

JUDGE TORRES

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

14 CV 5112

LASERDYNAMICS, LLC,
a Limited Liability Company,

Plaintiff,

v.

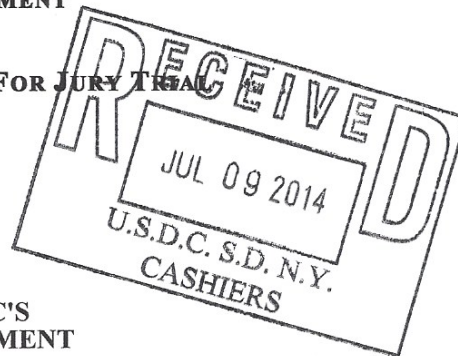
BOOMBANG INC.,
TARGET CORPORATION,

Defendants.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL



**PLAINTIFF LASERDYNAMICS, LLC'S
COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff LaserDynamics, LLC ("LaserDynamics" or "Plaintiff") by and for its Complaint against defendants Boombang Inc. ("Boombang") and Target Corporation ("Target") (collectively "Defendants") hereby alleges as follows:

NATURE OF THE CASE

1. This is an action for patent infringement arising under the patent laws of the United States. LaserDynamics holds the rights in U.S. Patent No. 5,587,981 ("the '981 patent"). The United States patent laws grant the holder of a patent the right to exclude infringers from making, using, selling or importing the invention claimed in a patent, and to recover damages for the infringer's violations of these rights, and to recover treble damages where the infringer willingly infringed the patent. Under 35 U.S.C. § 282(a), the '981 Patent is entitled to a presumption of validity. LaserDynamics is suing Defendants for infringing its patent, and doing so willfully. LaserDynamics seeks to recover damages from Defendants, including treble damages for willful infringement.

COMPLAINT FOR PATENT INFRINGEMENT

2. The '981 patent generally relates to methods for discriminating between different types of optical discs (e.g., a compact disc ("CD") versus a digital video disc ("DVD")) inserted into an optical disc drive. The '981 patent has been licensed extensively to many well-known electronics and optical disc drive manufacturers.

THE PARTIES

3. LaserDynamics is a limited liability company, organized and existing under the laws of the State of Delaware, having a place of business at 75 Montebello Road, Suffern, New York 10901-3740.

4. Boombang Inc. ("Boombang") is, and at all relevant times mentioned herein was, a corporation existing under the laws of California, with its principal place of business located at 3459 Motor Avenue, Los Angeles, California 90034-4709.

5. Target Corporation ("Target") is, and at all relevant times mentioned herein was, a corporation existing under the laws of Minnesota, with its principal place of business located at 1000 Nicollet Mall, Minneapolis, Minnesota 55403-2542.

JURISDICTION

6. This is an action for patent infringement arising under the patent laws of the United States of America, more specifically under 35 U.S.C. § 100, *et seq.* Subject matter jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

7. Personal jurisdiction is also proper in this Court and this judicial district under N.Y. Civ. Pract. L. R. § 302 because, upon information and belief, Boombang, among other things, conducts business in, and avails itself of the laws of, the State of New York. In addition, upon information and belief, Boombang through its own acts and/or through the acts of its affiliated companies (acting as its agents or alter egos) makes, uses, offers to sell, sells (directly

or through intermediaries), imports, licenses and/or supplies, in this District and elsewhere in the United States, products, through regular distribution channels, knowing such products would be used, offered for sale and/or sold in this District. Plaintiff's cause of action arises directly from Boombang's business contacts and other activities in the State of New York and in this District.

8. The Court has personal jurisdiction over Target because Target, among other things, conducts business in, and avails itself of the laws of, the State of New York. Target is registered to do business in New York and has appointed an agent for service of process in New York. In addition, upon information and belief, Target through its own acts and/or through the acts of its affiliated companies (acting as its agents or alter egos) makes, uses, offers to sell, sells (directly or through intermediaries), imports, licenses and/or supplies, in this District and elsewhere in the United States, products, through regular distribution channels, knowing such products would be used, offered for sale and/or sold in this District. Plaintiff's cause of action arises directly from Target's business contacts and other activities in the State of New York and in this District.

9. Upon information and belief, Defendants directly or through their subsidiaries or intermediaries, make, use, offer for sale, sell, import, advertise, make available and/or market and, at all relevant time have made, used, offered for sale, sold, imported, advertised and made available and/or marketed products within the Southern District of New York, through their www.hellocapello.com and www.target.com websites, and through Target retail locations in the District, thereby infringing the '981 patent.

VENUE

10. Venue properly lies within this judicial district and division, pursuant to 28 U.S.C. §§ 1391(b), (c), and (d), and 1400(b).

11. Upon information and belief, Defendants reside in this District for the purposes of venue, insofar as they are subject to the personal jurisdiction in this District, have committed acts of infringement in this District, solicit business in this District, and conduct other business in this District.

INFRINGEMENT OF U.S. PATENT NO. 5,587,981

12. LaserDynamics incorporates by reference the allegations set forth in the preceding paragraphs.

13. On December 24, 1996, the '981 patent, entitled "Multi-standard Optical Disk Reading Method Having Distinction Process," was duly and lawfully issued based upon an application filed by the inventor, Yasuo Kamatani. A true and correct copy of the '981 Patent is attached hereto as Exhibit 1.

14. On December 15, 2009, the United States Patent and Trademark Office ("USPTO") issued a Reexamination Certificate for the '981 patent. A true and correct copy of the Reexamination Certificate is attached hereto as Exhibit 2.

15. LaserDynamics is the assignee and the owner of all right, title and interest in and to the '981 patent, and has the right to sue and recover damages for infringement thereof.

16. Upon information and belief, Defendants have been and continue to be engaged in making, using, importing, selling and/or offering for sale infringing products, including, but not limited to, a standalone DVD player under the Capello brand name, product number Cvd2216 ("Accused Products") in the United States generally, and in the Southern District of New York specifically. The Accused Products are available for retail purchase exclusively through Target Corporation stores.

17. Upon information and belief, by acts including, but not limited to use, making, importation, offers to sell, sales and marketing of products that when used fall within the scope of at least Claim 3 of the '981 patent, Defendants have directly and/or indirectly (by inducement and/or contributory infringement) infringed literally and/or upon information and belief, equivalently, and are continuing to infringe the '981 patent and are thus liable to LaserDynamics pursuant to 35 U.S.C. § 271.

18. Defendants have indirectly infringed and continue to infringe claim 3 of the '981 patent by inducement under 35 U.S.C. 271(b). Defendants have induced and continue to induce users of the accused products to directly infringe claim 3 of the '981 patent. In addition, upon information and belief, Defendants knew or should have known of their infringement of the '981 patent from the widespread licensing campaign in the United States by Plaintiff and Plaintiff's predecessor company, LaserDynamics, Inc., which has resulted in approximately 25 licenses to the '981 patent.

19. Upon information and belief, Defendants knowingly induced customers to use their Accused Products, including, for example, by promoting the Accused Products online (e.g., www.hellocapello.com and www.target.com) and/or providing customers with instructions and/or manuals for using the Accused Products.

20. Defendants' past and continued indirect infringement by inducement is without good-faith belief of non-infringement or invalidity based on the Federal Circuit's affirmance of the '981 patent's infringement by similar products in *LaserDynamics, Inc. v. Quanta Computer, Inc.*, 694 F.3d 51 (Fed. Cir. 2012).

21. Defendants also indirectly infringed and continue to infringe claim 3 of the '981 patent by contributory infringement under 35 U.S.C. 271(c). Upon information and belief, by

providing the Accused Products especially designed for infringing use, Defendants contribute to the direct infringement by users of said products.

22. Defendants' infringement of the '981 patent is without consent of, authority of, or license from LaserDynamics.

23. Upon information and belief, Defendants' infringement of the '981 patent has been and is willful. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285 entitling LaserDynamics to its attorneys' fees and expenses.

24. As a result of Defendants' acts of infringement, LaserDynamics has suffered and will continue to suffer damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, LaserDynamics requests this Court enter judgment as follows:

- A. That the '981 patent is valid and enforceable;
- B. That Defendants have directly and indirectly infringed claim 3 of the '981 patent;
- C. That such infringement has been willful;
- D. That Defendants account for and pay to LaserDynamics all damages pursuant to 35 U.S.C. § 284 to adequately compensate LaserDynamics for Defendants' infringement of the '981 patent, but in no event less than a reasonable royalty for the use made by Defendants of the invention set forth in the '981 patent;
- E. That LaserDynamics receives enhanced damages, in the form of treble damages, pursuant to 35 U.S.C. § 284;
- F. That this is an exceptional case under 35 U.S.C. § 285;

G. That Defendants pay LaserDynamics all of LaserDynamics' reasonable attorneys' fees and expenses pursuant to 35 U.S.C. § 285;

H. That LaserDynamics be granted pre-judgment and post-judgment interest in accordance with 35 U.S.C. § 284 on the damages caused to it by reason of Defendants' infringement of the '981 patent, including pre-judgment and post-judgment interest on any enhanced damages or attorneys' fees award;

I. That costs be awarded in accordance with 35 U.S.C. § 284 to LaserDynamics; and

J. That LaserDynamics be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

LaserDynamics hereby demands a trial by jury on all issues so triable in this
action.

Dated: July 9, 2014

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*ATTORNEYS FOR PLAINTIFF LASERDYNAMICS,
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EXHIBIT 1



US005587981A

United States Patent [19]
Kamatani

[11] **Patent Number:** **5,587,981**
[45] **Date of Patent:** **Dec. 24, 1996**

[54] **MULTI-STANDARD OPTICAL DISK
READING METHOD HAVING DISTINCTION
PROCESS**

5,465,245 11/1995 Yanagawa 369/44.25 X

Primary Examiner—Thang V. Tran

[76] **Inventor:** **Yasuo Kamatani**, 2-12-2 Yokoyama,
Sagamihara-shi, Kanagawa 229, Japan

[57] **ABSTRACT**

An optical disk reading method to provide an optical disk reading system which is able to reproduce encoded optical data from varied optical disk format fabricated in accordance with different standard. Before start reproducing data on an optical disk, a set of standard data which includes data of total number of data layer, pit density and track pitch is identified by reading a total of contents data encoded in a reading region of the optical disk. If the total of contents data is not encoded on the optical disk, any encoded pits on the optical disk is processed until the standard of the optical disk is identified. After the standard of the optical disk is identified, modulation of each servo circuit such as a focusing lens servo circuit and a tracking servo circuit is settled to start reproducing data on the optical disk.

[21] **Appl. No.:** **523,461**

[22] **Filed:** **Sep. 5, 1995**

[51] **Int. Cl.⁶** **G11B 7/00**

[52] **U.S. Cl.** **369/58; 369/54; 369/44.26**

[58] **Field of Search** **369/44.26, 44.25,
369/13, 54, 47, 48, 116, 94, 58**

[56] **References Cited**

U.S. PATENT DOCUMENTS

4,755,980	7/1988	Yoshimaru et al.	369/54 X
5,003,521	3/1991	Yoshida et al.	369/44.25
5,289,451	2/1994	Ashinuma et al.	369/48

3 Claims, 2 Drawing Sheets

