully request that the Court find in its favor and against LG, and that the Court grant Plaintiff the following relief:

1. A judgment that each Defendant has infringed and continues to infringe each of the patents-in-suit as alleged herein, directly and/or indirectly by way of inducing or contributing to infringement of such patents;
2. A judgment for an accounting of all damages sustained by ITRI as a result of the acts of infringement by each Defendant;
3. A judgment and order requiring each Defendant to pay ITRI pre-judgment and post-judgment interest on the damages awarded;
4. A judgment and order finding this to be an exceptional case and requiring each Defendant to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285;
5. A permanent injunction against each Defendant's infringement of each of the patents-in-suit as alleged herein, as well as against each Defendant's agents, employees, representatives, successors, and assigns, and those acting in privity or in concert with them; and
6. Such other and further relief as the Court deems just and equitable.

Dated: August 21, 2013

Respectfully submitted,

By: s/ Vincent E. McGeary

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