

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

LASERDYNAMICS USA, LLC,

Plaintiff,

-against-

ISOMEDIA, LLC,

Defendant.

Civil Action No.: 1:16-cv-2535

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Plaintiff LaserDynamics USA, LLC (“LDUSA”), by and through its attorneys Kheyfits P.C., as and for its complaint against Defendant ISOMEDIA, LLC. (“ISOMEDIA”), 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 ISOMEDIA of one or more claims of U.S. Patent No’s. 6,426,927 (the “’927 patent”), 6,529,469 (the “’469 patent”), and 7,116,629 (the “’629 patent”) (collectively, the ’927 patent, the ’469 patent, and the ’629 patent are referred to herein as the “Patents-in-Suit”).

PARTIES

2. Plaintiff LDUSA 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. On information and belief, Defendant ISOMEDIA is a corporation organized and existing under the laws of the State of California, having its principal place of business at 41380 Christy

St., Fremont CA 94538.

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

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

BACKGROUND

7. The '927 patent is entitled "Data Recording And Reproducing Method For Multi-Layered Optical Disk System."

8. The '469 patent is entitled "Data Recording And Reproducing Technique For Multi-Layered Optical Disk System."

9. The '629 patent is entitled "Data Recording And Reproducing Method For Multi-Layered Optical Disk System."

10. The inventions of the Patents-in-Suit generally relate to optical disk recording and

reproducing technologies.

11. Yasuo Kamatani invented the technology claimed in the Patents-in-Suit.

12. On information and belief, ISOMEDIA manufactures, uses, sells, and/or offers for sale dual-layer optical discs for customers in the United States. On information and belief, certain of the dual-layer optical discs manufactured by ISOMEDIA are manufactured in conformance with a format of dual-layer optical discs commonly known in the industry as “DVD-9” discs. On information and belief, ISOMEDIA manufactures DVD-9 discs using a process known in the industry as replication. On information and belief, dual layer optical discs replicated by ISOMEDIA in conformance with the DVD-9 format infringe claims of the Patents-in-Suit. In the alternative and on information and belief, ISOMEDIA causes others to replicate DVD-9 discs that infringe claims of the Patents-in-Suit.

13. On information and belief, in addition to the replication of DVD-9 and other dual-layer optical discs, ISOMEDIA also offers to its customers a range of packaging, distribution, and/or other services relating to the replication of DVD-9 discs. On information and belief, the distribution services offered by ISOMEDIA to its replication customers include but are not limited to the distribution of replicated DVD-9 discs directly to customers located in the United States, including in New York.

14. By correspondence, including the letters dated May 14, 2015, July 21, 2015, October 13, 2015, and January 7, 2016, non-party General Patent Corporation (“GPC”), in its role as manager of LDUSA, notified ISOMEDIA of the existence of the Patents-in-Suit and ISOMEDIA’s infringement thereof.

15. Accordingly, and on information and belief, ISOMEDIA has received notice of the Patents-in-Suit, and of its infringement thereof.

COUNT I: INFRINGEMENT OF THE PATENTS-IN-SUIT BY ISOMEDIA

16. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.
17. On July 30, 2002, the United States Patent and Trademark Office duly and lawfully issued the '927 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 '927 patent is attached hereto as Exhibit A.
18. On March 4, 2003, the United States Patent and Trademark Office duly and lawfully issued the '469 patent, entitled "Data Recording And Reproducing Technique For Multi-Layered Optical Disk System," based upon an application filed by the inventor, Yasuo Kamatani. A true and correct copy of the '469 patent is attached hereto as Exhibit B.
19. On October 3, 2006, the United States Patent and Trademark Office duly and lawfully issued the '629 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 '629 patent is attached hereto as Exhibit C.
20. LDUSA is the owner by assignment of the Patents-in-Suit, and has the right to sue and recover damages for infringement thereof.
21. ISOMEDIA is not licensed under the Patents-in-Suit, yet ISOMEDIA knowingly, actively, and lucratively practices the claimed inventions of the patents.
22. On information and belief, ISOMEDIA has been and is now directly infringing at least claims 1-4, and 6 of the '927 patent, claims 3 and 12 of the '469 patent, and/or claims 12, 14, 16, 22, 24, and 26 of the '629 patent by making, using, importing, providing, supplying, distributing, selling and/or offering to sell infringing products. ISOMEDIA's infringing products include, but are not limited to, at least dual-layer DVD-9 discs.
23. ISOMEDIA is therefore liable for direct infringement of the Patents-in-Suit pursuant to

35 U.S.C § 271(a).

24. The acts of infringement by ISOMEDIA have caused and will continue to cause damage to LDUSA. LDUSA is entitled to recover damages from ISOMEDIA in an amount not less than a reasonable royalty pursuant to 35 U.S.C. § 284. The full measure of damages sustained as a result of ISOMEDIA's wrongful acts will be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, LDUSA prays for the judgment in its favor against ISOMEDIA, granting LDUSA the following relief:

- A. Entry of judgment in favor of LDUSA against ISOMEDIA on all counts;
- B. Entry of judgment that ISOMEDIA has infringed the Patents-in-Suit;
- C. Award of compensatory damages adequate to compensate LDUSA for ISOMEDIA's infringement of the Patents-in-Suit, in no event less than a reasonable royalty as provided by 35 U.S.C. § 284;
- D. LDUSA's costs;
- E. Pre-judgment and post-judgment interest on LDUSA's award; and

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: New York, New York
April 5, 2016

Respectfully submitted,

KHEYFITS P.C.

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