

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA

| | | |
|------------------------|---|-----------------------------|
| _____ |) | |
| IMATION CORPORATION |) | Civil Action No. 14-00628 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | JURY TRIAL REQUESTED |
| SONY ELECTRONICS, INC. |) | |
| |) | |
| Defendant. |) | |
| |) | |
| _____ |) | |

AMENDED COMPLAINT

Plaintiff Imation Corporation (“Imation”), for its Amended Complaint for patent infringement against Sony Electronics, Inc. (“Sony”), alleges as follows.

THE PARTIES

1. Imation is a corporation organized under the laws of the state of Minnesota, with its principal place of business at 1 Imation Way, Oakdale, MN 55126.
2. On information and belief, Sony is a corporation organized under the laws of the State of Delaware with a principal place of business located at 16530 Via Esprillo, San Diego, CA 92127.

JURISDICTION AND VENUE

3. This is a civil action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code Section 1 *et. seq.*

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Sony because Sony conducts substantial and continuous business in this judicial district. Sony sells its products in retail locations throughout Minnesota. Sony also offers products for sale in Minnesota through the internet that Imation alleges infringe Imation's patents. This Court has specific jurisdiction over Sony because it has committed acts giving rise to this action and has established minimum contacts within this judicial district such that the exercise of jurisdiction over Sony would not offend traditional notions of fair play and justice.

6. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and 1400(b) because Sony conducts business in this District and the acts giving rise to the claims asserted therein occurred in this District.

IMATION AND THE PATENTS-IN-SUIT

7. Imation was founded in 1996. Since Imation began, Imation's business has centered around technological innovation. Imation develops new technology and patents it. Imation has been developing technology related to USB flash drives since at least as early as the early 2000s.

8. On June 21, 2005, the United States Patent and Trademark Office (the "PTO") issued Patent No. 6,908,038 (the "'038 Patent"), entitled, "Multi-Connector

Memory Card with Retractable Sheath to Protect the Connectors,” to Trung V. Le. A true and correct copy of the ‘038 Patent is attached hereto as **Exhibit A**.

9. On May 10, 2005, the United States Patent and Trademark Office (the “PTO”) issued Patent No. 6,890,188 (the “‘188 Patent”), entitled, “Memory Card Compatible With Device Connector And Host Connector Standards,” to Trung V. Le. A true and correct copy of the ‘188 Patent is attached hereto as **Exhibit B**.

10. Imation is the owner by assignment of all rights, title and interest to and in the ‘038 Patent and the ‘188 Patent.

COUNT I
(Infringement of the ‘038 Patent)

11. Imation realleges and incorporates herein the allegations set forth in Paragraphs 1-10.

12. Sony has directly infringed at least claim 1 of the ‘038 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States and without authority products that infringe such claims, including Sony’s MicroVault Smartphone USB Flash Drive product (the “Infringing Product”).

13. Sony has also and continues to indirectly infringe at least claim 1 of the ‘038 Patent by inducing others to infringe and/or contributing to the infringement of others, including third party users of the Infringing Product in this judicial district and elsewhere in the United States. Specifically, Imation alleges that Sony has actively induced and continues to induce the infringement of at least claim 1 of the ‘038 Patent by

actively inducing the use of the Infringing Product by third party users in the United States. Imation alleges that when Sony offered for sale or sold the Infringing Product, Sony knew or should have known that its conduct would induce others to infringe claim 1 of the '038 Patent by using it. Imation alleges that third parties have infringed and will continue to infringe the '038 Patent in violation of 35 U.S.C. 271(a) by using the Infringing Product.

14. Sony has also contributorily infringed at least claim 1 of the '038 Patent by providing to third parties within the United States infringing devices that are not staple articles of commerce suitable for substantial non-infringing uses. Imation believes that these third parties have infringed and will infringe the '038 Patent in violation of 35 U.S.C. 271(a).

15. Imation has suffered damages as a result of Sony's infringement of the '038 Patent. In addition, Imation will continue to suffer irreparable harm unless this Court enjoins Sony from infringing the '038 Patent.

COUNT II
(Infringement of the '188 Patent)

16. Imation realleges and incorporates herein the allegations set forth in Paragraphs 1-15.

17. Sony has infringed at least claim 1 and claim 10 of the '188 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States and without authority products that infringe such claims, including the Infringing Product.

18. Sony has also and continues to indirectly infringe at least claim 1 and claim 10 of the '188 Patent by inducing others to infringe and/or contributing to the infringement of others, including third party users of the Infringing Product in this judicial district and elsewhere in the United States. Specifically, Imation alleges that Sony has actively induced and continues to induce the infringement of at least claim 1 and claim 10 of the '188 Patent by actively inducing the use of the Infringing Product by third party users in the United States. Imation alleges that when Sony offered for sale or sold the Infringing Product, Sony knew or should have known that its conduct would induce others to infringe claim 1 and claim 10 of the '188 Patent by using it. Imation alleges that third parties have infringed and will continue to infringe the '188 patent in violation of 35 U.S.C. 271(a) by using the Infringing Product.

19. Sony has also contributorily infringed at least claim 1 and claim 10 of the '188 Patent by providing to third parties within the United States infringing devices that are not staple articles of commerce suitable for substantial non-infringing uses. Imation believes that these third parties have infringed and will infringe the '188 Patent in violation of 35 U.S.C. 271(a).

20. Imation has suffered damages as a result of Sony's infringement of the '188 Patent. In addition, Imation will continue to suffer irreparable harm unless this Court enjoins Sony from infringing the '188 Patent.

PRAYER FOR RELIEF

For the above reasons, Imation respectfully requests that this Court grant the following relief in its favor and against Sony:

- (a) A judgment in favor of Imation that Sony has infringed (either literally or under the doctrine of equivalents) one or more claims of the '038 Patent and the '188 Patent;
- (b) A permanent injunction enjoining Sony and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with it, from infringing the '038 Patent and the '188 Patent;
- (c) A judgment and order requiring Sony to pay to Imation its damages, costs, expenses, and pre-judgment and post-judgment interest for Sony's infringement of the '038 Patent and the 188 Patent; and
- (d) Any and all such further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Imation demands a trial by jury of this action.

Dated: June 4, 2014

WINTHROP & WEINSTINE, P.A.

By s/Michelle E. Dawson

Devan V. Padmanabhan #0240126

Michelle E. Dawson #0388610

WINTHROP & WEINSTINE

225 South Sixth Street, Suite 3500

Minneapolis, MN 55402

Telephone: (612) 604-6400

Facsimile: (612) 604-6800

dpadmanabhan@winthrop.com

mdawson@winthrop.com

Attorneys for Plaintiff Imation Corporation

9145461v1