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12 Attorneys for Plaintiffs

13 LSI Corporation, Agere Systems LLC and Avago Technologies General IP (Singapore) Pte. Ltd.

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN FRANCISCO DIVISION

17 LSI CORPORATION, AGERE SYSTEMS  
18 LLC and AVAGO TECHNOLOGIES  
GENERAL IP (SINGAPORE) PTE. LTD.,

19 Plaintiffs,

20 v.

21 FUNAI ELECTRIC COMPANY, LTD.;  
22 FUNAI CORPORATION, INC.; FUNAI  
SERVICE CORPORATION; and P&F USA,  
23 INC.,

24 Defendants.

CASE NO. 15-CV-04307-EMC

FOURTH AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

25 Plaintiffs LSI Corporation (“LSI”), Agere Systems LLC (“Agere”), and Avago  
26 Technologies General IP (Singapore) Pte. Ltd. (“Avago”) (LSI, Agere, and Avago, collectively,  
27 “Plaintiffs”), by and through their undersigned counsel, based upon actual knowledge as to  
28 themselves and their own actions, and upon information and belief as to all other persons and



1 events, hereby plead the following claims for patent infringement against Defendants Funai Electric  
2 Company, Ltd. (“Funai Japan”), Funai Corporation, Inc. (“Funai USA”), Funai Service Corporation  
3 (“Funai Service”), and P&F USA, Inc. (“P&F USA”) (Funai Japan, Funai USA, Funai Service, and  
4 P&F USA, collectively, “Defendants”). Plaintiffs hereby allege as follows:

5 NATURE OF THE ACTION

6 1. This is an action arising under the patent laws of the United States based on  
7 Defendants’ infringement of claims in patents owned by Plaintiffs. Plaintiffs seek damages for  
8 Defendants’ infringement, enhancement of damages due to Defendants’ willful infringement, and,  
9 with respect to certain patents, a permanent injunction restraining Defendants from further  
10 infringement. This case originally was filed in the U.S. District Court for the Central District of  
11 California on March 12, 2012, and was stayed pending an investigation between these parties, and  
12 others, before the U.S. International Trade Commission. On August 24, 2015, the case was  
13 transferred by order of that court to the Court in this District.

14 PARTIES

15 2. Plaintiff Avago is a corporation with a tax registration number 2005-12430-D  
16 formed under the laws of the country of Singapore with its principal place of business at 1 Yishun  
17 Avenue 7, Singapore 768923. Avago is the assignee and owns all right, title, and interest in and to  
18 U.S. Patent Nos. 5,870,087 (“the ’087 patent”), 6,982,663 (“the ’663 patent”), and 6,430,148 (“the  
19 ’148 patent”).

20 3. Plaintiff LSI is a corporation organized and existing under the laws of Delaware,  
21 having its principal place of business at 1621 Barber Lane, Milpitas, California 95035. Plaintiff LSI  
22 is an indirectly held subsidiary of Plaintiff Avago.

23 4. Plaintiff Agere is a corporation organized and existing under the laws of Delaware,  
24 having its principal place of business at 1110 American Parkway NE, Allentown, Pennsylvania  
25 18109. Agere is the assignee and owns all right, title, and interest in and to U.S. Patent Nos.  
26 6,452,958 (“the ’958 patent”) and 6,707,867 (“the ’867 patent”). Plaintiff Agere is a wholly-owned  
27 subsidiary of Plaintiff LSI.

28



1           5.       Plaintiffs are innovative technology companies which, among other things, own and  
2 license patents in the wireless communications, multimedia digital processing, optical electronics,  
3 storage, semiconductor, and other high technology fields.

4           6.       On information and belief, Defendant Funai Japan is a corporation organized and  
5 existing under the laws of Japan, having its principal place of business at 7-7-1 Nakagaito, Daito  
6 City, Osaka 574-0013, Japan. On information and belief, Funai Japan, directly or indirectly through  
7 affiliates, subsidiaries, or other entities it owns and/or controls, makes, imports into the United  
8 States, distributes, sells, offers to sell, and/or services throughout the United States, including in this  
9 judicial district, audiovisual components and products containing the same sold under brand names  
10 such as Philips, Magnavox, Sylvania, Emerson, Funai, and Symphonic that Funai owns or licenses  
11 (the "Accused Products"). Said Accused Products include, but are not limited to, digital televisions  
12 (DTVs), Blu-ray disc players, DVD players, home theater systems, DTV/DVD player  
13 combinations, and other similar audiovisual products in relevant part. Said Accused Products are  
14 sold and/or offered for sale at retail stores across the State of California, such as Wal-Mart, Target,  
15 and Best Buy, and online stores such as [www.amazon.com](http://www.amazon.com), [store.philips.com](http://store.philips.com), [www.walmart.com](http://www.walmart.com),  
16 [www.target.com](http://www.target.com), [www.bestbuy.com](http://www.bestbuy.com), and thus are available for purchase and consumption in the  
17 Northern District of California. Furthermore, on information and belief, said Accused Products are  
18 imported into the United States through Funai USA's operations in Long Beach, California. Funai  
19 Japan has voluntarily and purposely placed these products into the stream of commerce with the  
20 expectation that they will be offered for sale and sold in the State of California and in this judicial  
21 district.

22           7.       On information and belief, Defendant Funai USA is a corporation organized and  
23 existing under the laws of New Jersey, having its principal place of business at 201 Route 17 North,  
24 Rutherford, New Jersey 07070. Funai USA is a wholly owned sales subsidiary of Funai Japan, and  
25 conducts business throughout the United States, including in the Northern District of California.  
26 Furthermore, Funai USA maintains operations in Long Beach, California for importing the accused  
27 products into the United States. On information and belief, Funai USA, directly or indirectly  
28 through affiliates, subsidiaries, or other entities it owns and/or controls, imports into the United



1 States, distributes, sells, and/or offers to sell throughout the United States, including in this judicial  
2 district, audiovisual components and products containing the same sold under brand names such as  
3 Philips, Magnavox, Sylvania, Emerson, Funai, and Symphonic that Funai owns or licenses. Said  
4 products include, but are not limited to, DTVs, Blu-ray disc players, DVD players, home theater  
5 systems, DTV/DVD player combinations, and other similar audiovisual products in relevant part.  
6 Said Accused Products are sold and/or offered for sale at retail stores across the State of California  
7 such as Wal-Mart, Target, and Best Buy, and online stores such as [www.amazon.com](http://www.amazon.com),  
8 [store.philips.com](http://store.philips.com), [www.walmart.com](http://www.walmart.com), [www.target.com](http://www.target.com), [www.bestbuy.com](http://www.bestbuy.com), and thus are available  
9 for purchase and consumption in the Northern District of California. Funai USA has voluntarily  
10 and purposely placed these products into the stream of commerce with the expectation that they will  
11 be offered for sale and sold in the State of California and in this judicial district.

12 8. On information and belief, Defendant Funai Service is a corporation organized and  
13 existing under the laws of Ohio, having its principal place of business at 2200 Spiegel Drive,  
14 Groveport, Ohio 43125. On information and belief, Funai Service is a wholly owned service  
15 subsidiary of Funai Japan, and conducts business throughout the United States, including in this  
16 judicial district. On information and belief, Funai Service, directly or indirectly through affiliates,  
17 subsidiaries, or other entities it owns and/or controls, provides customer support and repair services,  
18 among other things, to Funai's customers throughout the United States, including the State of  
19 California, for Funai's audiovisual components and products containing the same sold under brand  
20 names such as Philips, Magnavox, Sylvania, Emerson, Funai, and Symphonic. Said products  
21 include, but are not limited to, DTVs, Blu-ray disc players, DVD players, home theater systems,  
22 DTV/DVD player combinations, and other similar audiovisual products in relevant part. Said  
23 Accused Products are sold and/or offered for sale at retail stores across the State of California such  
24 as Wal-Mart, Target, and Best Buy, and online stores such as [www.amazon.com](http://www.amazon.com), [store.philips.com](http://store.philips.com),  
25 [www.walmart.com](http://www.walmart.com), [www.target.com](http://www.target.com), [www.bestbuy.com](http://www.bestbuy.com), and thus are available for purchase and  
26 consumption in the Northern District of California. Furthermore, on information and belief, Funai  
27 Service imports products from Funai Japan through Funai USA's operations in Long Beach,  
28 California. Funai Service has voluntarily and purposely provided services to support the sale or



1 offer of sale of these products with the expectation that they will be offered for sale and sold in the  
2 State of California and in this judicial district.

3 9. On information and belief, Defendant P&F USA is a corporation organized and  
4 existing under the laws of Georgia with its principal place of business at 3015 Windward Plaza,  
5 Windward Fairways II, Suite 100, Alpharetta, Georgia 30005. On information and belief, P&F  
6 USA is a wholly owned sales subsidiary of Funai Japan, and conducts business throughout the  
7 United States, including in this judicial district. On information and belief, P&F USA, directly or  
8 indirectly through affiliates, subsidiaries, or other entities it owns and/or controls, imports into the  
9 United States, distributes, sells, and/or offers to sell throughout the United States, including the  
10 State of California, audiovisual components and products containing the same sold under the brand  
11 name Philips. Said products include, but are not limited to, DTVs, Blu-ray disc players, DVD  
12 players, home theater systems, DTV/DVD player combinations, and other similar audiovisual  
13 products in relevant part. Said Accused Products are sold and/or offered for sale at retail stores  
14 across the State of California such as Wal-Mart, Target, and Best Buy, in online stores such as  
15 [www.amazon.com](http://www.amazon.com), [store.philips.com](http://store.philips.com), [www.walmart.com](http://www.walmart.com), [www.target.com](http://www.target.com), [www.bestbuy.com](http://www.bestbuy.com), and  
16 thus are available for purchase and consumption in the Northern District of California.  
17 Furthermore, on information and belief, P&F USA imports products from Funai Japan through  
18 Funai USA's operations in Long Beach, California. P&F USA has voluntarily and purposely  
19 placed these products into the stream of commerce with the expectation that they will be offered for  
20 sale and sold in the State of California and in this judicial district.

21 JURISDICTION AND VENUE

22 10. This is an action for patent infringement arising under the patent laws of the United  
23 States of America, Title 35 of the United States Code. This Court has subject matter jurisdiction  
24 over the matters pleaded herein under 28 U.S.C. §§ 1331 and 1338(a) in that this is a civil action  
25 arising out of the patent laws of the United States of America.

26 11. As detailed in paragraphs 6 through 9, above, Defendants regularly and deliberately  
27 engage in activities that result in the sale, offer for sale, and/or servicing of infringing products in  
28 the State of California and in this judicial district. These activities violate the Plaintiffs' United



1 States patent rights with respect to the '087, '663, '958, '867 and '148 patents (collectively, the  
2 "Asserted Patents").

3 12. This Court has personal jurisdiction over Defendants because, among other things,  
4 Defendants have purposefully availed themselves of the laws and protections of the State of  
5 California by conducting substantial business within the State, resulting in the sale, offer for sale,  
6 and/or service of infringing products in the State of California and this judicial district.

7 13. Venue is proper in the Northern District of California pursuant to 28 U.S.C.  
8 §§ 1391(b), (c), and (d), and 1400(b). Further, Defendants sought to have the case transferred to  
9 this District and admitted in their moving papers that venue is proper in this District. *See* Dkt. No.  
10 38-1 at 5.

11 FIRST CLAIM FOR RELIEF

12 (Infringement of U.S. Patent No. 5,870,087)

13 14. Plaintiffs re-allege and incorporate by reference each and every allegation previously  
14 set forth in the Complaint as if fully set forth herein.

15 15. The '087 patent, entitled "MPEG Decoder System and Method Having a Unified  
16 Memory for Transport Decode and System Controller Functions," was duly issued on February 9,  
17 1999 in the name of inventor Kwok Kit Chau. A true and correct copy of the '087 patent is attached  
18 as Exhibit A hereto.

19 16. The '087 patent has been in full force and effect since its issuance. Plaintiff Avago  
20 owns by assignment the entire right, title, and interest in and to the '087 patent, including the right  
21 to sue for the past, present, and future infringement thereof.

22 17. On information and belief, Defendants are and have been aware of Plaintiffs' patent  
23 portfolio, including the '087 patent. Defendants are on actual notice of the '087 patent at least as a  
24 result of the International Trade Commission ("ITC") proceeding involving LSI, Agere, and  
25 Defendants. To the extent Defendants were not on actual notice of the '087 patent prior to the filing  
26 of this action, they were willfully blind to its existence and/or on constructive notice thereof.

27 18. On information and belief, Defendants have directly infringed and continue to  
28 directly infringe at least one claim of the '087 patent, in violation of 35 U.S.C. § 271(a), by, among



1 other things, making, using, offering to sell, selling, and/or importing into the United States, without  
2 authority or license from Plaintiffs, Accused Products falling within the scope of at least one claim  
3 of the '087 patent.

4 19. On information and belief, Defendants have induced and will continue to induce the  
5 infringement of at least one claim of the '087 patent, in violation of 35 U.S.C. § 271(b), by, among  
6 other things, actively and knowingly aiding and abetting others (including Defendants' customers  
7 and end users) through activities such as marketing the Accused Products, creating and/or  
8 distributing data sheets, application notes, and/or similar materials with instructions on using the  
9 Accused Products, with the specific intent to induce others to directly make, use, offer for sale, sell,  
10 and/or import into the United States, without license or authority from Plaintiffs, Accused Products  
11 that fall within the scope of the '087 patent. On information and belief, Defendants know that the  
12 induced acts constitute infringement of the '087 patent.

13 20. Unless enjoined by this Court, Defendants will continue to infringe the '087 patent.  
14 As a result of the infringing conduct of each Defendant, Plaintiffs will suffer irreparable injury as a  
15 direct and proximate result of Defendants' conduct, for which there is no adequate remedy at law.  
16 Accordingly, Plaintiffs are entitled to temporary, preliminary, and/or permanent injunctive relief  
17 against each infringement pursuant to 35 U.S.C. § 283.

18 21. As a result of the infringement of the '087 patent by Defendants, Plaintiffs have been  
19 damaged, and will continue to be damaged, by Defendants' conduct. Plaintiffs are therefore entitled  
20 to such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be ascertained, but  
21 that will be determined at trial.

22 22. On information and belief, Defendants' past and continuing infringement has been  
23 deliberate and willful, and this case is therefore an exceptional case, which warrants an award of  
24 treble damages and attorneys' fees to Plaintiffs pursuant to 35 U.S.C. § 285. On March 12, 2012,  
25 LSI and Agere filed a Complaint with the ITC naming Defendants as Respondents ("the ITC  
26 Complaint"). The ITC Complaint included detailed claim charts showing Defendants' infringement  
27 of the '087 Patent. On information and belief, Defendants have known that their products practice  
28 one or more claims of the '087 Patent since March 12, 2012, at the latest. Defendants subsequently



1 provided substantial consideration to obtain a license to the '087 Patent, but the license expired on  
2 September 30, 2015. On information and belief, Defendants have continued to make, use, sell, offer  
3 for sale, and/or import infringing products into the United States since October 1, 2015, despite no  
4 longer possessing a license and despite knowing that there was an objectively high likelihood of  
5 infringement of the '087 Patent. To the extent Defendants did not know of the objectively high  
6 likelihood of infringement, it was so obvious that it should have been known to Defendants.

7 SECOND CLAIM FOR RELIEF

8 (Infringement of U.S. Patent No. 6,982,663)

9 23. Plaintiffs re-allege and incorporate by reference each and every allegation previously  
10 set forth in the Complaint as if fully set forth herein.

11 24. The '663 patent, entitled "Method and System for Symbol Binarization," was duly  
12 issued on January 3, 2006 in the name of inventor Lowell Winger. A true and correct copy of the  
13 '663 patent is attached as Exhibit B hereto.

14 25. The '663 patent has been in full force and effect since its issuance. Plaintiff Avago  
15 owns by assignment the entire right, title, and interest in and to the '663 patent, including the right  
16 to sue for past, present, and future infringement thereof.

17 26. On information and belief, Defendants are and have been aware of Plaintiffs' patent  
18 portfolio, including the '663 patent. Defendants are on actual notice of the '663 patent at least as a  
19 result of the ITC proceeding involving LSI, Agere, and Defendants. To the extent Defendants were  
20 not on actual notice of the '663 patent prior to the filing of this action, they were willfully blind to  
21 its existence and/or on constructive notice thereof.

22 27. On information and belief, Defendants have directly infringed and continue to  
23 directly infringe at least one claim of the '663 patent, in violation of 35 U.S.C. § 271(a), by, among  
24 other things, making, using, offering to sell, selling, and/or importing into the United States, without  
25 authority or license from Plaintiffs, Accused Products falling within the scope of at least one claim  
26 of the '663 patent.

27 28. On information and belief, Defendants have induced and continue to induce the  
28 infringement of at least one claim of the '663 patent, in violation of 35 U.S.C. § 271(b), by, among





1 other things, actively and knowingly aiding and abetting others (including Defendants' customers  
2 and end users) through activities such as marketing the Accused Products, creating and/or  
3 distributing data sheets, application notes, and/or similar materials with instructions on using the  
4 Accused Products, with the specific intent to induce others to directly make, use, offer for sale, sell,  
5 and/or import into the United States, without license or authority from Plaintiffs, Accused Products  
6 that fall within the scope of the '663 patent. On information and belief, Defendants know that the  
7 induced acts constitute infringement of the '663 patent.

8 29. As a result of the infringement of the '663 patent by Defendants, Plaintiffs have been  
9 damaged, and will continue to be damaged, by Defendants' conduct. Plaintiffs are therefore entitled  
10 to such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be ascertained, but  
11 that will be determined at trial.

12 30. On information and belief, Defendants' past and continuing infringement has been  
13 deliberate and willful, and this case is therefore an exceptional case, which warrants an award of  
14 treble damages and attorneys' fees to Plaintiffs pursuant to 35 U.S.C. § 285. On March 12, 2012,  
15 LSI and Agere filed the ITC Complaint. The ITC Complaint included detailed claim charts  
16 showing Defendants' infringement of the '663 Patent. On information and belief, Defendants have  
17 known that their products practice one or more claims of the '663 Patent since March 12, 2012, at  
18 the latest. Defendants subsequently provided substantial consideration to obtain a license to the  
19 '663 Patent, but the license expired on September 30, 2015. On information and belief, Defendants  
20 have continued to make, use, sell, offer for sale, and/or import infringing products into the United  
21 States since October 1, 2015, despite no longer possessing a license and despite knowing that there  
22 was an objectively high likelihood of infringement of the '663 Patent. To the extent Defendants did  
23 not know of the objectively high likelihood of infringement, it was so obvious that it should have  
24 been known to Defendants.

25 THIRD CLAIM FOR RELIEF

26 (Infringement of U.S. Patent No. 6,452,958)

27 31. Plaintiffs re-allege and incorporate by reference each and every allegation previously  
28 set forth in the Complaint as if fully set forth herein.



1           32.     The '958 patent, entitled "Digital Modulation System Using Extended Code Set,"  
2 was duly issued on September 17, 2002 in the name of inventor Richard D. J. van Nee. A true and  
3 correct copy of the '958 patent is attached as Exhibit C hereto.

4           33.     The '958 patent has been in full force and effect since its issuance. Plaintiff Agere  
5 owns by assignment the entire right, title, and interest in and to the '958 patent, including the right  
6 to sue for past, present, and future infringements thereof.

7           34.     On information and belief, Defendants are and have been aware of Plaintiffs' patent  
8 portfolio, including the '958 patent. Defendants are on actual notice of the '958 patent at least as a  
9 result of the ITC proceeding involving LSI, Agere, and Defendants. To the extent Defendants were  
10 not on actual notice of the '958 patent prior to the filing of this action, they were willfully blind to  
11 its existence and/or on constructive notice thereof.

12           35.     On information and belief, Defendants have directly infringed and continue to  
13 directly infringe at least one claim of the '958 patent, in violation of 35 U.S.C. § 271(a), by, among  
14 other things, making, using, offering to sell, selling, and/or importing into the United States, without  
15 authority or license from Plaintiffs, Accused Products falling within the scope of at least one claim  
16 of the '958 patent.

17           36.     On information and belief, Defendants have induced and continue to induce the  
18 infringement of at least one claim of the '958 patent, in violation of 35 U.S.C. § 271(b), by, among  
19 other things, actively and knowingly aiding and abetting others (including Defendants' customers  
20 and end users) through activities such as marketing the Accused Products, creating and/or  
21 distributing data sheets, application notes, and/or similar materials with instructions on using the  
22 Accused Products, with the specific intent to induce others to directly make, use, offer for sale, sell,  
23 and/or import into the United States, without license or authority from Plaintiffs, Accused Products  
24 that fall within the scope of the '958 patent. On information and belief, Defendants know that the  
25 induced acts constitute infringement of the '958 patent.

26           37.     As a result of the infringement of the '958 patent by Defendants, Plaintiffs have been  
27 damaged, and will continue to be damaged, by Defendants' conduct. Plaintiffs are therefore entitled  
28 to such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be ascertained, but



1 that will be determined at trial.

2 38. On information and belief, Defendants' past and continuing infringement has been  
3 deliberate and willful, and this case is therefore an exceptional case, which warrants an award of  
4 treble damages and attorneys' fees to Plaintiffs pursuant to 35 U.S.C. § 285. On March 12, 2012,  
5 LSI and Agere filed the ITC Complaint. The ITC Complaint included detailed claim charts  
6 showing Defendants' infringement of the '958 Patent. On information and belief, Defendants have  
7 known that their products practice one or more claims of the '958 Patent since March 12, 2012, at  
8 the latest. On information and belief, Defendants have continued to make, use, sell, offer for sale,  
9 and/or import infringing products into the United States despite knowing that there was an  
10 objectively high likelihood of infringement of the '958 Patent. To the extent Defendants did not  
11 know of the objectively high likelihood of infringement, it was so obvious that it should have been  
12 known to Defendants.

13 FOURTH CLAIM FOR RELIEF

14 (Infringement of U.S. Patent No. 6,707,867)

15 39. Plaintiffs re-allege and incorporate by reference each and every allegation previously  
16 set forth in the Complaint as if fully set forth herein.

17 40. The '867 patent, entitled "Wireless Local Area Network Apparatus," was duly issued  
18 on March 16, 2004 in the name of inventors Wilhelmus J. M. Diepstraten, Hendrick van Bokhorst,  
19 and Hans van Driest. A true and correct copy of the '867 patent is attached as Exhibit D hereto.

20 41. The '867 patent has been in full force and effect since its issuance. Plaintiff Agere  
21 owns by assignment the entire right, title, and interest in and to the '867 patent, including the right  
22 to sue for past, present, and future infringements thereof.

23 42. On information and belief, Defendants are and have been aware of Plaintiffs' patent  
24 portfolio, including the '867 patent. Defendants are on actual notice of the '867 patent at least as a  
25 result of the ITC proceeding involving LSI, Agere, and Defendants. To the extent Defendants were  
26 not on actual notice of the '867 patent prior to the filing of this action, they were willfully blind to  
27 its existence and/or on constructive notice thereof.

28



1           43.     On information and belief, Defendants have directly infringed and continue to  
2 directly infringe at least one claim of the '867 patent, in violation of 35 U.S.C. § 271(a), by, among  
3 other things, making, using, offering to sell, selling, and/or importing into the United States, without  
4 authority or license from Plaintiffs, Accused Products falling within the scope of at least one claim  
5 of the '867 patent.

6           44.     On information and belief, Defendants have induced and continue to induce the  
7 infringement of at least one claim of the '867 patent, in violation of 35 U.S.C. § 271(b), by, among  
8 other things, actively and knowingly aiding and abetting others (including Defendants' customers  
9 and end users) through activities such as marketing the Accused Products, creating and/or  
10 distributing data sheets, application notes, and/or similar materials with instructions on using the  
11 Accused Products, with the specific intent to induce others to directly make, use, offer for sale, sell,  
12 and/or import into the United States, without license or authority from Plaintiffs, Accused Products  
13 that fall within the scope of the '867 patent. On information and belief, Defendants know that the  
14 induced acts constitute infringement of the '867 patent.

15           45.     As a result of the infringement of the '867 patent by Defendants, Plaintiffs have been  
16 damaged, and will continue to be damaged, by Defendants' conduct. Plaintiffs are therefore entitled  
17 to such damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be ascertained, but  
18 that will be determined at trial.

19           46.     On information and belief, Defendants' past and continuing infringement has been  
20 deliberate and willful, and this case is therefore an exceptional case, which warrants an award of  
21 treble damages and attorneys' fees to Plaintiffs pursuant to 35 U.S.C. § 285. On March 12, 2012,  
22 LSI and Agere filed the ITC Complaint. The ITC Complaint included detailed claim charts  
23 showing Defendants' infringement of the '867 Patent. On information and belief, Defendants have  
24 known that their products practice one or more claims of the '867 Patent since March 12, 2012, at  
25 the latest. On information and belief, Defendants have continued to make, use, sell, offer for sale,  
26 and/or import infringing products into the United States despite knowing that there was an  
27 objectively high likelihood of infringement of the '867 Patent. To the extent Defendants did not  
28 know of the objectively high likelihood of infringement, it was so obvious that it should have been



1 known to Defendants.

2 FIFTH CLAIM FOR RELIEF

3 (Infringement of U.S. Patent No. 6,430,148)

4 47. Plaintiffs re-allege and incorporate by reference each and every allegation previously  
5 set forth in the Complaint as if fully set forth herein.

6 48. The '148 patent, entitled "Multidirectional Communication Systems," was duly  
7 issued on August 6, 2002 in the name of inventor Stephen Richard Ring. A true and correct copy of  
8 the '148 patent is attached as Exhibit E hereto.

9 49. The '148 patent has been in full force and effect since its issuance. Plaintiff Avago  
10 owns by assignment the entire right, title, and interest in and to the '148 patent, including the right  
11 to sue for past, present, and future infringements thereof.

12 50. On information and belief, Defendants are and have been aware of Plaintiffs' patent  
13 portfolio, including the '148 patent. To the extent Defendants are not on actual notice of the '148  
14 patent, they are willfully blind to its existence and/or on constructive notice thereof.

15 51. On information and belief, Defendants have directly infringed and continue to  
16 directly infringe at least one claim of the '148 patent, in violation of 35 U.S.C. § 271(a), by, among  
17 other things, making, using, offering to sell, selling, and/or importing into the United States, without  
18 authority or license from Plaintiffs, Accused Products falling within the scope of at least one claim  
19 of the '148 patent.

20 52. On information and belief, Defendants have induced and continue to induce the  
21 infringement of at least one claim of the '148 patent, in violation of 35 U.S.C. § 271(b), by, among  
22 other things, actively and knowingly aiding and abetting others (including Defendants' customers  
23 and end users) through activities such as marketing the Accused Products, creating and/or  
24 distributing data sheets, application notes, and/or similar materials with instructions on using the  
25 Accused Products, with the specific intent to induce others to directly make, use, offer for sale, sell,  
26 and/or import into the United States, without license or authority from Plaintiffs, Accused Products  
27 that fall within the scope of the '148 patent. On information and belief, Defendants know that the  
28 induced acts constitute infringement of the '148 patent.







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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs hereby demand a trial by jury on all issues triable to a jury.

DATED: December 28, 2015

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

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