



## **VENUE**

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

## **FACTUAL BACKGROUND**

6. The '444 patent is entitled "Simultaneous Recording and Playback Apparatus." A copy of the '444 patent is attached hereto as Exhibit A.

7. The invention of the '444 patent generally relates to a keyboard equipped audiovisual recording and playback device having an input and an output adapted for connection between a user's signal source and display device, and a memory unit with a storage medium enabling random access to programming information stored therein. A keyboard responsive control circuit enables manipulation and transfer of programming information between the input, output, and memory. Substantially simultaneous recording and playback of television type signals is achieved, thus enabling user controlled programming delay.

8. The application that resulted in the '444 patent was filed on April 28, 1994, as a continuation of an application filed on April 23, 1992. The United States Patent and Trademark Office duly and legally issued the '444 patent on July 27, 1999.

## **COUNT I (INFRINGEMENT OF U.S. PATENT NO. 5,930,444)**

9. Dragon realleges and incorporates by reference the allegations of paragraphs 1-8, inclusive, as if fully set forth herein.

10. Dragon owns all right, title, and interest in the '444 patent, including the right to recover damages for infringement of the '444 patent throughout the period of the infringement complained of herein.

11. Apple has directly infringed Claim 1 of the '444 patent by using, importing, selling, and offering to sell iPod Nanos with FM radio.

## **JURY DEMAND**

Dragon requests a trial by jury for all issues so triable.

## **PRAYER FOR RELIEF**

Dragon prays for relief as follows:

1. Compensatory damages in an amount according to proof, and in no event less than a reasonable royalty;
2. Prejudgment interest on the compensatory damages awarded to Dragon;
3. Post-judgment interest on all sums awarded to Dragon from the date of judgment;
4. A preliminary and permanent injunction forbidding Apple and its officers, agents, servants, employees, and attorneys, and all those in active concert or participation with them, from further infringing the '444 patent;
5. Costs of suit incurred herein; and
6. Any and all other relief that the Court deems just and equitable.

Dated: December 20, 2013

BAYARD, P.A.

OF COUNSEL:

Robert E. Freitas  
FREITAS TSENG & KAUFMAN LLP  
100 Marine Parkway, Suite 200  
Redwood Shores, CA 94065  
(650) 593-6300  
rfreitas@ftklaw.com

/s/ Richard D. Kirk  
Richard D. Kirk (rk0922)  
Stephen B. Braerman (sb4952)  
Vanessa R. Tiradentes (vt5398)  
Sara E. Bussiere (sb5725)  
222 Delaware Avenue, Suite 900  
P.O. Box 25130  
Wilmington, DE 19899-5130  
(302) 655-5000  
rkirk@bayardlaw.com  
sbraerman@bayardlaw.com  
vtiradentes@bayardlaw.com  
sbussiere@bayardlaw.com

*Attorneys for Plaintiff  
Dragon Intellectual Property, LLC*