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Attorneys for Plaintiff
KINGLITE HOLDINGS INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KINGLITE HOLDINGS INC., a
Seychelles Company,

Plaintiff,

v.

GIGA-BYTE TECHNOLOGY CO.,
LTD., a Taiwan Corporation, and
G.B.T., INC., a California Corporation.

Defendants.

CASE NO. CV 14-03009-JVS(PJWx)
Consolidated with
Case No. CV 14-04989-JVS(PJWx)

**PLAINTIFF'S AMENDED
COMPLAINT**

[JURY TRIAL DEMANDED]

1 Plaintiff, Kinglite Holdings Inc. (“Kinglite”), alleges by way of complaint
 2 against Defendants, GIGA-BYTE Technology Corp., Ltd. and G.B.T., Inc.
 3 (“Defendants”) as follows:

4 **FACTUAL BACKGROUND**

5 **Plaintiff**

6 1. Kinglite is a company incorporated under the laws of the Republic of
 7 the Seychelles with its principal place of business at 7 Temasek Boulevard, #15-
 8 01A Suntec Tower One, Singapore 038987.

9 2. Kinglite is the owner of the following United States patents that are
 10 being asserted in this action (“Asserted Patents”):

12 U.S. Patent No.	Title	Application Date	Issue Date	Exhibit No.
13 6,791,572 (“572”)	Generating Media Output During Bios Boot-Up	Dec. 10, 1999	Sep. 14, 2004	A
14 6,892,304 (“304”)	System And Method For Securely Utilizing Basic Input And Output System (Bios) Services	Oct. 3, 2000	May 10, 2005	B
16 5,732,268 (“268”)	Extended Bios Adapted To Establish Remote Communication For Diagnostics And Repair	Feb. 26, 1996	Mar. 24, 1998	C
18 6,487,656 (“656”)	System And Method For Providing Functionalities To System Bios	Dec. 10, 1999	Nov. 26, 2002	D
20 6,373,498 (“498”)	Displaying Images During Boot-Up And Shut Down	Jun. 18, 1999	Apr. 16, 2002	E
22 6,523,123 (“123”)	Method And Apparatus For Providing Intelligent Power Management	Jul. 27, 2001	Feb. 18, 2003	F
24 6,401,202 (“202”)	Multitasking During Bios Boot-Up	Jun. 18, 1999	June 4, 2002	G
25 6,519,659 (“659”)	Method And System For Transferring An Application Program From System Firmware To A Storage Device	Jun. 18, 1999	Feb. 11, 2003	H

1	5,836,013 ("013")	Method And Apparatus For Compressing System Read Only Memory In A Computing System	Aug. 11, 1994	Nov. 10, 1998	I
2					
3	8,095,783 ("783")	Media Boot Loader	May 11, 2004	Jan. 10, 2012	J
4					
5	5,987,604 ("604")	Method And Apparatus For Providing Execution Of System Management Mode Services In Virtual Mode	Oct. 7, 1997	Nov. 16, 1999	K
6					
7	6,263,412 ("412")	Method And Apparatus For RAM Emulation Using A Processor Register Set	Jun. 24, 1998	Jul. 17, 2001	L
8					
9	6,633,976 ("976")	Method Of Storing BIOS Modules And Transferring Them To Memory For Execution	Aug. 10, 2000	Oct. 14, 2003	M
10					
11	7,185,189 ("189")	Method Of Storing BIOS Modules And Transferring Them To Memory For Execution	Jul. 28, 2003	Feb. 27, 2007	N
12					
13	6,502,184 ("184")	Method And Apparatus For Providing A General Purpose Stack	Sep. 2, 1998	Dec. 31, 2002	O
14					
15	5,978,912 ("912")	Network Enhanced BIOS Enabling Remote Management Of A Computer Without A Functioning System	Mar. 20, 1997	Nov. 2, 1999	P
16					
17	6,308,265 ("265")	Protection Of Boot Block Code While Allowing Write Access To The Boot Block	Sep. 30, 1998	Oct. 23, 2001	Q
18					
19	6,222,562 ("562")	Fast Processed Screen Image	Jun. 23, 1998	Apr. 24, 2001	R
20					
21					

Defendants

3. GIGA-BYTE Technology Co., Ltd. ("Gigabyte") is a Taiwanese corporation with its principal place of business at No.6, Bao Chiang Road, Hsin-Tien Dist., New Taipei City 231, Taiwan. It manufactures computer products, including motherboards; other products include desktop computers, laptops, tablet computers, Ultrabooks, server motherboards, server racks, optical disc drives, liquid crystal display (LCD), monitors, keyboards, mice, cooling components, and

1 mobile phones (GSmart) and high-end mobile phone products (personal digital
2 assistant (PDA) phone, TV phone, etc.) (collectively, “Gigabyte Products”). On
3 information and belief, Gigabyte regularly conducts business in this Judicial
4 District and throughout the United States itself and/or through its subsidiaries,
5 affiliates, business divisions, or business units.

6 4. G.B.T., Inc. (“GBT USA”) is a California corporation with its
7 principal place of business at 17358 Railroad Street, City of Industry, CA 91748.
8 This defendant is registered to do business in the State of California and has
9 appointed Eric C. Lu at 17358 Railroad Street, City of Industry, CA 91748-1023,
10 as its agent for service of process. On information and belief, GBT USA regularly
11 conducts and transacts business in the United States and in this District either itself
12 and/or through one or more subsidiaries, affiliates, business divisions, or business
13 units and has committed acts of infringement within the meaning of 28 U.S.C. §
14 1400(b).

15 5. According to its website, www.gigabyte.us, Gigabyte is doing
16 business in the United States through GBT USA.

17 6. Defendants import, offer for sale, and/or sell Gigabyte Products that
18 practice the inventions of the patents-in-suit (“Accused Products”).

19 **Unified Extensible Firmware Interface**

20 7. The Unified Extensible Firmware Interface (“UEFI”) is a specification
21 that defines a software interface between an operating system and platform
22 firmware, also referred to in the industry as a Basic Input/Output System
23 (“BIOS”).

24 8. UEFI, which has been updated over the years in a series of releases,
25 was developed under the aegis of the UEFI Forum, an alliance between several
26 leading technology companies to modernize the booting process. The board of
27 directors includes representatives from eleven “Promoter” companies: AMD,
28 American Megatrends, Apple, Dell, HP, IBM, Insyde Software, Intel, Lenovo,

1 Microsoft, and Phoenix Technologies.

2 9. The inventions of the following patents (“Phoenix UEFI patents”) are
3 contained in each version of UEFI: ‘304, ‘202, ‘659, ‘013, ‘783, ‘604, ‘412, ‘976,
4 ‘189, ‘184, and ‘562.

5 10. The Accused Products incorporate a BIOS that complies with a
6 version of UEFI and thus practices the inventions of the Phoenix UEFI patents.

7 **JURISDICTION AND VENUE**

8 11. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§
9 1331 and 1338(a).

10 12. Venue is proper in this Judicial District pursuant to 28 U.S.C. §
11 1400(b).

12 13. At all relevant times, Defendants have conducted business through
13 GBT USA and sold or offered to sell the Accused Products in this Judicial District
14 through its network of distributors, a number of which are based or have retail
15 outlets in this Judicial District.

16 **COUNT I – INFRINGEMENT OF THE ‘572 PATENT**

17 14. Kinglite incorporates by reference the allegations contained in
18 paragraphs 1-13, above.

19 15. Defendants’ importation, sale and/or offer to sell the Accused
20 Products constitute direct infringement of the claims of the ‘572 Patent pursuant to
21 35 U.S.C. § 271.

22 16. Kinglite has been injured by such infringement.

23 **COUNT II – INFRINGEMENT OF THE ‘304 PATENT**

24 17. Kinglite incorporates by reference the allegations contained in
25 paragraphs 1-16, above.

26 18. Defendants’ importation, sale and/or offer to sell the Accused
27 Products constitute direct infringement of the claims of the ‘304 Patent pursuant to
28 35 U.S.C. § 271.

1 19. Kinglite has been injured by such infringement.

2 **COUNT III – INFRINGEMENT OF THE ‘268 PATENT**

3 20. Kinglite incorporates by reference the allegations contained in
4 paragraphs 1-19, above.

5 21. Defendants’ importation, sale and/or offer to sell the Accused
6 Products constitute direct infringement of the claims of the ‘268 Patent pursuant to
7 35 U.S.C. § 271.

8 22. Kinglite has been injured by such infringement.

9 **COUNT IV – INFRINGEMENT OF THE ‘656 PATENT**

10 23. Kinglite incorporates by reference the allegations contained in
11 paragraphs 1-22, above.

12 24. Defendants’ importation, sale and/or offer to sell the Accused
13 Products constitute direct infringement of the claims of the ‘656 Patent pursuant to
14 35 U.S.C. § 271.

15 25. Kinglite has been injured by such infringement.

16 **COUNT V – INFRINGEMENT OF THE ‘498 PATENT**

17 26. Kinglite incorporates by reference the allegations contained in
18 paragraphs 1-25, above.

19 27. Defendants’ importation, sale and/or offer to sell the Accused
20 Products constitute direct infringement of the claims of the ‘498 Patent pursuant to
21 35 U.S.C. § 271.

22 28. Kinglite has been injured by such infringement.

23 **COUNT VI – INFRINGEMENT OF THE ‘123 PATENT**

24 29. Kinglite incorporates by reference the allegations contained in
25 paragraphs 1-28, above.

26 30. Defendants’ importation, sale and/or offer to sell the Accused
27 Products constitute direct infringement of the claims of the ‘123 Patent pursuant to
28 35 U.S.C. § 271.

1 31. Kinglite has been injured by such infringement.

2 **COUNT VII – INFRINGEMENT OF THE ‘202 PATENT**

3 32. Kinglite incorporates by reference the allegations contained in
4 paragraphs 1-31, above.

5 33. Defendants’ importation, sale and/or offer to sell the Accused
6 Products constitute direct infringement of the claims of the ‘202 Patent pursuant to
7 35 U.S.C. § 271.

8 34. Kinglite has been injured by such infringement.

9 **COUNT VIII – INFRINGEMENT OF THE ‘659 PATENT**

10 35. Kinglite incorporates by reference the allegations contained in
11 paragraphs 1-34, above.

12 36. Defendants’ importation, sale and/or offer to sell the Accused
13 Products constitute direct infringement of the claims of the ‘659 Patent pursuant to
14 35 U.S.C. § 271.

15 37. Kinglite has been injured by such infringement.

16 **COUNT IX – INFRINGEMENT OF THE ‘013 PATENT**

17 38. Kinglite incorporates by reference the allegations contained in
18 paragraphs 1-37, above.

19 39. Defendants’ importation, sale and/or offer to sell the Accused
20 Products constitute direct infringement of the claims of the ‘013 Patent pursuant to
21 35 U.S.C. § 271.

22 40. Kinglite has been injured by such infringement.

23 **COUNT X – INFRINGEMENT OF THE ‘783 PATENT**

24 41. Kinglite incorporates by reference the allegations contained in
25 paragraphs 1-40, above.

26 42. Defendants’ importation, sale and/or offer to sell the Accused
27 Products constitute direct infringement of the claims of the ‘783 Patent pursuant to
28 35 U.S.C. § 271.

1 43. Kinglite has been injured by such infringement.

2 **COUNT XI – INFRINGEMENT OF THE ‘604 PATENT**

3 44. Kinglite incorporates by reference the allegations contained in
4 paragraphs 1-43, above.

5 45. Defendants’ importation, sale and/or offer to sell the Accused
6 Products constitute direct infringement of the claims of the ‘604 Patent pursuant to
7 35 U.S.C. § 271.

8 46. Kinglite has been injured by such infringement.

9 **COUNT XII – INFRINGEMENT OF THE ‘412 PATENT**

10 47. Kinglite incorporates by reference the allegations contained in
11 paragraphs 1-46, above.

12 48. Defendants’ importation, sale and/or offer to sell the Accused
13 Products constitute direct infringement of the claims of the ‘412 Patent pursuant to
14 35 U.S.C. § 271.

15 49. Kinglite has been injured by such infringement.

16 **COUNT XIII – INFRINGEMENT OF THE ‘976 PATENT**

17 50. Kinglite incorporates by reference the allegations contained in
18 paragraphs 1-49, above.

19 51. Defendants’ importation, sale and/or offer to sell the Accused
20 Products constitute direct infringement of the claims of the ‘976 Patent pursuant to
21 35 U.S.C. § 271.

22 52. Kinglite has been injured by such infringement.

23 **COUNT XIV – INFRINGEMENT OF THE ‘189 PATENT**

24 53. Kinglite incorporates by reference the allegations contained in
25 paragraphs 1-52, above.

26 54. Defendants’ importation, sale and/or offer to sell the Accused
27 Products constitute direct infringement of the claims of the ‘189 Patent pursuant to
28 35 U.S.C. § 271.

1 55. Kinglite has been injured by such infringement.

2 **COUNT XV – INFRINGEMENT OF THE ‘184 PATENT**

3 56. Kinglite incorporates by reference the allegations contained in
4 paragraphs 1-55, above.

5 57. Defendants’ importation, sale and/or offer to sell the Accused
6 Products constitute direct infringement of the claims of the ‘184 Patent pursuant to
7 35 U.S.C. § 271.

8 58. Kinglite has been injured by such infringement.

9 **COUNT XVI – INFRINGEMENT OF THE ‘912 PATENT**

10 59. Kinglite incorporates by reference the allegations contained in
11 paragraphs 1-58, above.

12 60. Defendants’ importation, sale and/or offer to sell the Accused
13 Products constitute direct infringement of the claims of the ‘912 Patent pursuant to
14 35 U.S.C. § 271.

15 61. Kinglite has been injured by such infringement.

16 **COUNT XVII – INFRINGEMENT OF THE ‘265 PATENT**

17 62. Kinglite incorporates by reference the allegations contained in
18 paragraphs 1-61, above.

19 63. Defendants’ importation, sale and/or offer to sell the Accused
20 Products constitute direct infringement of the claims of the ‘265 Patent pursuant to
21 35 U.S.C. § 271.

22 64. Kinglite has been injured by such infringement.

23 **COUNT XVIII – INFRINGEMENT OF THE ‘562 PATENT**

24 65. Kinglite incorporates by reference the allegations contained in
25 paragraphs 1-64, above.

26 66. Defendants’ importation, sale and/or offer to sell the Accused
27 Products constitute direct infringement of the claims of the ‘562 Patent pursuant to
28 35 U.S.C. § 271.

67. Kinglite has been injured by such infringement.

PRAYERS FOR RELIEF

WHEREFORE, Kinglite respectfully requests that this Court:

a) Find that Defendants infringe the Asserted Patents;

b) Order Defendants to pay Kinglite damages equal to no less than a reasonable royalty to compensate for the infringement of the Kinglite patents pursuant to 35 U.S.C. § 284;

c) Order Defendants to pay Kinglite prejudgment interest;

d) Enjoin Defendants from further infringement of the Asserted Patents;

and

e) Award such other relief the Court finds just and equitable.

DATED: April 15, 2015

Respectfully Submitted,

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George C. Summerfield (*pro hac vice*)
Kyle L. Harvey (*pro hac vice*)
Robert M. Spalding (*pro hac vice*)
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all claims so triable pursuant to Fed. R. Civ. Proc. § 38(b).

DATED: April 15, 2015

Respectfully Submitted,

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