

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

PLDN Holdings, LLC,)
)
 Plaintiff,)
)
 v.)
)
 Sony Corporation,)
 Sony Mobile Communications (USA) Inc.,)
 Sony Network Entertainment International)
 LLC, and)
 Sony Computer Entertainment America)
 LLC,)
)
 Defendants.)

C.A. No: 4:14-cv-432

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff PLDN Holdings, LLC (“PLDN”), by and through its undersigned counsel, for its
Complaint for patent infringement against defendants Sony Corporation, Sony Mobile
Communications (USA) Inc., Sony Network Entertainment International LLC, and Sony
Computer Entertainment America LLC, (collectively “Sony”) hereby states:

THE PARTIES

1. Plaintiff PLDN is a Texas company with its principal place of business at 555 Republic Drive, Plano, Texas 75074.
2. Defendant Sony Corporation is a corporation organized under the laws of Japan and its principal place of business is 1-7-1 Konan, Minato-ku, Tokyo 108-0075, Japan.
3. Defendant Sony Mobile Communications (USA) Inc. is a corporations organized and existing under the laws of the state of Delaware with its principal place of business at 3333 Piedmont Rd. NE Ste. 600, Atlanta, GA 30305. Upon information and belief, Defendant Sony Mobile Communications (USA) is a wholly owned subsidiary of Sony Corporation.
4. Defendant Sony Network Entertainment International LLC is a limited liability company organized and existing under the laws of the state of Delaware with its principal place of business located at 6080 Center Dr., Los Angeles, CA 90045. Upon information and belief, Defendant Sony Network Entertainment International LLC is a wholly-owned subsidiary of Sony Corporation.
5. Defendant Sony Computer Entertainment America LLC is a limited liability company organized and existing under the laws of the state of Delaware, with its principal place of business located at 2207 Bridgepointe Pkwy., San Mateo, CA 94404. Upon information and belief, Sony Computer Entertainment America LLC is a wholly-owned subsidiary of Sony Corporation.

JURISDICTION AND VENUE

6. This is a civil action for the infringement of United State Patent Number 6,278,976 ("the '976 Patent" or "the Patent-in-Suit"), under the Patent Laws of the United States 35 U.S.C. § 1 *et seq.*

7. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

8. This Court has specific and general personal jurisdiction over Sony, which has conducted and continues to conduct business in the State of Texas and in this Judicial District. Sony sells, offers for sale, and/or advertises products and services in the State of Texas and in this Judicial District. Sony has committed acts of infringement in the State of Texas and in this Judicial District, and elsewhere in the United States. Sony also derives substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

9. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENT-IN-SUIT

10. On August 21, 2001, the '976 Patent entitled "System for the Delivery of Audio Recordings," was duly and lawfully issued by the United States Patent and Trademark Office ("USPTO"). The '976 Patent relates to, among other things, the transfer of a remote audio file to an electronic device and storage of that audio file in the device. PLDN is the owner of the '976 Patent and has all rights to enforce the '976 Patent. A copy of the '976 Patent is attached as Exhibit A to this Complaint.

COUNT ONE

11. PLDN incorporates by references each of the foregoing paragraphs of this Complaint as though fully set forth herein.

12. Sony makes, uses, or sells a variety of electronic devices, including: computers, laptops, tablets, smartphones, and video game players.

13. Sony has directly infringed, and continues to directly infringe, at least one claim of the '976 Patent under 35 U.S.C. § 271, literally and/or under the doctrine of equivalents. Defendant's infringing acts include, but are not limited to: making, using, selling, and offering to sell its electronic devices. These Sony products, among other infringing features, provide the capability to transfer a remote audio file to an audio player on their electronic device and store the audio file on the device. In addition, upon information and belief, Sony has made and used the systems and methods claimed in the '976 patent during the development of the accused products.

14. As one example, Sony currently makes, uses, and sells the Xperia Z2 tablet and the Xperia Z1S smartphone, which include a program named "Play Music." Using Play Music, the Z2 and Z1S infringe at least one claim of the '976 Patent, by providing the capability to transfer a remote audio file to an audio player on the electronic device and store the audio file on the device.

15. As another example, Sony makes, uses, and sells, a program named "Music Unlimited." Sony Music Unlimited is available for use on a variety of Sony platforms, including Sony tablets, smartphones, laptops, and video game systems, including the Sony Playstation Vita, Xperia tablet, Xperia smartphone, and Vaio laptops. Using Sony Music Unlimited, the Sony devices infringe at least one claim of the '976 Patent, by providing the capability to transfer a

remote audio file to an audio player on the electronic device and store the audio file on the device.

16. Sony has indirectly infringed at least one claim of the '976 Patent, through induced infringement under 35 U.S.C. § 271. Sony is notified of its infringement of the '976 Patent as of the filing of this complaint. Nevertheless, Sony continues its acts of indirect infringement by continuing to actively induce consumers to practice the invention claimed in the '976 Patent. Sony instructs consumers to use Sony computers, laptops, tablets, smartphones, and video game systems to transfer a remote audio file to an audio player on their electronic devices and store the audio file on the devices, within the scope of the '976 Patent. Consumers are induced to use an Xperia Z2 tablet with Play Music to deliver an audio file to the device. Consumers are induced to use a PS4 with Sony Music Unlimited to deliver an audio file to the device.

17. With knowledge of the '976 Patent, Sony has indirectly infringed the '976 Patent by inducing the direct infringement by consumers, by enabling, instructing, and encouraging consumers to make and use the infringing apparatus and method described in at least one claim of the '976 Patent, while aware that their use is infringing.

18. Sony's use of the technology claimed in the '976 Patent is without license or authorization from PLDN.

19. PLDN has been damaged by Sony's infringement of the '976 Patent.

PRAYER FOR RELIEF

WHEREFORE, PLDN Holdings, LLC prays for entry of judgment as follows:

a) adjudging that the Defendant has infringed one or more of the claims of the Patent-in-Suit, either literally or under the doctrine of equivalents;

- b) awarding PLDN all damages to which it is entitled under 35 U.S.C. § 284 for Sony's infringement, and ordering a full accounting of same;
- d) awarding PLDN pre-judgment and post-judgment interest on its damages;
- e) awarding costs and attorney's fees to PLDN, and finding that this case is exceptional, pursuant to 35 U.S.C. § 285; and
- f) awarding PLDN such further and additional relief as the Court deem as just and proper under the circumstances.

DEMAND FOR JURY TRIAL

PLDN hereby demands a trial by jury on all claims and issues so triable.

Dated: June 27, 2014

Respectfully submitted,

/s/ Frank M. Washko

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