

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

Cedatech Holdings, LLC,)	
)	
Plaintiff,)	C.A. No: 2:14-cv-1024
)	
v.)	
)	
LG Electronics U.S.A, Inc. and LG Electronics Mobilecomm U.S.A, Inc.,)	JURY TRIAL DEMANDED
)	
Defendants.)	
)	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Cedatech Holdings, LLC (“Cedatech”), by and through its undersigned counsel, for its Complaint for patent infringement against defendants LG Electronics U.S.A., Inc. and LG Electronics Mobilecomm U.S.A. (collectively “LG”), hereby states:

THE PARTIES

1. Plaintiff Cedatech is a Texas company with a principal place of business at 555 Republic Dr., Plano, Texas 75074.
2. Defendant LG Electronics U.S.A., Inc. is a Delaware corporation with its principal place of business at 1000 Sylvan Ave., Englewood Cliffs, NJ 07632.
3. Defendant LG Electronics Mobilecomm U.S.A., Inc. is a California corporation with its principal place of business at 1000 Sylvan Ave., Englewood Cliffs, NJ 07632.

JURISDICTION AND VENUE

4. This is a civil action for the infringement of United States Patent Numbers 7,707,591 and 7,937,443 ("the '591 Patent" and "the '443 Patent" or "the Patents-in-Suit"), under the Patent Laws of the United States 35 U.S.C. § 1 *et seq.*
5. 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.*
6. This Court has specific and general personal jurisdiction over LG, which has conducted and continues to conduct business in the State of Texas and in this Judicial District. LG sells, offers for sale, and/or advertises products and services in the State of Texas and in this Judicial District. LG has committed acts of infringement in the State of Texas and in this Judicial District, and elsewhere in the United States. LG also derives substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.
7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENTS-IN-SUIT

8. On April 27, 2010, the '591 Patent entitled "Integration of Audio or Video Program with Application Program," was duly and lawfully issued by the United States Patent and Trademark Office ("USPTO").

9. The '591 Patent relates to, among other things, a system running an application program, wherein a separate audio or video program is integrated with the application program. Cedatech is the owner of the '591 Patent and has all rights to enforce the '591 Patent.

10. A copy of the '591 Patent is attached as Exhibit A to this Complaint.

11. On May 3, 2011, the '443 Patent entitled "Email Messaging Program with Built-In Video and/or Audio Media Recording and/or Playback Capabilities," was duly and lawfully issued by the United States Patent and Trademark Office ("USPTO").

12. The '443 Patent relates to, among other things, messaging programs with audio/video recording capabilities. Cedatech is the owner of the '443 Patent and has all rights to enforce the '443 Patent.

13. A copy of the '443 Patent is attached as Exhibit B to this Complaint.

COUNT ONE

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

15. LG makes, uses, or sells a variety of electronic devices, including smartphones and tablets.

16. LG has directly infringed, and continues to directly infringe, at least one claim of the '591 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 LG products, among other infringing features, provide the capability to integrate an audio or video program with a separate application program.

17. As one example, LG has made, used, and/or sold the LG G Flex smartphone. The G Flex infringes at least one claim of the '591 Patent, at least by providing an audio speech recognition program. This audio speech recognition program provides input into any separate application program running on the operating system.

18. LG has indirectly infringed at least one claim of the '591 Patent, through induced infringement under 35 U.S.C. § 271. LG is notified of its infringement of the '591 Patent as of the filing of this complaint. Nevertheless, LG continues its acts of indirect infringement by continuing to actively induce consumers to practice the invention claimed in the '591 Patent. LG instructs consumers to use LG devices with speech input, within the scope of the '591 Patent. For example, consumers are induced to use G Flex smartphone with speech recognition to provide input into separate application programs.

19. With knowledge of the '591 Patent, LG has indirectly infringed the '591 Patent by inducing the direct infringement by consumers, by enabling, instructing, and encouraging consumers to make and use the infringing apparatus described in at least one claim of the '591 Patent, while aware that their use is infringing.

20. LG's use of the technology claimed in the '591 Patent is without license or authorization from Cedatech.

21. Cedatech has been damaged by LG's infringement of the '591 Patent.

COUNT TWO

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

23. LG makes, uses, or sells a variety of electronic devices, including smartphones and tablets.

24. LG has directly infringed, and continues to directly infringe, at least one claim of the '443 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 LG products, among other infringing features, provide the messaging programs with audio/video recording capabilities.

25. As an example, LG has made, used, and/or sold the LG G3 smartphone, Tab-Book 2 tablet, and Uni8 smartphone. The G3, Tab-Book 2, and Uni8 infringe at least one claim of the '443 Patent, at least by providing messaging and email programs that provide the capability to record audio and video media for a message.

26. LG has indirectly infringed at least one claim of the '443 Patent, through induced infringement under 35 U.S.C. § 271. LG is notified of its infringement of the '443 Patent as of the filing of this complaint. Nevertheless, LG continues its acts of indirect infringement by continuing to actively induce consumers to practice the invention claimed in the '443 Patent. LG instructs consumers to use the email and messaging applications on LG products, such as the G3, Tab-Book 2, and Uni8, to record audio and video media for a message, within the scope of the '443 Patent.

27. With knowledge of the '443 Patent, LG has indirectly infringed the '443 Patent by inducing the direct infringement by consumers, by enabling, instructing, and encouraging

consumers to make and use the infringing apparatus described in at least one claim of the '443 Patent, while aware that their use is infringing.

28. LG's use of the technology claimed in the '443 Patent is without license or authorization from Cedatech.

29. Cedatech has been damaged by LG's infringement of the '443 Patent.

PRAYER FOR RELIEF

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

- a) Enter judgment for Cedatech on this complaint and adjudging that the Defendant has infringed one or more of the claims of the Patents-in-Suit, either literally or under the doctrine of equivalents;
- b) Award Cedatech all damages to which it is entitled under 35 U.S.C. § 284 resulting from LG's infringement, and ordering a full accounting of all damages adequate to compensate Cedatech for the infringement of its patent rights;
- c) Award Cedatech pre-judgment and post-judgment interest on its damages at the maximum rate permitted by law;
- d) Award costs and attorney's fees to Cedatech, and finding that this case is exceptional, pursuant to 35 U.S.C. § 285; and
- e) Grant Cedatech such further and additional relief as the Court deem as just and proper under the circumstances.

DEMAND FOR JURY TRIAL

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

Dated: November 19, 2014

Respectfully submitted,

/s/ Frank M. Washko

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Counsel for Plaintiff Cedatech Holdings, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically on November 19, 2014, in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P.5(d) and Local Rule CV-5(d), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by facsimile on this same date.

/s/ Frank M. Washko

Frank M. Washko