

RUSS, AUGUST & KABAT

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12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 FASTVDO LLC,
15 Plaintiff,

16 v.

17 LG ELECTRONICS MOBILECOMM
18 U.S.A., INC.

19 Defendant.

Case No. '16CV2499 AJB DHB

COMPLAINT

JURY TRIAL DEMANDED

20 In this action for patent infringement, Plaintiff FastVDO LLC (“FastVDO”)
21 makes the following allegations against LG Electronics MobileComm U.S.A., Inc.
22 (“LG”):

23 **BACKGROUND**

24 1. Data compression and decompression techniques are commonly
25 applied in order to transmit large amounts of data, such as audio or image data, over
26 channels with limited bandwidth or to store data in limited memory space.
27 Compressed data, however, is highly susceptible to errors, thereby necessitating the
28

1 implementation of error protection techniques. Such error protection, however,
2 decreases the efficiency of the data transmission and can result in delays.

3 2. In 1992, James Meany and Christopher Martens, while working in the
4 aerospace and defense industry, began a project to develop a reduced bandwidth
5 digital data link for use in man-in-the-loop missile control systems. This was part
6 of a larger effort called the Advanced Terminal Guidance (“ATG”) project.

7 3. Error correction and detection was essential to handle channel errors on
8 the link in these highly sensitive and important aerospace and defense projects.
9 Meany and Martens, in working to address error vulnerabilities, further developed
10 an entirely new error resilient coding scheme that achieves improved error resilience
11 while providing better coding efficiency than previous coding methods.
12 Consequently, their systems and methods included novel approaches using unequal
13 error-protection coding and were successful in increasing overall throughput over an
14 error-protected link.

15 4. In early 1995, Meany and Martens diligently began preparations to seek
16 patent protection for their inventions, and filed a patent application with the United
17 States Patent and Trademark Office (“USPTO”) on April 17, 1996. On December
18 15, 1998, the USPTO issued U.S. Patent No. 5,850,482 (the “’482 patent”), entitled
19 “Error Resilient Method and Apparatus for Entropy Coding.” Since then, the ’482
20 patent has been cited in at least 127 other U.S. patents or patent applications.

21 THE PARTIES

22 5. FastVDO is a Florida limited liability corporation with a principal place
23 of business at 3097 Cortona Drive, Melbourne, Florida 32940.

24 6. LG is a California corporation. On information and belief, LG’s
25 principal place of business is at 10225 Willow Creek Rd., San Diego, CA, 92131.

26 THE PRIOR ACTION

27 7. On June 2, 2015, FastVDO filed Civil Action No. 2:15-cv-923 (the
28 “Prior Action”) in the United States District Court for the Eastern District of Texas

1 against LG Electronics, Inc. and LG Electronics U.S.A., Inc. By a joint motion filed
2 February 8, 2016, the Prior Action was transferred to the Southern District of
3 California, where it was assigned case number 3:16-cv-00386. On February 18,
4 2016, the Prior Action was assigned to Judge Marilyn L. Huff. The Prior Action
5 asserts infringement of the '482 Patent and is ongoing.

6 JURISDICTION AND VENUE

7 8. This action arises under the patent laws of the United States, 35 U.S.C.
8 § 1 *et seq.*, including § 271.

9 9. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
10 1338(a).

11 10. This Court has personal jurisdiction over LG in this action because LG
12 has committed acts within this District giving rise to this action and has established
13 minimum contacts with this forum such that the exercise of jurisdiction over LG
14 would not offend traditional notions of fair play and substantial justice. LG, directly
15 and through subsidiaries or intermediaries (including distributors, retailers, and
16 others), has committed and continues to commit acts of infringement in this District
17 by, among other things, making, using, importing, offering for sale, and/or selling
18 products that infringe the asserted patent, and inducing others to infringe the asserted
19 patent.

20 11. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(d) and
21 1400(b) because, among other reasons, LG is subject to personal jurisdiction in this
22 District, and LG has committed and continue to commit acts of patent infringement
23 in this District.

24 COUNT I

25 INFRINGEMENT OF U.S. PATENT NO. 5,850,482

26 12. FastVDO incorporates by reference the allegations in the foregoing
27 paragraphs, and further alleges as follows:
28

1 13. FastVDO is the owner by assignment of the '482 Patent, a true and
2 correct copy of which is attached as Exhibit 1 to this Complaint.

3 14. The '482 patent relates to methods and apparatuses for compressing and
4 decompressing data by entropy encoding and decoding. More particularly, the '482
5 patent provides, for example, improved error-resilient methods and apparatuses for
6 encoding and decoding that utilize unequal error protection techniques. These
7 techniques include, *inter alia*, generating a plurality of code words representative of
8 respective portions of the data and providing error protection to at least one of the
9 first portions of the plurality of code words while maintaining any error protection
10 provided to one or more other portions of the data at a lower level than the error
11 protection provided to the respective first portion.

12 15. LG, in violation of 35 U.S.C. § 271, has infringed and continues to
13 directly infringe one or more claims of the '482 patent, in this District and elsewhere
14 in the United States, by manufacturing, using, selling, offering for sale, and/or
15 importing products that utilize, for example, unequal error-protection coding,
16 including products that comply with Adaptive Multi-Rate ("AMR") and Adaptive
17 Multi-Rate, Wide-Band ("AMR-WB") protocols, such as EDGE and UMTS
18 compliant smartphones (*e.g.*, LG Nexus 4 E960, LG Optimus G E975, LG Optimus
19 G E970, LG Optiumus G LS970, LG Escape P870, LG Nitro HD, LG Thrill 4G
20 P925, LG Pheonix P505, LG Xpression C395, LG DoublePlay, LG Xenon GR500,
21 LG Quantum, LG Fathom VS750, LG GW820 eXpo, LG CT810 Incite, LG GT550
22 Encore, LG CU915 Vu, LG GW550, LG Thrive P506, LG CF360, LG GT950
23 Arena, LG Vu Plus, LG Gu292, LG GW370 Rumour Plus, LG GD710 Shine II, LG
24 CB630 Invision, LG G5, LG G4, LG G3, LG Nexus 5X, LG K10, LG Nexus 5, LG
25 G2, LG V10, LG K8, LG K7, LG G Flex2, LG Leon, LG Stylo 2, LG K4, LG G
26 Flex, LG Optimus G Pro E985, LG G Vista, LG G Vista 2, LG L70 D320N, LG G2
27 mini LTE, LG F60, LG Optimus F6, LG Optimus F3, LG Optimus F3Q, LG Spirit,
28 LG Optimus F7, LG Optimus F5, LG 450, LG Lucid2 VS870), and any such

1 reasonably similar products (collectively, the “Accused Devices”). LG has
2 committed these acts of infringement without license or authorization.

3 16. LG also indirectly infringes the ’482 patent by inducing infringement
4 by others, such as manufacturers, resellers, and/or end-users of the Accused Devices,
5 of one or more claims of the ’482 patent in violation of 35 U.S.C. § 271. On
6 information and belief, LG knew of the ’482 Patent and knew of its infringement
7 since the filing of the original Complaint in this action on June 2, 2015 or shortly
8 thereafter. LG’s affirmative acts in this District of, *inter alia*, selling the Accused
9 Devices and causing the Accused Devices to be manufactured and distributed, and
10 providing instruction manuals, user manuals, and advertising pamphlets for, and
11 describing the operation of, the Accused Devices, have induced and continue to
12 induce LG’s manufacturers, resellers, and/or end-users to use, sell, offer for sale,
13 and/or import the Accused Devices in their normal and customary way to infringe
14 the ’482 patent. LG specifically intended and was aware that these normal and
15 customary activities would infringe the ’482 patent. LG performed the acts that
16 constitute induced infringement, and would induce actual infringement, with the
17 knowledge of the ’482 patent and with knowledge, or willful blindness to the
18 probability, that the induced acts would constitute infringement.

19 17. Detailed facts showing that the Accused Devices infringe claims 1, 3,
20 5, 6, 12, 14, 16, 17, 22, 24, 25, 26, 28, and 29 of the ’482 Patent are contained in
21 Exhibits 1 and 2, which are incorporated herein by reference as if set forth in their
22 entirety.

23 18. By engaging in the conduct described herein, LG has injured FastVDO
24 and are thus liable for infringement of one or more claims of the ’482 patent under
25 35 U.S.C. § 271.

26 19. As a result of LG’s infringement of the ’482 patent, FastVDO has been
27 damaged and is entitled to a money judgment in an amount adequate to compensate
28

1 for LG’s infringement, but in no event less than a reasonable royalty for the use made
2 of the invention by LG, together with interest and costs as fixed by the Court.

3 **PRAYER FOR RELIEF**

4 FastVDO respectfully requests the following relief from this Court:

- 5 A. A judgment in favor of FastVDO that LG has infringed the ’482 patent;
- 6 B. A judgment and order requiring LG to pay FastVDO its damages, costs,
7 expenses, and pre-judgment and post-judgment interest for LG’s
8 infringement of the ’482 patent as provided under 35 U.S.C. § 284;
- 9 C. A judgment and order finding that this is an exceptional case within the
10 meaning of 35 U.S.C. § 285 and awarding to FastVDO its reasonable
11 attorneys’ fees against LG;
- 12 D. Any and all other relief to which FastVDO may be entitled.

13 **DEMAND FOR JURY TRIAL**

14 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, FastVDO
15 requests a trial by jury of any issues so triable by right.

16
17 DATED: October 5, 2016

18 */s/ Reza Mirzaie*
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