

**JUDGE KARAS**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**14 CV 9583**

**DISK AUTHORIZING TECHNOLOGIES LLC**

Plaintiff,

-against-

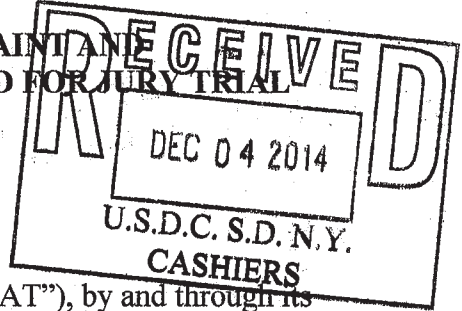
**COREL CORPORATION**

Defendant.

Civil Action No.:

**COMPLAINT AND  
DEMAND FOR JURY TRIAL**

ECF Case



Plaintiff Disk Authoring Technologies LLC (“DAT”), by and through its attorneys Kheyfits & Maloney LLP, as and for its complaint against Defendant Corel Corporation (“Corel”), hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*, for infringement by Defendant Corel of one or more claims of U.S. Patent No’s. 6,215,743 and 6,339,568 (collectively “the Patents-in-Suit”).

**PARTIES**

2. Plaintiff DAT is a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at 75 Montebello Road, Suffern, New York 10901.

3. Upon information and belief, Defendant Corel is a corporation organized and existing under the laws of Canada, having its principal place of business at 1600 Carling Avenue, Ottawa, Ontario K1Z 8R7, Canada.

**JURISDICTION AND VENUE**

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

1338(a).

5. This Court has personal jurisdiction over Corel pursuant to N.Y. C.P.L.R. §§ 301 and 302(a)(1)-(3). Upon information and belief, this Court has general jurisdiction over Corel based on its continuous and systematic conduct within New York, including, *inter alia*, Corel's continuous contacts with, and sales to, customers in New York, and importation of products into New York. Upon information and belief, Corel is also subject to specific jurisdiction of this Court because, *inter alia*, Corel has committed acts of patent infringement alleged in this Complaint within the state of New York and elsewhere, causing injury within the state. In addition, or in the alternative, this Court has jurisdiction over Corel pursuant to Fed. R. Civ. P. 4(k)(2).

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because, *inter alia*, Plaintiff DAT's principal place of business is located in this judicial district, the Patents-in-Suit are assigned to the Plaintiff, infringement of the Patents-in-Suit has occurred and is occurring in this judicial district, and Defendant Corel is a foreign entity.

#### PATENTS-IN-SUIT

7. On April 10, 2001, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 6,215,743 ("the '743 patent"), entitled "Data Recording And Reproducing Method For Multi-Layered Optical Disk System," based upon an application filed by the inventor, Yasuo Kamatani. A true and correct copy of the '743 patent is attached hereto as Exhibit A.

8. On January 15, 2002, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 6,339,568 ("the '568 patent"), entitled "Data Recording And

Reproducing Technique For Multi-Layered Optical Disk System Using Different Compression Techniques,” based upon an application filed by the inventor, Yasuo Kamatani. A true and correct copy of the ’568 patent is attached hereto as Exhibit B.

9. The Patents-in-Suit generally relate to optical disk recording and reproducing technologies.

10. DAT is the owner by assignment of the Patents-in-Suit, and has the right to sue and recover damages for infringement thereof.

### **LICENSEES**

11. The Patents-in-Suit have been licensed to various technology companies, including Corel’s competitors in the optical disk recording and reproducing industry, and including former Corel competitor InterVideo, Inc. (“InterVideo”).

12. Upon information and belief, InterVideo acquired a license to the Patents-in-Suit in or around December 2002 (the “InterVideo License”).

13. Upon information and belief, InterVideo was acquired by Corel in 2006 (“InterVideo Acquisition”).

14. The InterVideo License did not extend to any InterVideo products which were not released or were not under development at the time of the InterVideo Acquisition, or to any existing or new products of Corel.

### **NOTICE**

15. Upon information and belief, Corel was aware of the Patents-in-Suit, and of Corel’s infringement thereof, as early as 2006, including by due diligence occurring during the InterVideo Acquisition.

16. By correspondence, including letters dated September 30, 2014 and October 27, 2014 non-party General Patent Corporation (“GPC”), in its role as the managing member of DAT, further notified Corel of the existence of the Patents-in-Suit and Corel’s infringement thereof.

17. Accordingly, upon information and belief, Defendant Corel has received notice of the Patents-in-Suit, and of Corel’s infringement thereof.

### FACTUAL ALLEGATIONS

18. As referred to in this Complaint, and consistent with 35 U.S.C. § 100 (c), the “United States” means “the United States of America, its territories and possessions.”

19. Upon information and belief, Corel manufactures and sells optical disk recording and reproducing products made in accordance with the Patents-in-Suit, including but not limited to: Roxio Creator NXT and NXT Pro product lines, Roxio easy CD & DVD product lines, Roxio myDVD product lines, Roxio Toast product lines, Corel Video Studio product lines, Corel Photo Video Studio product lines, Corel DVD MovieFactory product lines, and other optical disk recording and reproducing products.

20. Upon information and belief, Corel makes, uses, offers to sell, and/or sells its optical disk recording and reproducing products in the United States, and/or imports its optical disk recording and reproducing products into the United States.

21. Upon information and belief, Corel actively and knowingly directs, causes, induces and encourages others to use, sell, and/or offer to sell in the United States, and/or import into the United States optical disk recording and reproducing products made in accordance with the Patents-in-Suit by, *inter alia*, providing consumer and business grade software, developer tools, manuals and instructions therefor, technical supervision and

guidance, to resellers, integrators, Original Equipment Manufacturers (“OEMs”), businesses, enterprises, end-users, and/or customers.

**COUNT I: INFRINGEMENT OF THE PATENTS-IN-SUIT BY COREL**

22. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

23. Upon information and belief, Corel has infringed claims of the Patents-in-Suit pursuant to 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States, and/or importing into the United States optical disk recording and reproducing products, including Roxio Creator NXT and NXT Pro product lines, Roxio easy CD & DVD product lines, Roxio myDVD product lines, Roxio Toast product lines, Corel Video Studio product lines, Corel Photo Video Studio product lines, Corel DVD MovieFactory product lines, and other optical disk recording and reproducing products which infringe at least claims 1-8 of the '743 Patent and claims 1-18, 24-30, 33-48, and 53-59 of the '568 Patent. Upon information and belief, Corel's infringement pursuant to 35 U.S.C. § 271(a) is ongoing.

24. Upon information and belief, Corel has induced infringement of one or more claims of the Patents-in-Suit pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging resellers, integrators, Original Equipment Manufacturers (“OEMs”), businesses, enterprises, end-users, and/or customers to infringe at least claims 1-8 of the '743 Patent and claims 1-18, 24-30, 33-48, and 53-59 of the '568 Patent by using, offering to sell, and/or selling in the United States, and/or importing into the United States optical disk recording and reproducing products including Roxio Creator NXT and NXT Pro product lines, Roxio easy CD & DVD product lines, Roxio myDVD product lines, Roxio Toast product lines, Corel Video Studio product lines, Corel Photo Video Studio product lines, Corel DVD MovieFactory product lines, and other optical disk recording and reproducing

products. Upon information and belief, Corel's inducement of infringement pursuant to 35 U.S.C. § 271(b) is ongoing.

25. Upon information and belief, Corel has committed the foregoing infringing activities without license from DAT and with notice of the Patents-in-Suit.

26. Upon information and belief, Corel knew the Patents-in-Suit existed while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the Patents-in-Suit. DAT's damages should be trebled pursuant to 35 U.S.C. § 284 because of Corel's willful infringement of the Patents-in-Suit.

#### **PRAYER FOR RELIEF**

WHEREFORE, DAT prays for the judgment in its favor against Corel granting DAT the following relief:

- A. Entry of judgment in favor of DAT against Corel on all counts;
- B. Entry of judgment that Corel has infringed the Patents-in-Suit;
- C. Entry of judgment that Corel's infringement of the Patents-in-Suit has been willful;
- D. Award of compensatory damages adequate to compensate DAT for Corel's infringement of the Patents-in-Suit, in no event less than a reasonable royalty trebled as provided by 35 U.S.C. § 284;
- E. DAT's costs;
- F. Pre-judgment and post-judgment interest on DAT's award; and
- G. All such other and further relief as the Court deems just or equitable.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Fed. R. Civ. Proc., Plaintiff hereby demands trial by jury in this action of all claims so triable.

Dated: December 4, 2014

Respectfully submitted,

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