

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

<p>LASERDYNAMICS USA, LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>MOSER BAER INDIA LTD. and MEDIA MASTERS LLC,</p> <p style="text-align: center;">Defendants.</p>
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Civil Action No.: 1:16-cv-6626

**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 Defendants Moser Baer India Ltd. (“MBI”) and Media Masters LLC (“MM”) (MBI and MM are collectively referred to as “Defendants” herein), 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 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 MBI is incorporated under the laws of India with its principal place of business at 43B, Okhla Industrial Estate, New Delhi – 110020, India.

4. On information and belief, Defendant MM is organized under the laws of the State of Delaware, with a place of business at #440, 2601 S. Minnesota Ave., Ste 105 Sioux Falls, SD 57105.

JURISDICTION AND VENUE

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

6. This Court has personal jurisdiction over Defendants pursuant to N.Y. C.P.L.R. §§ 301 and 302(a)(1)-(3). On information and belief, this Court has general jurisdiction over Defendants based on their continuous and systematic conduct within New York State, including, *inter alia*, importation of products into the United States through New York. On information and belief, Defendants are also subject to specific jurisdiction of this Court because, *inter alia*, Defendants have committed acts of patent infringement alleged in the Complaint within the state of New York and elsewhere, causing injury within the state. In addition, or in the alternative, this Court has personal jurisdiction over MBI pursuant to Fed. R. Civ. P. 4(k)(2).

7. 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 MBI is not a resident of the United States.

SINGLE ACTION

8. This suit is commenced against MBI and MM pursuant to 35 U.S.C. § 299 in a single action because, *inter alia*, upon information and belief, MBI and MM are part of the same corporate structure, share management, share a common ownership, share advertising platforms, share facilities, share distribution platforms, share accused product lines, and the accused products involve related technologies.

9. Accordingly, the claims of this complaint arise out of the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering for sale, or selling of the same accused product or process, and questions of fact common to all Defendants will arise in the action pursuant to 35 U.S.C. § 299.

BACKGROUND

10. 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.

11. 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.

12. 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.

13. The inventions of the Patents-in-Suit generally relate to optical disk technologies.

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

15. On information and belief, Defendants are not licensed under the Patents-in-Suit, yet Defendants knowingly, actively, and lucratively practice the claimed inventions of the patents.

16. On information and belief, Defendants manufacture, use, sell, and/or offer for sale dual-

layer optical discs for customers in the United States and/or import dual-layer optical discs into the United States. On information and belief, certain of the dual-layer optical discs are manufactured by Defendants in conformance with a format of dual-layer optical discs commonly known in the industry as “DVD-9” discs. On information and belief, Defendants manufacture DVD-9 discs using a process known in the industry as replication. On information and belief, dual layer optical discs replicated by the Defendants in conformance with the DVD-9 format infringe claims of the Patents-in-Suit.

17. On information and belief, Defendants also manufacture, use, sell, and/or offer for sale in the United States, and/or import into the United States recordable and/or rewritable, single or dual-layer, DVD discs in conformance with the DVD+R, DVD-R, DVD-RW, DVD+RW formats. On information and belief, Defendants’ recordable and/or rewritable DVD discs infringe claims of the ’469 patent.

NOTICE

18. On April 7, 2016, non-party General Patent Corporation (“GPC”), as a licensing agent and representative of LDUSA, sent notice letters and facsimiles to each of the Defendants notifying them of the existence of the Patents-in-Suit, and of the Defendants’ infringement thereof.

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

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

20. On information and belief, Defendants have been and are now directly infringing at least claims 1-6 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, providing, supplying, distributing, selling, offering to sell in the U.S. and/or importing into the U.S. infringing products that include, but are

not limited to, at least dual-layer DVD-9 discs.

21. On information and belief, Defendants have been and are now directly infringing at least claims 3, 9, 12, and/or 18 of the '469 patent by making, using, importing, providing, supplying, distributing, selling, offering to sell and/or importing into the U.S. infringing products that include, but are not limited to, recordable and/or rewritable, single or dual-layer, DVD discs in conformance with the DVD+R, DVD-R, DVD-RW, DVD+RW formats.

22. Defendants are therefore liable for direct infringement of the Patents-in-Suit pursuant to 35 U.S.C § 271(a).

23. The acts of infringement by Defendants have caused and will continue to cause damage to LDUSA. LDUSA is entitled to recover damages from Defendants 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 Defendants' infringement will be proven at trial.

24. Defendants have infringed and continue to infringe despite an objectively high likelihood that their actions constitute infringement of LDUSA's valid patent rights. On information and belief, Defendants knew of or should have known of this objectively high risk at least as early as when they became aware of the Patents-in-Suit by way of correspondence from GPC. Thus, Defendants' infringement of the Patents-in-Suit has been and continues to be willful.

25. LDUSA seeks a willfulness finding based on the above and on other and additional grounds, and treble damages under 35 U.S.C. § 284.

26. LDUSA reserves the right to seek its attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, LDUSA prays for the judgment in its favor against Defendants, individually and jointly and severally, granting LDUSA the following relief:

- A. Entry of judgment in favor of LDUSA against Defendants on all counts;
- B. Entry of judgment that Defendants have infringed the Patents-in-Suit;
- C. Entry of judgment that Defendants' infringement of the Patents-in-Suit has been willful;
- D. Award of compensatory damages adequate to compensate LDUSA for Defendants' infringement of the Patents-in-Suit, in no event less than a reasonable royalty trebled as provided by 35 U.S.C. § 284;
- E. LDUSA's costs;
- F. Pre-judgment and post-judgment interest on LDUSA'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: New York, New York
August 23, 2016

Respectfully submitted,

KHEYFITS P.C.

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