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21 **YAMAHA CORPORATION**

22 **UNITED STATES DISTRICT COURT**
23 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

24 **YAMAHA CORPORATION,**

25 Plaintiff,

26 v.

27 **TOSHIBA SAMSUNG STORAGE**
28 **TECHNOLOGY CORPORATION and**
TOSHIBA SAMSUNG STORAGE
TECHNOLOGY KOREA
CORPORATION,

Defendants.

Civil Action No. _____

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff Yamaha Corporation (“Yamaha”), for its complaint for patent
2 infringement against Defendants Toshiba Samsung Storage Technology
3 Corporation (“TSST”) and Toshiba Samsung Storage Technology Korea
4 Corporation (“TSST Korea”) (collectively, “Defendants”), alleges as follows:

5 **The Parties**

6 1. Yamaha is a corporation organized and existing under the laws of
7 Japan, with a principal place of business at 10-1, Nakazawa-cho, Naka-ku,
8 Hamamatsu, Shizuoka 430-8650, Japan.

9 2. On information and belief, TSST is a joint venture of Toshiba
10 Corporation (“Toshiba”) and Samsung Electronics Co. Ltd. (“Samsung”)
11 organized and existing under the laws of Japan, with a principal place of business
12 at 1-1, Shibaura 1-Chome, Minato-ku, Tokyo 105-8001, Japan.

13 3. On information and belief, TSST Korea is a wholly-owned subsidiary
14 of TSST organized and existing under the laws of the Republic of Korea, with a
15 principal place of business at 14th Floor, Building No. 102, Digital Empire2, 486,
16 Sin-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, South Korea 443-734.

17 **Jurisdiction and Venue**

18 4. This action arises under the patent laws of the United States, as set
19 forth in Title 35 of the United States Code.

20 5. This Court has subject matter jurisdiction over this action pursuant to
21 28 U.S.C. §§ 1331 and 1338(a).

22 6. On information and belief, TSST and TSST Korea are subject to
23 personal jurisdiction in California under the California long-arm statute, Cal. Code
24 Civ. Proc. § 410.10, because they continuously and systematically conduct
25 business in California, including but not necessarily limited to marketing, selling,
26 importing, and delivering the products accused of infringement herein to customers
27 in California.

28 7. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)-(c).

The Patents-in-Suit

1
2 8. On March 5, 1991, the United States Patent and Trademark Office
3 (“USPTO”) duly and legally issued U.S. Patent No. 4,998,237 (“the ‘237 Patent”)
4 for an invention titled “Optical Disc Recording Device Having Improved Accuracy
5 of Pit Formation,” naming Katsuichi Osakabe and Yoshiaki Suzuki as the
6 inventors. A true and correct copy of the ‘237 Patent is attached as Exhibit A.

7 9. On March 26, 1991, the USPTO duly and legally issued U.S. Patent
8 No. 5,003,527 (“the ‘527 Patent”) for an invention titled “System for Recording
9 Optical Discs for Use with Optical Disc Playback Only Device,” naming Seiji
10 Matsumoto and Katsuichi Osakabe as the inventors. A true and correct copy of the
11 ‘527 Patent is attached as Exhibit B.

12 10. On January 5, 1993, the USPTO duly and legally issued U.S. Patent
13 No. 5,177,720 (“the ‘720 Patent”) for an invention titled “Optical Disc Recording
14 System,” naming Tamon Kondo as the inventor. A true and correct copy of the
15 ‘720 Patent is attached as Exhibit C.

16 11. On January 16, 1996, the USPTO duly and legally issued U.S. Patent
17 No. 5,485,449 (“the ‘449 Patent”) for an invention titled “Method and Device for
18 Recording Data on an Optical Disk,” naming Yukihiisa Nakajo as the inventor. A
19 true and correct copy of the ‘449 Patent is attached as Exhibit D.

20 12. On March 26, 1996, the USPTO duly and legally issued U.S. Patent
21 No. 5,502,702 (“the ‘702 Patent”) for an invention titled “Optical Disc Recording
22 Device Using Basic Recording Information and Projection Time Control,” naming
23 Yukihiisa Nakajo as the inventor. A true and correct copy of the ‘702 Patent is
24 attached as Exhibit E.

25 13. On January 7, 2003, the USPTO duly and legally issued U.S. Patent
26 No. 6,504,806 (“the ‘806 Patent”) for an invention titled “Optical Disc Recording
27 Apparatus,” naming Yukihiisa Nakajo as the inventor. A true and correct copy of
28 the ‘806 Patent is attached as Exhibit F.

1 14. On August 24, 2004, the USPTO duly and legally issued U.S. Patent
2 No. 6,781,937 (“the ‘937 Patent”) for an invention titled “Optical Disk Recording
3 Method and Device,” naming Yukihiisa Nakajo as the inventor. A true and correct
4 copy of the ‘937 Patent is attached as Exhibit G.

5 15. On February 17, 2009, the USPTO duly and legally issued U.S. Patent
6 No. 7,492,682 (“the ‘682 Patent”) for an invention titled “Optical Disk Recording
7 Apparatus Controllable by Table of Multi-Pulse Patters,” naming Katsuichi
8 Osakabe as the inventor. A true and correct copy of the ‘682 Patent is attached as
9 Exhibit H.

10 16. On November 8, 2005, the USPTO duly and legally issued U.S.
11 Patent No. 6,963,525 (“the ‘525 Patent”) for an invention titled “Optical Disc
12 Recording Method, Optical Disc Recording Device, and Optical Disc,” naming
13 Kazuhiko Honda as the inventor. A true and correct copy of the ‘525 Patent is
14 attached as Exhibit I.

15 17. On August 2, 2005, the USPTO duly and legally issued U.S. Patent
16 No. 6,925,042 (“the ‘042 Patent”) for an invention titled “Optical Recording
17 Method Performing Power Control with Variable Linear Velocity,” naming
18 Yukihiisa Nakajo as the inventor. A true and correct copy of the ‘042 Patent is
19 attached as Exhibit J.

20 18. On March 9, 2004, the USPTO duly and legally issued U.S. Patent
21 No. 6,704,269 (“the ‘269 Patent”) for an invention titled “Optical Disk Recording
22 Apparatus,” naming Atsushi Ogawa as the inventor. A true and correct copy of the
23 ‘269 Patent is attached as Exhibit K.

24 19. Yamaha is the owner by assignment of all legal rights, title and
25 interests in and to the ‘237 Patent, ‘527 Patent, ‘720 Patent, ‘449 Patent, ‘702
26 Patent, ‘806 Patent, ‘937 Patent, ‘682 Patent, ‘525 Patent, ‘042 Patent, and ‘269
27 Patent (collectively, “the Patents-in-Suit”).
28

1 28. In or around November of 2008, Yamaha contacted the Personal
2 Computer Division of Toshiba to discuss Yamaha's ODD licensing program.
3 Toshiba directed Yamaha to TSST Korea, after which Yamaha sent TSST Korea a
4 draft license agreement.

5 29. In or around June of 2009, Yamaha personnel met with
6 representatives of Toshiba in Tokyo to discuss terms under which Yamaha would
7 license the ODD patent portfolio to Toshiba and/or TSST Korea, but no agreement
8 was reached.

9 30. In or around August of 2010, Yamaha personnel again met with
10 representatives of Toshiba in Tokyo to discuss licensing the ODD patent portfolio,
11 but this time the meeting was also attended by representatives of TSST Korea.
12 Again, no agreement was reached.

13 31. In or around March of 2011, Yamaha personnel met with
14 representatives of TSST Korea in Korea to again discuss terms for licensing the
15 ODD patent portfolio. Rather than agree to a license, however, TSST Korea
16 insisted on technical discussions regarding Yamaha's expressed belief that TSST
17 Korea was infringing one or more of the patents in the ODD patent portfolio,
18 including one or more of the Patents-in-Suit.

19 32. In or around June of 2011, in response to TSST Korea's request for
20 technical discussions, Yamaha personnel again met with representatives of TSST
21 Korea in Korea to explain how TSST Korea's optical disk drives infringed certain
22 Yamaha patents. These discussions were continued at another meeting in Korea in
23 or around September of 2011. TSST Korea did not agree to take a license under
24 the ODD patent portfolio at either meeting.

25 33. At TSST Korea's request, Yamaha personnel again met with
26 representatives of TSST Korea in Korea in or around February of 2012 to engage
27 in further discussions concerning TSST Korea's infringement of Yamaha's ODD
28 patents. Subsequently, another such meeting was conducted in Tokyo in or around

1 March of 2012, this time attended by representatives of Toshiba in addition to
2 representatives of TSST Korea. Again, no agreement was reached.

3 34. In or around the end of March 2012, TSST Korea requested that
4 Yamaha engage in still further technical discussions concerning Yamaha's
5 infringement allegations. Yamaha requested that TSST Korea specify the issues it
6 wished to discuss, but TSST Korea failed to respond. There have been no further
7 communications between Yamaha and TSST Korea concerning infringement or
8 licensing of the ODD patents.

9 35. Most of the manufacturers to whom Yamaha has offered a license
10 under the ODD patent portfolio, with the notable exception of TSST and TSST
11 Korea, voluntarily agreed to a royalty-bearing license, and indeed approximately
12 75% of the worldwide ODD market is now licensed by Yamaha.

13 36. Yamaha has offered to license the Patents-in-Suit to TSST and TSST
14 Korea on commercially reasonable terms consistent with those offered to the other
15 ODD manufactures who have licensed Yamaha's ODD patent portfolio, yet TSST
16 and TSST Korea have refused to take a license. Instead, TSST and TSST Korea
17 have elected to continue using Yamaha's patented technology without
18 authorization, knowing that their optical disk drives infringe the Patents-in-Suit.

19 **Count I**

20 **Infringement of U.S. Patent No. 4,998,237**

21 37. The allegations in Paragraphs 1 through 36 above are hereby repeated
22 as though fully set forth herein.

23 38. The '237 Patent is technically essential to at least the DVD+R
24 standard.

25 39. Defendants have directly infringed one or more claims of the '237
26 Patent, including but not limited to claims 1 and 3, by selling and offering to sell
27 the Accused Products in the United States, in violation of 35 U.S.C. § 271(a).
28

1 40. Defendants have induced infringement of one or more claims of the
2 '237 Patent, including but not limited to claims 1 and 3, by designing,
3 manufacturing, marketing, supporting, and/or selling the Accused Products to
4 users, knowing and intending that such Accused Products would be used to record
5 optical disks in the United States in a manner that directly infringed the '237
6 Patent, in violation of 35 U.S.C. § 271(b).

7 41. Defendants have further induced infringement of one or more claims
8 of the '237 Patent, including but not limited to claims 1 and 3, by designing,
9 manufacturing, marketing, supporting, and/or selling the Accused Products to
10 computer manufacturers, knowing and intending that such Accused Products
11 would be included in computers that were used, sold and/or offered for sale in the
12 United States, and/or imported into the United States, in a manner that directly
13 infringed the '237 Patent, in violation of 35 U.S.C. § 271(b).

14 42. Defendants' infringement of the '237 Patent was willful.

15 43. Yamaha has been damaged, in an amount yet to be determined, as a
16 direct and proximate result of Defendants' infringement of the '237 Patent.

17 **Count II**

18 **Infringement of U.S. Patent No. 5,003,527**

19 44. The allegations in Paragraphs 1 through 36 above are hereby repeated
20 as though fully set forth herein.

21 45. The '527 Patent is technically essential to at least the CD-R, DVD+R
22 and DVD+RW standards.

23 46. Defendants have induced infringement of one or more claims of the
24 '527 Patent, including but not limited to claim 1, by designing, manufacturing,
25 marketing, supporting, and/or selling the Accused Products to users, knowing and
26 intending that such Accused Products would be used to record optical disks in the
27 United States in a manner that directly infringed the '527 Patent, in violation of 35
28 U.S.C. § 271(b).

1 47. Defendants have further induced infringement of one or more claims
2 of the '527 Patent, including but not limited to claim 1, by designing,
3 manufacturing, marketing, supporting, and/or selling the Accused Products to
4 computer manufacturers, knowing and intending that such Accused Products
5 would be included in computers that were used, sold and/or offered for sale in the
6 United States, and/or imported into the United States, in a manner that directly
7 infringed the '527 Patent, in violation of 35 U.S.C. § 271(b).

8 48. Defendants have contributorily infringed one or more claims of the
9 '527 Patent, including but not limited to claim 1, by selling the Accused Products
10 in the United States for use in recording optical disks in a manner that directly
11 infringed the '527 Patent, knowing that the Accused Products were especially
12 made or especially adapted for such infringing use, and were not staple articles of
13 commerce suitable for substantial noninfringing use, in violation of 35 U.S.C. §
14 271(c). More particularly, Defendants purposely designed the Accused Products to
15 operate in accordance with the CD-R, DVD+R and DVD+RW standards, and such
16 operation directly infringes the '527 Patent.

17 49. Defendants' infringement of the '527 Patent was willful.

18 50. Yamaha has been damaged, in an amount yet to be determined, as a
19 direct and proximate result of Defendants' infringement of the '527 Patent.

20 **Count III**

21 **Infringement of U.S. Patent No. 5,177,720**

22 51. The allegations in Paragraphs 1 through 36 above are hereby repeated
23 as though fully set forth herein.

24 52. The '720 Patent is technically essential to at least the CD-R and CD-
25 RW standards.

26 53. Defendants have directly infringed one or more claims of the '720
27 Patent, including but not limited to claim 1, by selling and offering to sell the
28

1 Accused Products in the United States, and by importing the Accused Products into
2 the United States, in violation of 35 U.S.C. § 271(a).

3 54. Defendants have induced infringement of one or more claims of the
4 '720 Patent, including but not limited to claim 1, by designing, manufacturing,
5 marketing, supporting, and/or selling the Accused Products to users, knowing and
6 intending that such Accused Products would be used to record optical disks in the
7 United States in a manner that directly infringed the '720 Patent, in violation of 35
8 U.S.C. § 271(b).

9 55. Defendants have further induced infringement of one or more claims
10 of the '720 Patent, including but not limited to claim 1, by designing,
11 manufacturing, marketing, supporting, and/or selling the Accused Products to
12 computer manufacturers, knowing and intending that such Accused Products
13 would be included in computers that were used, sold and/or offered for sale in the
14 United States, and/or imported into the United States, in a manner that directly
15 infringed the '720 Patent, in violation of 35 U.S.C. § 271(b).

16 56. Defendants' infringement of the '720 Patent was willful.

17 57. Yamaha has been damaged, in an amount yet to be determined, as a
18 direct and proximate result of Defendants' infringement of the '720 Patent.

19 **Count IV**

20 **Infringement of U.S. Patent No. 5,485,449**

21 58. The allegations in Paragraphs 1 through 36 above are hereby repeated
22 as though fully set forth herein.

23 59. Defendants have directly infringed one or more claims of the '449
24 Patent, including but not limited to claims 1 and 4, by selling and offering to sell
25 the Accused Products in the United States, in violation of 35 U.S.C. § 271(a).

26 60. Defendants have induced infringement of one or more claims of the
27 '449 Patent, including but not limited to claims 1 and 4, by designing,
28 manufacturing, marketing, supporting, and/or selling the Accused Products to

1 users, knowing and intending that such Accused Products would be used to record
2 optical disks in the United States in a manner that directly infringed the '449
3 Patent, in violation of 35 U.S.C. § 271(b).

4 61. Defendants have further induced infringement of one or more claims
5 of the '449 Patent, including but not limited to claims 1 and 4, by designing,
6 manufacturing, marketing, supporting, and/or selling the Accused Products to
7 computer manufacturers, knowing and intending that such Accused Products
8 would be included in computers that were used, sold and/or offered for sale in the
9 United States, and/or imported into the United States, in a manner that directly
10 infringed the '449 Patent, in violation of 35 U.S.C. § 271(b).

11 62. Defendants' infringement of the '449 Patent was willful.

12 63. Yamaha has been damaged, in an amount yet to be determined, as a
13 direct and proximate result of Defendants' infringement of the '449 Patent.

14 **Count V**

15 **Infringement of U.S. Patent No. 5,502,702**

16 64. The allegations in Paragraphs 1 through 36 above are hereby repeated
17 as though fully set forth herein.

18 65. The '702 Patent is technically essential to at least the CD-R, CD-RW,
19 DVD+R and DVD+RW standards.

20 66. Defendants have directly infringed, and are continuing to directly
21 infringe, one or more claims of the '702 Patent, including but not limited to claims
22 1 and 7, by selling and offering to sell the Accused Products in the United States,
23 in violation of 35 U.S.C. § 271(a).

24 67. Defendants have induced infringement, and are continuing to induce
25 infringement, of one or more claims of the '702 Patent, including but not limited to
26 claims 1, 5 and 7, by designing, manufacturing, marketing, supporting, and/or
27 selling the Accused Products to users, knowing and intending that such Accused
28

1 Products will be used to record optical disks in the United States in a manner that
2 directly infringes the '702 Patent, in violation of 35 U.S.C. § 271(b).

3 68. Defendants have further induced infringement, and are continuing to
4 induce infringement, of one or more claims of the '702 Patent, including but not
5 limited to claims 1, 5 and 7, by designing, manufacturing, marketing, supporting,
6 and/or selling the Accused Products to computer manufacturers, knowing and
7 intending that such Accused Products will be included in computers that are used,
8 sold and/or offered for sale in the United States, and/or imported into the United
9 States, in a manner that directly infringes the '702 Patent, in violation of 35 U.S.C.
10 § 271(b).

11 69. Defendants have contributorily infringed, and are continuing to
12 contributorily infringe, one or more claims of the '702 Patent, including but not
13 limited to claim 5, by selling the Accused Products in the United States for use in
14 recording optical disks in a manner that directly infringes the '702 Patent, knowing
15 that the Accused Products are especially made or especially adapted for such
16 infringing use, and are not staple articles of commerce suitable for substantial
17 noninfringing use, in violation of 35 U.S.C. § 271(c). More particularly,
18 Defendants purposely designed the Accused Products to operate in accordance
19 with the CD-R, CD-RW, DVD+R and DVD+RW standards, and such operation
20 directly infringes the '702 Patent.

21 70. Defendants' infringement of the '702 Patent has been and continues to
22 be willful.

23 71. Yamaha has been and continues to be damaged, in an amount yet to
24 be determined, as a direct and proximate result of Defendants' infringement of the
25 '702 Patent.

26 72. Defendants will continue to infringe the '702 Patent unless enjoined
27 from doing so.

28

1 **Count VI**

2 **Infringement of U.S. Patent No. 6,504,806**

3 73. The allegations in Paragraphs 1 through 36 above are hereby repeated
4 as though fully set forth herein.

5 74. Defendants have directly infringed, and are continuing to directly
6 infringe, one or more claims of the '806 Patent, including but not limited to claim
7 1, by selling and offering to sell the Accused Products in the United States, in
8 violation of 35 U.S.C. § 271(a).

9 75. Defendants have induced infringement, and are continuing to induce
10 infringement, of one or more claims of the '806 Patent, including but not limited to
11 claim 1, by designing, manufacturing, marketing, supporting, and/or selling the
12 Accused Products to users, knowing and intending that such Accused Products will
13 be used to record optical disks in the United States in a manner that directly
14 infringes the '806 Patent, in violation of 35 U.S.C. § 271(b).

15 76. Defendants have further induced infringement, and are continuing to
16 induce infringement, of one or more claims of the '806 Patent, including but not
17 limited to claim 1, by designing, manufacturing, marketing, supporting, and/or
18 selling the Accused Products to computer manufacturers, knowing and intending
19 that such Accused Products will be included in computers that are used, sold
20 and/or offered for sale in the United States, and/or imported into the United States,
21 in a manner that directly infringes the '806 Patent, in violation of 35 U.S.C. §
22 271(b).

23 77. Defendants' infringement of the '806 Patent has been and continues to
24 be willful.

25 78. Yamaha has been and continues to be damaged, in an amount yet to
26 be determined, as a direct and proximate result of Defendants' infringement of the
27 '806 Patent.

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1 79. Defendants will continue to infringe the '806 Patent unless enjoined
2 from doing so.

3 **Count VII**

4 **Infringement of U.S. Patent No. 6,781,937**

5 80. The allegations in Paragraphs 1 through 36 above are hereby repeated
6 as though fully set forth herein.

7 81. The '937 Patent is technically essential to at least the DVD+R, BD-R
8 and BD-RE standards.

9 82. Defendants have directly infringed, and are continuing to directly
10 infringe, one or more claims of the '937 Patent, including but not limited to claims
11 10 and 11, by selling and offering to sell the Accused Products in the United
12 States, in violation of 35 U.S.C. § 271(a).

13 83. Defendants have induced infringement, and are continuing to induce
14 infringement, of one or more claims of the '937 Patent, including but not limited to
15 claims 10 and 11, by designing, manufacturing, marketing, supporting, and/or
16 selling the Accused Products to users, knowing and intending that such Accused
17 Products will be used to record optical disks in the United States in a manner that
18 directly infringes the '937 Patent, in violation of 35 U.S.C. § 271(b).

19 84. Defendants have further induced infringement, and are continuing to
20 induce infringement, of one or more claims of the '937 Patent, including but not
21 limited to claims 10 and 11, by designing, manufacturing, marketing, supporting,
22 and/or selling the Accused Products to computer manufacturers, knowing and
23 intending that such Accused Products will be included in computers that are used,
24 sold and/or offered for sale in the United States, and/or imported into the United
25 States, in a manner that directly infringes the '937 Patent, in violation of 35 U.S.C.
26 § 271(b).

27 85. Defendants' infringement of the '937 Patent has been and continues to
28 be willful.

1 86. Yamaha has been and continues to be damaged, in an amount yet to
2 be determined, as a direct and proximate result of Defendants' infringement of the
3 '937 Patent.

4 87. Defendants will continue to infringe the '937 Patent unless enjoined
5 from doing so.

6 **Count VIII**

7 **Infringement of U.S. Patent No. 7,492,682**

8 88. The allegations in Paragraphs 1 through 36 above are hereby repeated
9 as though fully set forth herein.

10 89. The '682 Patent is technically essential to at least the CD-RW
11 standard.

12 90. Defendants have directly infringed, and are continuing to directly
13 infringe, one or more claims of the '682 Patent, including but not limited to claim
14 1, by selling and offering to sell the Accused Products in the United States, in
15 violation of 35 U.S.C. § 271(a).

16 91. Defendants have induced infringement, and are continuing to induce
17 infringement, of one or more claims of the '682 Patent, including but not limited to
18 claims 1 and 15, by designing, manufacturing, marketing, supporting, and/or
19 selling the Accused Products to users, knowing and intending that such Accused
20 Products will be used to record optical disks in the United States in a manner that
21 directly infringes the '682 Patent, in violation of 35 U.S.C. § 271(b).

22 92. Defendants have further induced infringement, and are continuing to
23 induce infringement, of one or more claims of the '682 Patent, including but not
24 limited to claims 1 and 15, by designing, manufacturing, marketing, supporting,
25 and/or selling the Accused Products to computer manufacturers, knowing and
26 intending that such Accused Products will be included in computers that are used,
27 sold and/or offered for sale in the United States, and/or imported into the United
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1 States, in a manner that directly infringes the '682 Patent, in violation of 35 U.S.C.
2 § 271(b).

3 93. Defendants have contributorily infringed, and are continuing to
4 contributorily infringe, one or more claims of the '682 Patent, including but not
5 limited to claim 15, by selling the Accused Products in the United States for use in
6 recording optical disks in a manner that directly infringes the '682 Patent, knowing
7 that the Accused Products are especially made or especially adapted for such
8 infringing use, and are not staple articles of commerce suitable for substantial
9 noninfringing use, in violation of 35 U.S.C. § 271(c). More particularly,
10 Defendants purposely designed the Accused Products to operate in accordance
11 with the CD-RW standard, and such operation directly infringes the '682 Patent.

12 94. Defendants' infringement of the '682 Patent has been and continues to
13 be willful.

14 95. Yamaha has been and continues to be damaged, in an amount yet to
15 be determined, as a direct and proximate result of Defendants' infringement of the
16 '682 Patent.

17 96. Defendants will continue to infringe the '682 Patent unless enjoined
18 from doing so.

19 **Count IX**

20 **Infringement of U.S. Patent No. 6,963,525**

21 97. The allegations in Paragraphs 1 through 36 above are hereby repeated
22 as though fully set forth herein.

23 98. Defendants have induced infringement of one or more claims of the
24 '525 Patent, including but not limited to claim 1, by designing, manufacturing,
25 marketing, supporting, and/or selling the Accused Products to users, knowing and
26 intending that such Accused Products would be used to record optical disks in the
27 United States in a manner that directly infringed the '525 Patent, in violation of 35
28 U.S.C. § 271(b).

1 99. Defendants have further induced infringement of one or more claims
2 of the '525 Patent, including but not limited to claim 1, by designing,
3 manufacturing, marketing, supporting, and/or selling the Accused Products to
4 computer manufacturers, knowing and intending that such Accused Products
5 would be included in computers that were used, sold and/or offered for sale in the
6 United States, and/or imported into the United States, in a manner that directly
7 infringed the '525 Patent, in violation of 35 U.S.C. § 271(b).

8 100. Defendants have contributorily infringed one or more claims of the
9 '525 Patent, including but not limited to claim 1, by selling the Accused Products
10 in the United States for use in recording optical disks in a manner that directly
11 infringed the '525 Patent, knowing that the Accused Products were especially
12 made or especially adapted for such infringing use, and were not staple articles of
13 commerce suitable for substantial noninfringing use, in violation of 35 U.S.C. §
14 271(c).

15 101. Defendants' infringement of the '525 Patent was willful.

16 102. Yamaha has been damaged, in an amount yet to be determined, as a
17 direct and proximate result of Defendants' infringement of the '525 Patent.

18 103. Defendants will continue to infringe the '525 Patent unless enjoined
19 from doing so.

20 **Count X**

21 **Infringement of U.S. Patent No. 6,925,042**

22 104. The allegations in Paragraphs 1 through 36 above are hereby repeated
23 as though fully set forth herein.

24 105. Defendants have induced infringement of one or more claims of the
25 '042 Patent, including but not limited to claim 14, by designing, manufacturing,
26 marketing, supporting, and/or selling the Accused Products to users, knowing and
27 intending that such Accused Products would be used to record optical disks in the
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1 United States in a manner that directly infringed the '042 Patent, in violation of 35
2 U.S.C. § 271(b).

3 106. Defendants have further induced infringement of one or more claims
4 of the '042 Patent, including but not limited to claim 14, by designing,
5 manufacturing, marketing, supporting, and/or selling the Accused Products to
6 computer manufacturers, knowing and intending that such Accused Products
7 would be included in computers that were used, sold and/or offered for sale in the
8 United States, and/or imported into the United States, in a manner that directly
9 infringed the '042 Patent, in violation of 35 U.S.C. § 271(b).

10 107. Defendants have contributorily infringed one or more claims of the
11 '042 Patent, including but not limited to claim 14, by selling the Accused Products
12 in the United States for use in recording optical disks in a manner that directly
13 infringed the '042 Patent, knowing that the Accused Products were especially
14 made or especially adapted for such infringing use, and were not staple articles of
15 commerce suitable for substantial noninfringing use, in violation of 35 U.S.C. §
16 271(c). Defendants' infringement of the '042 Patent was willful.

17 108. Yamaha has been damaged, in an amount yet to be determined, as a
18 direct and proximate result of Defendants' infringement of the '042 Patent.

19 109. Defendants will continue to infringe the '042 Patent unless enjoined
20 from doing so.

21 **Count XI**

22 **Infringement of U.S. Patent No. 6,704,269**

23 110. The allegations in Paragraphs 1 through 36 above are hereby repeated
24 as though fully set forth herein.

25 111. Defendants have directly infringed, and are continuing to directly
26 infringe, one or more claims of the '269 Patent, including but not limited to claims
27 4 and 5, by selling and offering to sell the Accused Products in the United States,
28 in violation of 35 U.S.C. § 271(a).

1 112. Defendants have induced infringement, and are continuing to induce
2 infringement, of one or more claims of the '269 Patent, including but not limited to
3 claims 4 and 5, by designing, manufacturing, marketing, supporting, and/or selling
4 the Accused Products to users, knowing and intending that such Accused Products
5 will be used to record optical disks in the United States in a manner that directly
6 infringes the '269 Patent, in violation of 35 U.S.C. § 271(b).

7 113. Defendants have further induced infringement, and are continuing to
8 induce infringement, of one or more claims of the '269 Patent, including but not
9 limited to claims 4 and 5, by designing, manufacturing, marketing, supporting,
10 and/or selling the Accused Products to computer manufacturers, knowing and
11 intending that such Accused Products will be included in computers that are used,
12 sold and/or offered for sale in the United States, and/or imported into the United
13 States, in a manner that directly infringes the '269 Patent, in violation of 35 U.S.C.
14 § 271(b).

15 114. Yamaha has been and continues to be damaged, in an amount yet to
16 be determined, as a direct and proximate result of Defendants' infringement of the
17 '269 Patent.

18 115. Defendants will continue to infringe the '269 Patent unless enjoined
19 from doing so.

20 **Prayer for Relief**

21 WHEREFORE, Plaintiff Yamaha Corporation requests that the Court grant
22 the following relief against Defendants Toshiba Samsung Storage Technology
23 Corporation and Toshiba Samsung Storage Technology Korea Corporation:

24 A. A judgment that the Defendants have directly infringed the Patents-in-
25 Suit in violation of 35 U.S.C. § 271(a);

26 B. A judgment that the Defendants have induced infringement of the
27 Patents-in-Suit in violation of 35 U.S.C. § 271(b);

28

1 C. A judgment that the Defendants have contributorily infringed the
2 Patents-in-Suit in violation of 35 U.S.C. § 271(c);

3 D. A judgment awarding Yamaha compensatory damages for
4 Defendants' infringement of the Patents-in-Suit in an amount no less than a
5 reasonable royalty, in accordance with 35 U.S.C. § 284;

6 E. A finding of willful infringement, and a judgment awarding Yamaha
7 enhanced damages in an amount up to three times the compensatory damages
8 award, in accordance with 35 U.S.C. § 284;

9 F. A finding that this is an exceptional case within the meaning of 35
10 U.S.C. § 285, and a judgment awarding Yamaha its costs and reasonable attorneys'
11 fees;

12 G. A judgment permanently enjoining Defendants and their respective
13 agents, servants, officers, directors, employees, and all other persons acting in
14 concert with them, from directly or indirectly infringing the Patents-in-Suit;

15 H. A judgment awarding Yamaha pre-judgment and post-judgment
16 interest on the damages awarded to Yamaha; and

17 I. A judgment granting Yamaha such other and further relief as this
18 Court may deem appropriate.

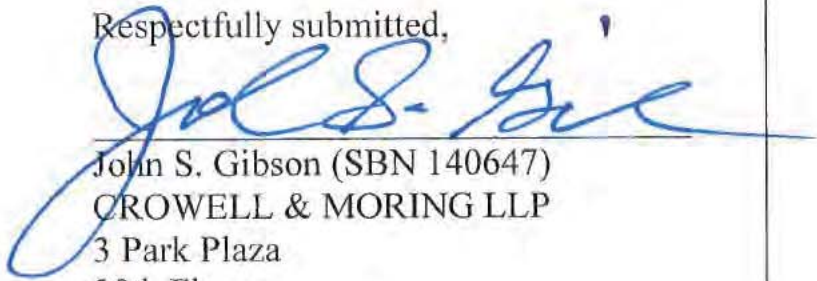
19 **JURY DEMAND**

20 Yamaha hereby demands a trial by jury on all issues triable to a jury.
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Dated: December 31, 2013

Respectfully submitted,



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