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17 Attorneys for Plaintiff
18 UNIVERSAL ELECTRONICS INC.

19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

21 UNIVERSAL ELECTRONICS INC.,

22 Plaintiff,

23 v.

24 UNIVERSAL REMOTE CONTROL,
25 INC., OHSUNG ELECTRONICS CO.,
26 LTD., AND OHSUNG
27 ELECTRONICS U.S.A., INC.,

28 Defendants.

Case No. SACV13-00984 AG (JPRx)

**THIRD AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

29 Plaintiff Universal Electronics Inc. complains of Defendants Universal
30 Remote Control, Inc., Ohsung Electronics Co., Ltd., and Ohsung Electronics
31 U.S.A., Inc. as follows:

NATURE OF CASE

1
2 1. This is a claim for patent infringement that arises under the patent laws
3 of the United States, Title 35 of the United States Code. This Court has original
4 jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and
5 1338(a).

PARTIES

6
7 2. Plaintiff Universal Electronics Inc. (“UEI”) is a Delaware corporation
8 that has a principal place of business at 201 E. Sandpointe Avenue, Santa Ana,
9 California 92707. UEI has been an industry leader in the design, development and
10 manufacture of remote control technology for over twenty years. UEI develops and
11 manufactures a broad line of products, software and technologies that are marketed
12 to enhance home entertainment systems. Its offerings include universal remote
13 controls, audio-video accessories and integrated circuits, as well as software,
14 firmware and technology solutions that can enable devices to wirelessly connect
15 and interact with home networks and interactive services to deliver digital
16 entertainment and information. UEI’s investments in and commitment to
17 innovation, research and development have resulted in substantial and valuable
18 portfolios of intellectual property rights, including patents in the area of remote
19 controls.

20 3. UEI owns and has standing to sue for infringement of United States
21 Reissued Patent No. RE39,059 E (the “‘059 Patent”), entitled “Computer
22 Programmable Remote Control,” which issued on April 4, 2006, and is a reissue of
23 United States Patent No. 6,211,870, entitled “Computer Programmable Remote
24 Control,” which issued on April 3, 2001.

25 4. UEI owns and has standing to sue for infringement of United States
26 Patent No. 7,126,468 B2 (the “‘468 Patent”), entitled “System and Method for
27 Monitoring Remote Control Transmissions,” which issued on October 24, 2006.
28

1 5. UEI owns and has standing to sue for infringement of United States
2 Patent No. 7,831,930 B2 (the “‘930 Patent”), entitled “System and Method for
3 Displaying a User Interface for a Remote Control Application,” which issued on
4 November 9, 2010.

5 6. UEI owns and has standing to sue for infringement of United States
6 Patent No. 8,243,207 B2 (the “‘207 Patent”), entitled “System and Method for
7 Activity Based Configuration of an Entertainment System,” which issued on
8 August 14, 2012.

9 7. Defendant Universal Remote Control, Inc. (“URC”) is a New York
10 corporation with its principal place of business at 500 Mamaroneck Avenue, Suite
11 502, Harrison, New York, 10528.

12 8. Defendant Ohsung Electronics Co., Ltd. (“Ohsung Electronics Co.”) is
13 a South Korean entity having its principal place of business at #181, Gongdan-
14 Dong, Gumi-City, Gyeongsangbuk-do, South Korea 730-030.

15 9. Defendant Ohsung Electronics U.S.A., Inc. (“Ohsung Electronics
16 U.S.A.”) is a California corporation listing its entity address as P.O. Box 3171, El
17 Centro, California 92244 and having an agent at 238 Jackrabbit Dr., El Centro,
18 California 92243. Ohsung Electronics U.S.A. also has an office in Calexico,
19 California. According to its parent company, Ohsung Electronics Co., Ohsung
20 Electronics U.S.A. is Ohsung Electronics Co.’s “Americas office.”

21 **JURISDICTION AND VENUE**

22 10. Defendants URC, Ohsung Electronics Co., and Ohsung Electronics
23 U.S.A. (collectively, “Defendants”) import into the United States, offer to sell,
24 and/or sell remote control devices and products, and other home automation
25 products in the United States, including in this judicial district. The remote control
26 products relevant to this action generally include programmable and upgradeable
27 remote control devices and products including software, hardware and interfaces.
28

1 11. Defendants import these devices and products into the United States
2 and offer to sell, and/or sell them to residential and commercial customers such as
3 subscription broadcast providers, dealers, custom installers, retailers, and OEM
4 customers, which, in turn, resell these products to users throughout the United
5 States, including those in this judicial district.

6 12. Ohsung Electronics Co. manufactures and supplies remote control
7 devices, which URC distributes, offers to sell and sells in the United States.
8 Ohsung Electronics Co. has possession, custody, and control over documents
9 describing the design, specifications, features and functionality of the remote
10 control devices and associated software, hardware and source code.

11 13. Ohsung Electronics Co.'s remote control devices sold by URC are
12 specifically designed for use in the United States. Ohsung Electronics Co. has
13 submitted applications for equipment authorization to the Federal Communications
14 Commission (FCC) in relation to over 100 products and/or components.

15 14. Ohsung Electronics Co. imports, offers to sell and sells its remote
16 control devices in the United States.

17 15. Ohsung Electronics Co. regularly conducts business within the State of
18 California and has systematic contacts with Ohsung Electronics U.S.A. and URC
19 within the State of California.

20 16. Ohsung Electronics Co. has employees in the United States, including
21 without limitation, employees located within the State of California.

22 17. Furthermore, Ohsung Electronics Co. has established, directed and
23 controlled the business activities of its "Americas office" as indicated on its website
24 (at http://www.ohsunghq.com/osg_eng/sub03/sub05_02.aspx), which lists Ohsung
25 Electronics U.S.A. as Ohsung Electronics Co.'s "Americas office."

26 18. Ohsung Electronics Co., together with its "Americas office" (Ohsung
27 Electronics U.S.A.) have such a close and trusting relationship with URC that
28 Ohsung Electronics Co.'s "Americas office" operates out of URC's principal place

1 of business located at 500 Mamaroreck Avenue, Suite 502, Harrison, New York
2 10528, without paying any rent to URC and Ohsung Electronics U.S.A.'s
3 engineering executive working out of URC's principal office is also touted to
4 URC's customers and others in the United States as URC's Director of
5 Engineering.

6 19. On information and belief, to monitor, direct and control the business
7 activities of its "Americas office," Ohsung Electronics Co. has dispatched a number
8 of its executives and other employees to the United States. These executives and
9 employees maintain and work out of their offices located in Calexico, California or
10 within URC's principal office in Harrison, New York. These Ohsung executives
11 and employees, among other things, receive and place orders of remote control
12 devices in the United States for URC and URC's customers, attend trade shows in
13 the United States to promote the remote control devices made at Ohsung
14 Electronics Co.'s facilities in South Korea or at Ohsung Electronics U.S.A.'s
15 facilities in Mexico near the Mexico-California border and sold through URC,
16 discuss and develop remote control device specifications in collaboration with URC
17 and test remote control devices at the Harrison, New York office which Ohsung
18 shares with URC, spend their time engaging in business activities in the United
19 States for both Ohsung Electronics Co. and Ohsung Electronics U.S.A. and are
20 compensated in the United States by both Ohsung entities.

21 20. At least through the foregoing activities, Defendants are doing
22 business in this judicial district, have purposefully availed themselves of the
23 privilege of conducting business with residents of this judicial district, and have
24 established sufficient minimum contacts with the State of California such that
25 Defendants should reasonably and fairly anticipate being brought into court in
26 California. Further, Defendants have appeared in this case, through counsel, and
27 have been actively involved in this litigation.
28

1 21. Venue is proper in this district under 28 U.S.C. §§ 1391 (b)-(d) and
2 1400(b).

3 **CLAIMS FOR PATENT INFRINGEMENT**

4 **COUNT I**

5 **INFRINGEMENT OF U.S. PATENT NO. RE39,059**

6 22. UEI re-alleges and incorporates by reference all of its allegations set
7 forth above in paragraphs 1 through 21.

8 23. With knowledge of United Patent No. RE39,059 and of their
9 infringement, Defendants have imported into the United States, and have used,
10 offered to sell and/or sold in the United States, remote control devices and products,
11 including software, that, alone or in combination, infringe the '059 Patent,
12 including, without limitation, the URC Complete Control Program used to program
13 URC Complete Control interfaces having programmable soft keys (including those
14 marked with URC model numbers MX-6000, MX-6000i, MX-5000, MX-5000i,
15 MX-1200, MX-1200i and the CC Control App for iOS and Android devices), the
16 MX-3000 Editor software used to program the MX-3000 or MX-3000i interfaces,
17 the URC Accelerator software used to program URC Total Control interfaces
18 having programmable soft keys (including those marked with URC model numbers
19 TRC-1280, TKP-7000, TKP-2000, TKP-5500 and the Total Control Mobile App
20 for iOS and Android devices), the URC TC Flex software used to program Total
21 Control interfaces having programmable soft keys (including those marked with
22 URC model numbers TRC-1280, TKP-7000, TKP-2000, TKP-5500 and the Total
23 Control Mobile App for iOS and Android devices), the URC ccGEN2 Generator
24 software used to program ccGEN2 interfaces having programmable soft keys
25 (including KP-2 and the ccGEN2 URC Mobile App for iOS and Android devices),
26 and other remote control devices and products including software with different
27 model names or numbers but with substantially the same designs, features and
28

1 functionalities as any of the foregoing (the “‘059 Patent Accused Remotes and
2 Software”).

3 24. The ‘059 Patent Accused Remotes and Software are programmable
4 remote controls.

5 25. Defendants make, use, import into the United States, and offer to sell
6 and/or sell remote control development programs called URC Complete Control
7 Program, MX-3000 Editor, URC Accelerator, URC TC Flex, and URC ccGEN2
8 Generator for setting up and installing the ‘059 Patent Accused Remotes and
9 Software.

10 26. The ‘059 Patent Accused Remotes and Software are designed to be
11 programmed via remote control development programs running on a computer,
12 such as the URC Complete Control Program, MX-3000 Editor, URC Accelerator,
13 URC TC Flex, and URC ccGEN2 Generator.

14 27. Defendants’ remote control development programs, including the URC
15 Complete Control Program, MX-3000 Editor, URC Accelerator, URC TC Flex, and
16 URC ccGEN2 Generator, provide the ability to edit a screen object.

17 28. Defendants have infringed and continue to infringe at least claims 13,
18 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26 and 30 of the ‘059 Patent within the
19 meaning of 35 U.S.C. § 271(a) through the foregoing activities, including
20 importing, using, offering to sell and/or selling the ‘059 Patent Accused Remotes
21 and Software.

22 29. Defendants have indirectly infringed and continue to indirectly
23 infringe at least claims 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, and 30 of
24 the ‘059 Patent under 35 U.S.C. § 271(b) by knowingly and actively inducing
25 infringement of those claims. Defendants have known about the ‘059 Patent and
26 their infringement prior to the filing of the original complaint in this action on June
27 28, 2013 (the “Original Complaint”). Defendants have knowingly and actively
28 induced infringement of at least claims 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25,

1 26, and 30 of the '059 Patent, for example, through the foregoing activities
2 including, without limitation, importing, offering to sell and/or selling the '059
3 Patent Accused Remotes and Software, and by instructing, aiding, assisting and
4 encouraging the offer for sale, sale and use of the '059 Patent Accused Remotes and
5 Software in a manner that infringes at least claims 13, 14, 15, 16, 17, 19, 20, 21, 22,
6 23, 24, 25, 26, and 30 of the '059 Patent. The direct infringers that are being
7 induced by Defendants include, without limitation, their customers, installers,
8 resellers and users that offer for sale, sell, and use the '059 Patent Accused Remotes
9 and Software.

10 30. Defendants have also indirectly infringed and continue to indirectly
11 infringe at least claims 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, and 30 of
12 the '059 Patent under 35 U.S.C. § 271(c) through the foregoing activities including,
13 among other things, importing, offering to sell and/or selling the '059 Patent
14 Accused Remotes and Software and by instructing, aiding, assisting, authorizing,
15 advertising, marketing, promoting, providing for and/or encouraging the use of the
16 '059 Patent Accused Remotes and Software, which constitute a material part of the
17 patented inventions of claims 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, and
18 30 of the '059 Patent, which Defendants know are especially made or adapted for
19 use in an infringement of at least claims 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24,
20 25, 26, and 30 of the '059 Patent, and which are not a staple article of commerce
21 suitable for substantial non-infringing use. The direct infringers for Defendants'
22 contributory infringement under 35 U.S.C. § 271(c) include, without limitation,
23 their customers, installers, resellers and users that offer for sale, sell and use the
24 '059 Patent Accused Remotes and Software.

25 31. To the extent required by law, UEI has complied with the provisions of
26 35 U.S.C. § 287 with respect to the '059 Patent.

27 32. Defendants were placed on notice of the '059 Patent and Defendants'
28 infringement prior to the filing of the Original Complaint. Yet, Defendants have

1 continued their unlicensed and unauthorized infringement with no regard to the
2 '059 Patent or UEI's rights. This infringement continues today and Defendants
3 have no reasonable non-infringement positions. Defendants' infringement of the
4 '059 Patent has been willful, wanton, malicious, and/or deliberate and constitutes
5 egregious behavior justifying an award of enhanced damages.

6 33. Defendants' direct infringement, inducement to infringe and
7 contributory infringement of the '059 Patent have injured UEI, and UEI is entitled
8 to recover damages adequate to compensate it for such infringement.

9 34. Defendants' infringing activities will continue to injure UEI unless and
10 until this Court enters an injunction prohibiting further infringement and,
11 specifically, enjoining further direct infringement, inducement to infringe and
12 contributory infringement of the '059 Patent.

13 **COUNT II**

14 **INFRINGEMENT OF U.S. PATENT NO. 7,126,468 B2**

15 35. UEI re-alleges and incorporates by reference all of its allegations set
16 forth above in paragraphs 1 through 21.

17 36. With knowledge of United States Patent No. 7,126,468 and of their
18 infringement, at least since the time of the Original Complaint, Defendants have
19 imported into the United States, and have used, offered to sell and/or sold in the
20 United States, remote controls, interfaces and software that, alone or in
21 combination, infringe the '468 Patent, including, without limitation, URC model
22 numbers MSC-400, MRX-8, MRX-10, MRX-20, ccGEN2 CP-1 Central Processor
23 and other remote controls, interfaces and software with different model names or
24 numbers but with substantially the same designs, features and functionalities as any
25 of the foregoing (the "'468 Patent Accused URC Remotes, Interfaces and
26 Software").

27 37. Defendants have infringed and continue to infringe at least claim 1, 2,
28 11, 29, and 46 of the '468 Patent within the meaning of 35 U.S.C. § 271(a) through

1 the foregoing activities, including, without limitation, using, offering to sell, selling
2 and/or importing the '468 Patent Accused Remotes, Interfaces and Software.

3 38. Defendants have indirectly infringed and continue to indirectly
4 infringe at least claims 1, 2, 11, 29, and 46 of the '468 Patent under 35 U.S.C.
5 § 271(b) by knowingly and actively inducing infringement of those claims.
6 Defendants have known about the '468 Patent and its infringement at or prior to the
7 filing of the Original Complaint. Defendants have knowingly and actively induced
8 infringement of at least claims 1, 2, 11, 29, and 46 of the '468 Patent, for example,
9 through the foregoing activities including, without limitation, importing, offering to
10 sell and/or selling the '468 Patent Accused Remotes, Interfaces and Software, and
11 by instructing, aiding, assisting and encouraging the offer for sale, sale, and use of
12 the '468 Patent Accused Remotes, Interfaces and Software in a manner that
13 infringes at least claims 1, 2, 11, 29, and 46 of the '468 Patent. The direct
14 infringers that are being induced by Defendants include, without limitation, their
15 customers, installers, resellers and users that offer for sale, sell, and use the '468
16 Patent Accused Remotes, Interfaces and Software.

17 39. Defendants have also indirectly infringed and continue to indirectly
18 infringe at least claims 1, 2, 11, 29, and 46 of the '468 Patent under 35 U.S.C.
19 § 271(c) by contributing to the infringement of those claims. Defendants have
20 known about the '468 Patent and their infringement at or prior to the filing of the
21 Original Complaint. Defendants have contributed to the infringement of at least
22 claims 1, 2, 11, 29, and 46 of the '468 Patent through the foregoing activities
23 including, without limitation, importing, offering to sell and/or selling the '468
24 Patent Accused Remotes, Interfaces and Software and by instructing, aiding,
25 assisting, authorizing, advertising, marketing, promoting, providing for and/or
26 encouraging the use of the '468 Patent Accused Remotes, Interfaces and Software,
27 which constitute a material part of the patented inventions of claims 1, 2, 11, 29,
28 and 46 of the '468 Patent, which Defendants know are especially made or adapted

1 for use in an infringement of at least claims 1, 2, 11, 29, and 46 of the ‘468 Patent,
2 and which are not a staple article of commerce suitable for substantial non-
3 infringing use. The direct infringers for Defendants’ contributory infringement
4 under 35 U.S.C. § 271(c) include, without limitation, their customers, installers,
5 resellers and users that offer for sale, sell, and use the ‘468 Patent Accused URC
6 Remotes, Interfaces and Software.

7 40. To the extent required by law, UEI has complied with the provisions of
8 35 U.S.C. § 287 with respect to the ‘468 Patent.

9 41. Defendants’ direct infringement, inducement to infringe and
10 contributory infringement of the ‘468 Patent have injured UEI and UEI is entitled to
11 recover damages adequate to compensate it for such infringement. Further,
12 Defendants’ have no reasonable non-infringement positions and their infringement
13 of the ‘468 Patent has been willful, wanton, malicious, and/or deliberate and
14 constitutes egregious behavior justifying an award of enhanced damages.

15 42. Defendants’ infringing activities will continue to injure UEI unless and
16 until this Court enters an injunction prohibiting further infringement and,
17 specifically, enjoining further direct infringement, inducement to infringe and
18 contributory infringement of the ‘468 Patent.

19 **COUNT III**

20 **INFRINGEMENT OF U.S. PATENT NO. 7,831,930 B2**

21 43. UEI re-alleges and incorporates by reference all of its allegations set
22 forth above in paragraphs 1 through 21.

23 44. With knowledge of United States Patent No. 7,831,930 and of their
24 infringement, at least since the time of the Original Complaint, Defendants have
25 imported into the United States, and have used, offered to sell and/or sold in the
26 United States remote control devices and products that infringe the ‘930 Patent,
27 including, without limitation, those marked with URC model numbers MX-450,
28 MX-450i, MX-500, MX-780, MX-780i, MX-810, MX-850, MX-880, MX-880i,

1 MX-880z, MX-890, MX-900, MX-900i, MX-980, MX-980i, MX-990, MX-990i,
2 MX-1200, MX-1200i, MX-3000, MX-3000i, MX-5000, MX-5000i, MX-6000,
3 MX-6000i, MXW-920, MXW-920i, RF20, RF30, R40, R50 and iPads, iPhones and
4 Android devices running Defendants' software applications, and other remote
5 control devices and products with different model names or numbers but with
6 substantially the same designs, features and functionalities as any of the foregoing
7 (the "'930 Patent Accused Remotes, Interfaces and Software").

8 45. The '930 Patent Accused Remotes, Interfaces and Software include
9 electronically readable media.

10 46. The '930 Patent Accused Remotes, Interfaces and Software include a
11 processor.

12 47. The '930 Patent Accused Remotes, Interfaces and Software include a
13 display.

14 48. The '930 Patent Accused Remotes, Interfaces and Software display
15 lists of favorite channels.

16 49. The '930 Patent Accused Remotes, Interfaces and Software control
17 home appliances.

18 50. The '930 Patent Accused Remotes, Interfaces and Software transmit
19 command codes to home appliances.

20 51. The '930 Patent Accused Remotes, Interfaces and Software enable
21 selection of favorite channel lists when displayed in the display of the remotes.

22 52. The '930 Patent Accused Remotes, Interfaces and Software enable
23 interaction of a remote control user with favorite channel lists when displayed in the
24 display of the remote to cause the remote to transmit codes for tuning home
25 appliances to favorite channels.

26 53. Defendants have infringed and continue to infringe at least claim 1 of
27 the '930 Patent within the meaning of 35 U.S.C. § 271(a) through the foregoing
28

1 activities, including importing, using, offering to sell and/or selling the '930 Patent
2 Accused URC Remotes, Interfaces and Software.

3 54. Defendants have indirectly infringed and continue to indirectly
4 infringe at least claim 1 of the '930 Patent under 35 U.S.C. § 271(b) by knowingly
5 and actively inducing infringement of the claim. Defendants have known about the
6 '930 Patent and their infringement at or prior to the filing of the Original
7 Complaint. Defendants have knowingly and actively induced infringement of at
8 least claim 1 of the '930 Patent, for example, through the foregoing activities
9 including, without limitation, importing, offering to sell and/or selling the '930
10 Patent Accused Remotes, Interfaces and Software, and by instructing, aiding,
11 assisting and encouraging the offer for sale, sale, and use of the '930 Patent
12 Accused Remotes, Interfaces and Software in a manner that infringes at least claim
13 1 of the '930 Patent. The direct infringers that are being induced by Defendants
14 include, without limitation, their customers, installers, resellers and users that offer
15 for sale, sell, and use the '930 Patent Accused Remotes, Interfaces and Software.

16 55. Defendants have also indirectly infringed and continue to indirectly
17 infringe at least claim 1 of the '930 Patent under 35 U.S.C. § 271(c) by contributing
18 to the infringement of the claim. Defendants have contributed to the infringement
19 of at least claim 1 of the '930 Patent through the foregoing activities including,
20 without limitation, importing, offering to sell and/or selling the '930 Patent
21 Accused Remotes, Interfaces and Software and by instructing, aiding, assisting,
22 authorizing, advertising, marketing, promoting, providing for and/or encouraging
23 the use of the '930 Patent Accused URC Remotes, Interfaces and Software, which
24 constitute a material part of the patented invention of claim 1 of the '930 Patent,
25 which Defendants know are especially made or adapted for use in an infringement
26 of at least claim 1 of the '930 Patent, and which are not a staple article of commerce
27 suitable for substantial non-infringing use. The direct infringers for Defendants'
28 contributory infringement under 35 U.S.C. § 271(c) include, without limitation,

1 their customers, installers, resellers and users that offer for sale, sell, and use the
2 '930 Patent Accused URC Remotes, Interfaces and Software.

3 56. To the extent required by law, UEI has complied with the provisions of
4 35 U.S.C. § 287 with respect to the '930 Patent.

5 57. Defendants' direct infringement, inducement to infringe and
6 contributory infringement of the '930 Patent have injured UEI and UEI is entitled to
7 recover damages adequate to compensate it for such infringement. Further,
8 Defendants' have no reasonable non-infringement positions and their infringement
9 of the '930 Patent has been willful, wanton, malicious, and/or deliberate
10 and constitutes egregious behavior justifying an award of enhanced damages.

11 58. Defendants infringing activities will continue to injure UEI unless and
12 until this Court enters an injunction prohibiting further infringement and,
13 specifically, enjoining further direct infringement of the '930 Patent.

14 **COUNT IV**

15 **INFRINGEMENT OF U.S. PATENT NO. 8,243,207**

16 59. UEI re-alleges and incorporates by reference all of its allegations set
17 forth above in paragraphs 1 through 21.

18 60. With knowledge of United States Patent No. 8,243,207 and of their
19 infringement, at least since the time of the Original Complaint, Defendants have
20 imported into the United States, and have used, offered to sell and/or sold in the
21 United States remote control devices and products that infringe the '207 Patent,
22 including, without limitation, URC's DMS-AV and DMS-AV TSP-2000E Network
23 Home Theater Amplifier/Processor, together with a MRX-8, MRX-10 or MRX-20
24 Network System Controller and Total Control User Interfaces such as Total Control
25 Remotes (TRC-1280, TRC 1080, TRC-780, TRC-820), Total Control Keypads
26 (TKP-2000, TKP-100, or TKP-7000) or third party controllers executing the URC
27 Total Control Mobile App for iOS and Android, URC Accelerator or TC Flex
28 software used with any supported URC or third party AV receiver (including the

1 URC DMS-AV and DMS-AV TSP-2000E receivers) together with a MRX-8,
2 MRX-10 or MRX-20 Network System Controller, and other remote controls,
3 interfaces and software with different model names or numbers but with
4 substantially the same designs, features and functionalities as any of the foregoing
5 (the “‘207 Patent Accused Remotes, Interfaces and Software”).

6 61. Defendants have infringed and continue to infringe at least claims 12,
7 13, 14, and 15 of the ‘207 Patent within the meaning of 35 U.S.C. § 271(a) through
8 the foregoing activities, including at least importing, using, offering to sell and/or
9 selling the ‘207 Patent Accused Remotes, Interfaces and Software in infringing
10 manners.

11 62. Defendants have indirectly infringed and continue to indirectly
12 infringe at least claims 12, 13, 14, and 15 of the ‘207 Patent under 35 U.S.C.
13 § 271(b) by knowingly and actively inducing infringement of those claims.
14 Defendants have known about the ‘207 Patent and their infringement at or prior to
15 the filing of the Original Complaint. Defendants have knowingly and actively
16 induced infringement of at least claims 12, 13, 14, and 15 of the ‘207 Patent, for
17 example, through the foregoing activities including, without limitation, importing,
18 offering to sell and/or selling the ‘207 Patent Accused Remotes, Interfaces and
19 Software, and by instructing, aiding, assisting and encouraging the offer for sale,
20 sale, and use of the ‘207 Patent Accused Remotes, Interfaces and Software in a
21 manner that infringes at least claims 12, 13, 14, and 15 of the ‘207 Patent. The
22 direct infringers that are being induced by Defendants include, without limitation,
23 their customers, installers, resellers, and users that offer for sale, sell, and use the
24 ‘207 Patent Accused URC Remotes, Interfaces and Software.

25 63. Defendants have also indirectly infringed and continue to indirectly
26 infringe at least claims 12, 13, 14, and 15 of the ‘207 Patent under 35 U.S.C.
27 § 271(c) by contributing to the infringement of the claim. Defendants have
28 contributed to the infringement of at least claims 12, 13, 14, and 15 of the ‘207

1 Patent through the foregoing activities including, without limitation, importing,
2 offering to sell and/or selling the '207 Patent Accused Remotes and by instructing,
3 aiding, assisting, authorizing, advertising, marketing, promoting, providing for
4 and/or encouraging the use of the '207 Patent Accused Remotes, which constitute a
5 material part of the patented invention of claims 12, 13, 14, and 15 of the '207
6 Patent, which Defendants know are especially made or adapted for use in an
7 infringement of at least claims 12, 13, 14, and 15 of the '207 Patent, and which are
8 not a staple article of commerce suitable for substantial non-infringing use. The
9 direct infringers for Defendants' contributory infringement under 35 U.S.C.
10 § 271(c) include, without limitation, their customers, installers, resellers, and users
11 that offer for sale, sell, and use the '207 Patent Accused Remotes, Interfaces and
12 Software.

13 64. To the extent required by law, UEI has complied with the provisions of
14 35 U.S.C. § 287 with respect to the '207 Patent.

15 65. Defendants' direct infringement, inducement to infringe and
16 contributory infringement of the '207 Patent have injured UEI and UEI is entitled to
17 recover damages adequate to compensate it for such infringement. Further,
18 Defendants' have no reasonable non-infringement positions and their infringement
19 of the '207 Patent has been willful, wanton, malicious, and/or deliberate
20 and constitutes egregious behavior justifying an award of enhanced damages.

21 66. Defendants' infringing activities will continue to injure UEI unless and
22 until this Court enters an injunction prohibiting further infringement and,
23 specifically, enjoining further direct infringement of the '207 Patent.

24 **PRAYER FOR RELIEF**

25 THEREFORE, Plaintiff UEI respectfully asks this Court to enter judgment in
26 its favor and against each of Defendants URC, Ohsung Electronics Co., and
27 Ohsung Electronics U.S.A., and grant the following relief:
28

1 a. An award of damages adequate to compensate UEI for the
2 infringement by each of URC, Ohsung Electronics Co. and Ohsung
3 Electronics U.S.A. of each of United States Reissued Patent No. RE39,059,
4 United States Patent No. 7,126,468, United States Patent No. 7,831,930 and
5 United States Patent No. 8,243,207 that has occurred, including lost profits
6 where appropriate, but in no event less than a reasonable royalty as permitted
7 by 35 U.S.C. § 284, together with prejudgment interest from the date the
8 infringement began;

9 b. A finding that URC, Ohsung Electronics Co. and Ohsung
10 Electronics U.S.A.'s infringement was and continues to be willful and an
11 award of enhanced damages for such willful infringement;

12 c. A finding that this case is exceptional and an award to UEI of
13 enhanced damages and its reasonable attorneys' fees and costs as provided
14 by 35 U.S.C. § 285;

15 d. A permanent injunction prohibiting each of URC, Ohsung
16 Electronics Co., and Ohsung Electronics U.S.A., their officers, agents,
17 servants, employees, and attorneys, and other persons who are in active
18 concert or participation with the foregoing, from committing further acts of
19 direct infringement, inducement to infringe and contributory infringement of
20 United States Reissued Patent No. RE39,059, United States Patent
21 No. 7,126,468, United States Patent No. 7,831,930 and United States Patent
22 No. 8,243,207; and

23 e. Such other relief that UEI is entitled to under law, and any other
24 and further relief that this Court or a jury may deem just and proper.

1 Dated: August 22, 2016

JONES DAY

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3 By: /s/ Mark A. Finkelstein

4 Mark A. Finkelstein
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JURY DEMAND

UEI demands a trial by jury on all issues so triable.

Dated: August 22, 2016

JONES DAY

By: /s/ Mark A. Finkelstein

Mark A. Finkelstein

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