

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ENHANCED AUDIO SYSTEMS, LLC,

Plaintiff,

v.

TOSHIBA CORPORATION, TOSHIBA
AMERICA, INC., and TOSHIBA
AMERICA INFORMATION SYSTEMS,
INC.,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Enhanced Audio Systems, LLC (“Enhanced Audio” or “Plaintiff”), for its Complaint against Defendant Toshiba Corporation (“Toshiba Corp.”), Toshiba America, Inc. (“Toshiba U.S.A.”) and Toshiba America Information Systems, Inc. (“Toshiba Information Systems”) (individually each a “Defendant” and collectively “Defendants” or “Toshiba”) alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff is a limited liability company organized under the laws of the State of Delaware with a place of business at 717 North Union Street, Wilmington, Delaware 19805.

3. Upon information and belief, Toshiba Corp. is a corporation organized and existing under the laws of Japan, with a place of business at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-8001, Japan. Upon information and belief, Toshiba Corp. sells and offers to sell products

and services throughout the United States, including in this judicial district, and introduces products and services that into the stream of commerce and that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

4. Upon information and belief, Toshiba U.S.A. is a corporation organized and existing under the laws of Delaware, with a place of business at 1251 6th Ave, New York, New York 10020, and can be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Toshiba U.S.A. sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that into the stream of commerce and that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

5. Upon information and belief, Toshiba Information Systems is a corporation organized and existing under the laws of California, with a place of business at 9740 Irvine Boulevard, Irvine, California 92618-1697, and can be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Toshiba U.S.A. sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that into the stream of commerce and that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

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

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b). On information and belief, each Defendant conducts business in this District, the claims alleged in this Complaint arise in this District, and the acts of infringement have taken place and are continuing to take place in this District.

9. On information and belief, each Defendant is subject to this Court's general and specific personal jurisdiction because each Defendant has sufficient minimum contacts within the State of Delaware, pursuant to due process and/or the Del. Code. Ann. Tit. 3, § 3104 because each Defendant purposefully availed itself of the privileges of conducting business in the State of Delaware, because each Defendant regularly conducts and solicits business within the State of Delaware, and because Plaintiff's causes of action arise directly from each of Defendant's business contacts and other activities in the State of Delaware. Further, this Court has personal jurisdiction over Toshiba U.S.A. because it is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,374,148

10. The allegations set forth in the foregoing paragraphs 1 through 9 are incorporated into this First Claim for Relief.

11. On April 16, 2002, U.S. Patent No. 6,374,148 ("the '148 patent"), entitled "Portable-PC Audio System with Digital-Audio Links to External Audio in a Docking Station," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '148 patent is attached as Exhibit 1.

12. Plaintiff is the assignee and owner of the right, title and interest in and to the '148 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

13. Upon information and belief, each Defendant has and continues to directly infringe at least claims 1 and 15 of the '148 patent by making, using, selling, importing and/or providing and causing to be used audio systems for portable personal computers within the scope of claims 1 and 15 of the '148 patent, including, but not limited to, the products with the following designations or trade names: Toshiba WiGig Dock, Toshiba Dynadock® U3.0 Universal USB 3.0 Docking Station, Toshiba Dynadock® 4K Universal USB 3.0 Docking Station, Toshiba Hi-Speed Port Replicator II, Toshiba Hi-Speed Port Replicator III+ (120W), Toshiba Hi-Speed Port Replicator III+ (180W), Portégé® A30 laptop series, Portégé® Z20t laptop series, Portégé® Z30 laptop series, Portégé® R830-S8330 laptop series, Portégé® R930 laptop series, Tecra® C40 laptop series, Tecra® C50 laptop series, Tecra® A40 laptop series, Tecra® A50 laptop series, Tecra® Z40 laptop series, Tecra® Z50 laptop series (the “Infringing Instrumentalities”). Exemplary images of the Infringing Instrumentalities are provided below:

Toshiba R930 Laptop with Toshiba Hi-Speed Port Replicator II



14. Claim 1 of the '148 patent generally recites an audio system for a portable personal computer (PC) comprising: an internal audio controller for generating internal digital audio; an internal analog-digital converter for converting internal digital audio from the internal audio controller to analog audio for playing on an internal speaker; a docking-station connector for connecting the portable PC to a docking station, the docking-station connector containing high-speed digital signals for communicating data, address, and control to an expansion bus in the docking station, the expansion bus for receiving expansion cards to expand functions performed by the portable PC when the portable PC is connected to the docking station through the docking-station connector; an external digital-audio link, using digital signals in the docking-station connector, for sending the internal digital audio generated by the internal audio controller to the docking station, and wherein digital-audio signals are sent over the external digital-audio link through the docking-station connector, whereby digital audio is generated inside the portable PC and transmitted as digital audio signals to the docking station.

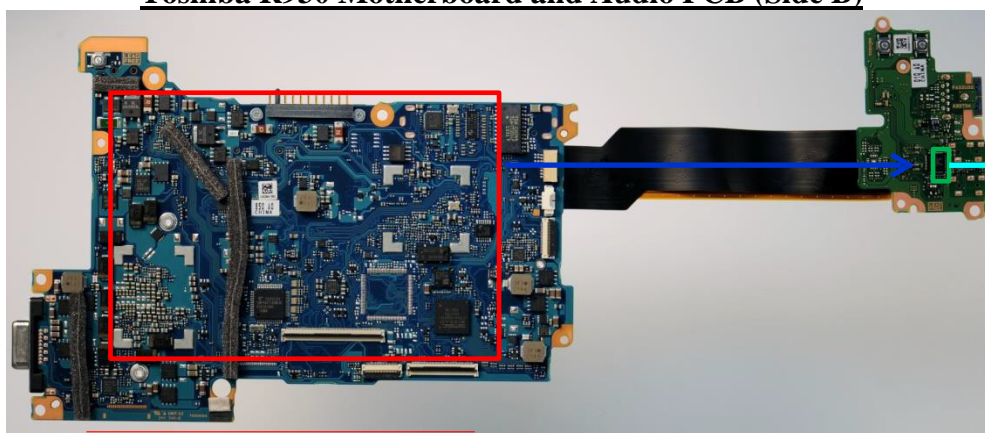
15. As demonstrated in the exemplary images below, the Infringing Instrumentalities infringe claim 1 of the '148 patent because they are audio systems for a portable personal computer (PC)

Toshiba R930 Laptop with Toshiba Hi-Speed Port Replicator II

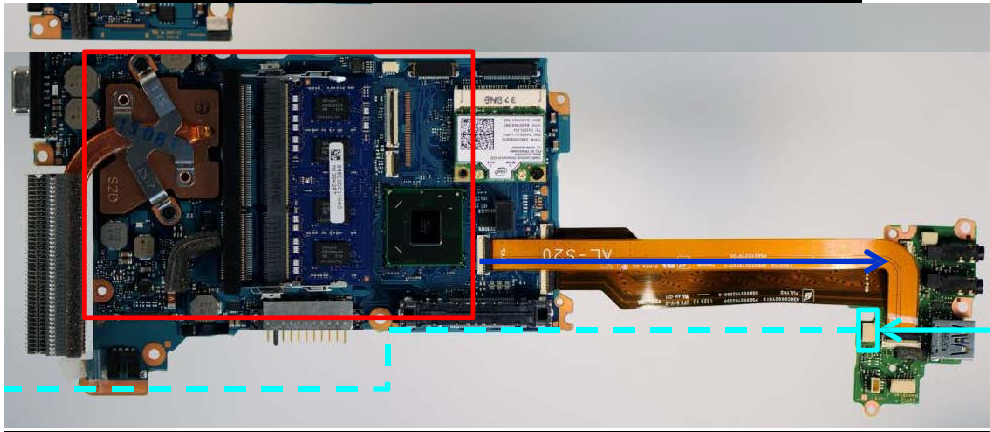


comprising: an internal audio controller (shown in **red** below) for generating internal digital audio (shown in **blue** below); an internal analog-digital converter (shown in **forest green** below) for converting internal digital audio from the internal audio controller to analog audio for playing on an internal speaker (shown in **aqua** below);

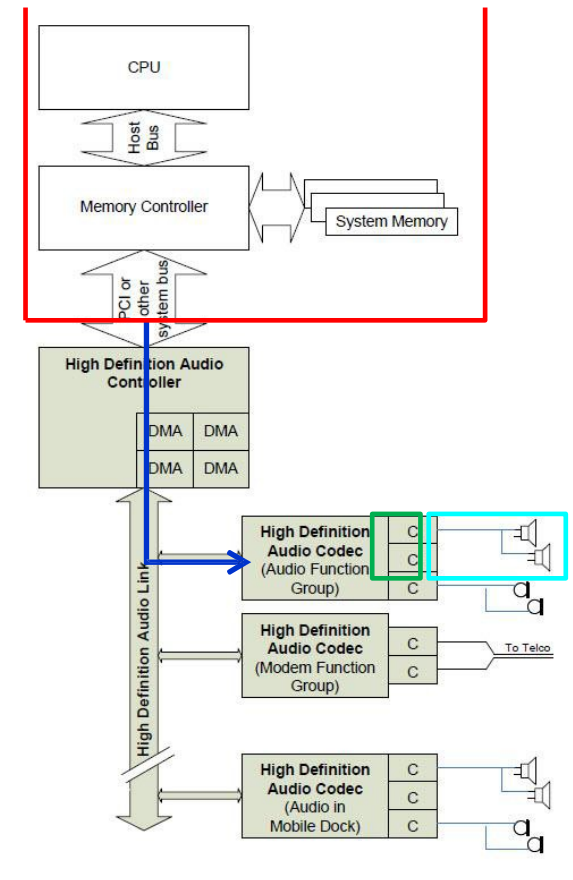
Toshiba R930 Motherboard and Audio PCB (Side B)

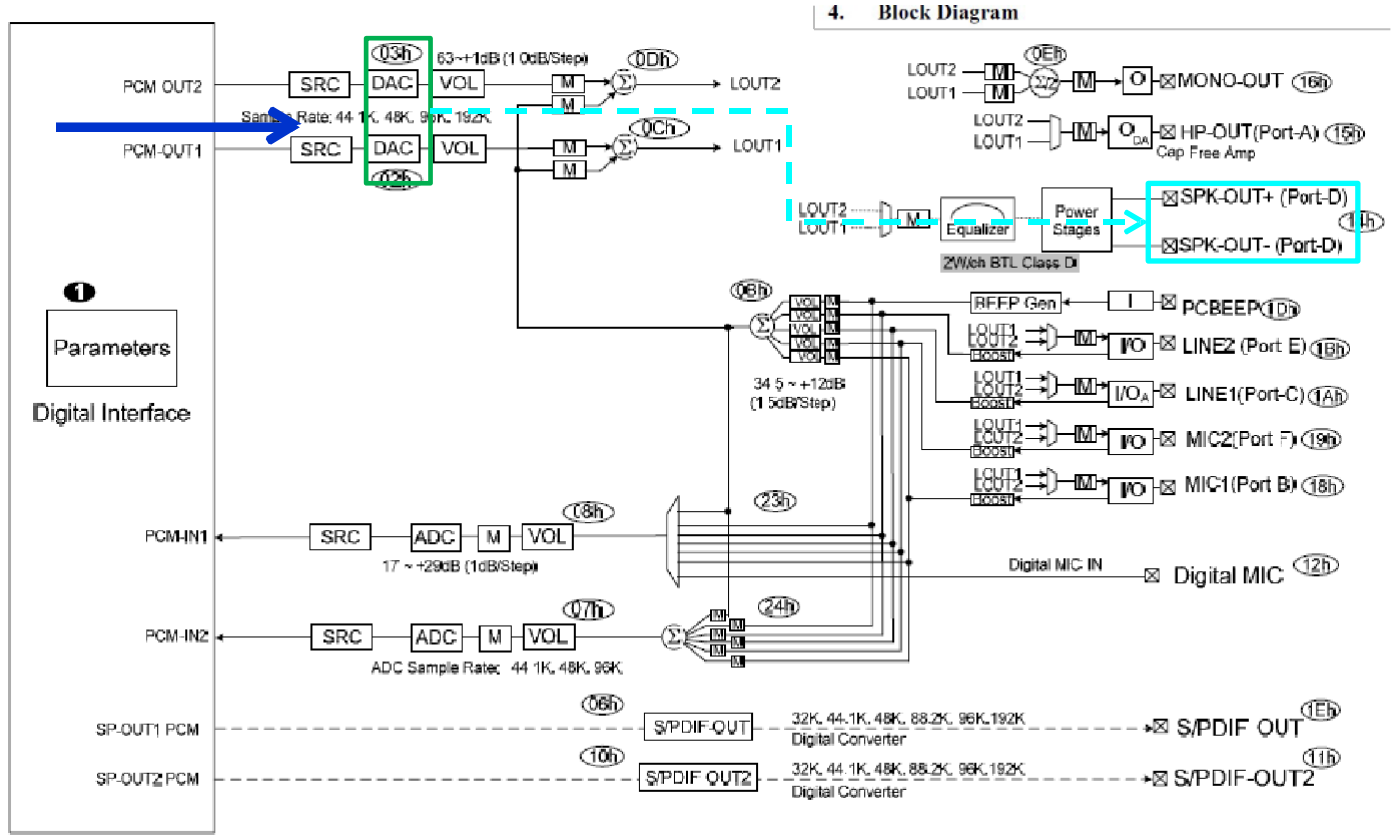


Toshiba R930 Motherboard and Audio PCB (Side A)

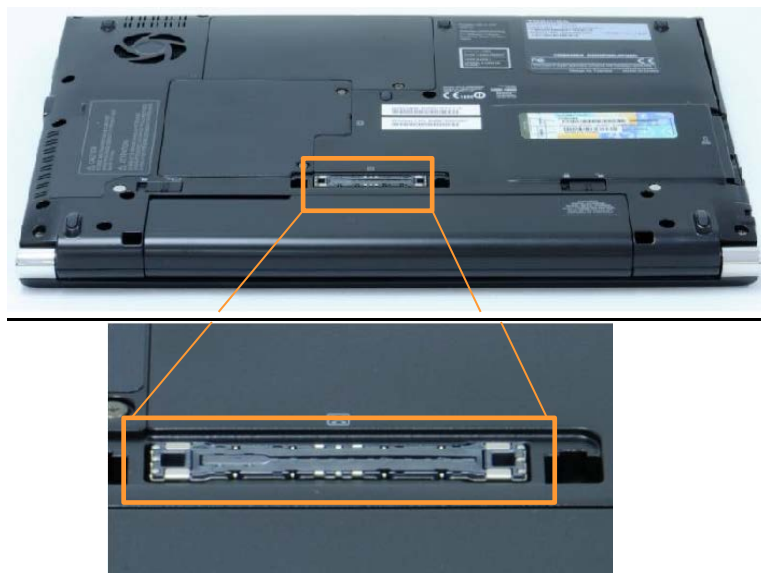


Toshiba R930 Audio PCB (Side A Enlarged), Highlighting Speaker Connector



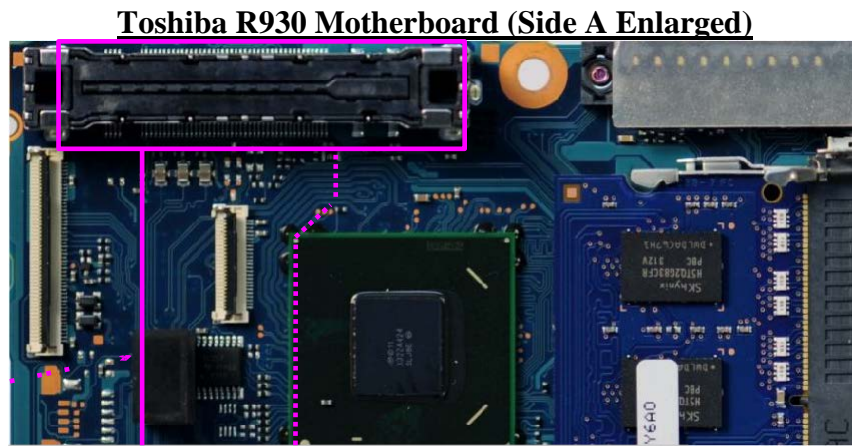


a docking-station connector (shown in orange below) for connecting the portable PC to a docking station (shown in green below),





the docking-station connector containing high-speed digital signals for communicating data, address, and control (shown in pink below) to an expansion bus in the docking station, the expansion bus for receiving expansion cards to expand functions performed by the portable PC when the portable PC is connected to the docking station through the docking-station connector (shown in brown below);



Using the expansion port

(Available on certain models.)

The expansion port, located on the bottom of your computer, is used to attach expansion devices such as a Port Replicator (not shipped with your system). A Port Replicator is an excellent investment if you are using your computer both in and out of the office. While you are using your computer away from your desk, you can leave network cables and external devices (such as printers, a mouse, speakers, and USB devices) connected to a Port Replicator on your desk. When you return to your desk, you can then quickly connect your computer to the Port Replicator and have immediate access to all of your network resources and external devices. This eliminates the time-consuming process of connecting each external device individually, and saves wear and tear on the ports and cables.

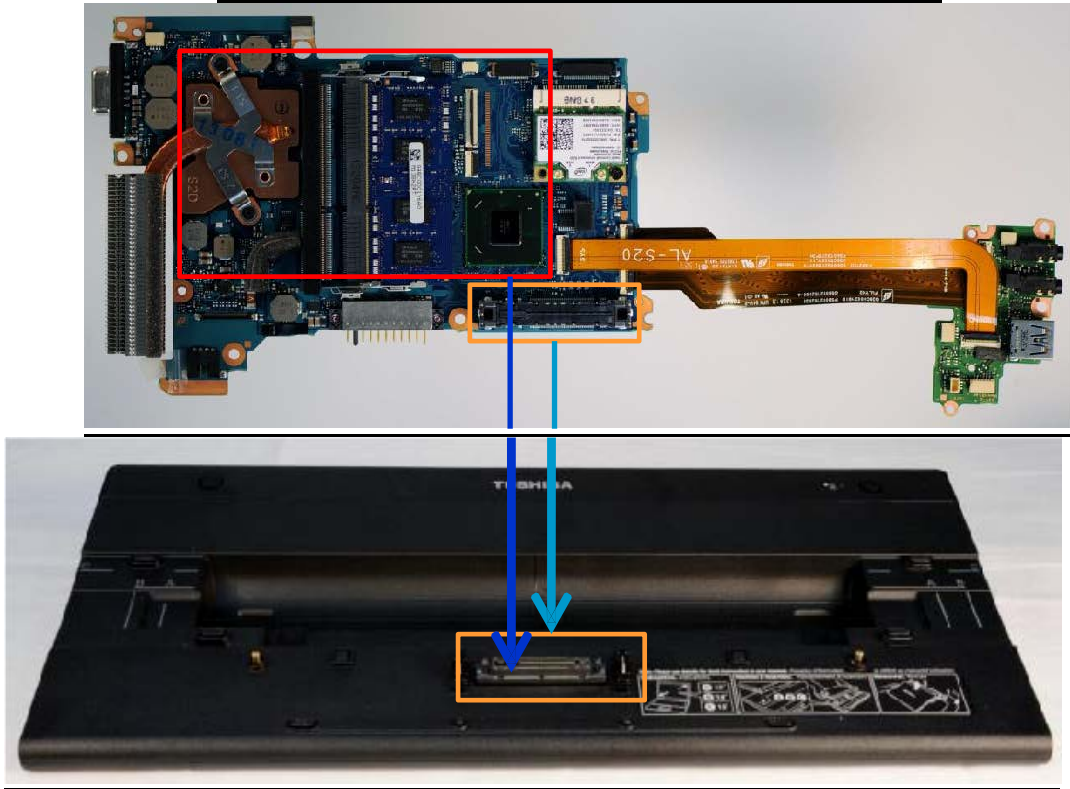


Specifications:

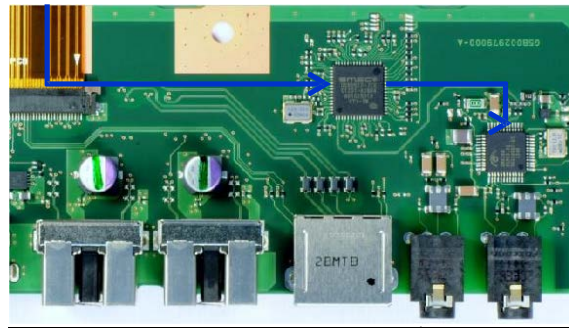
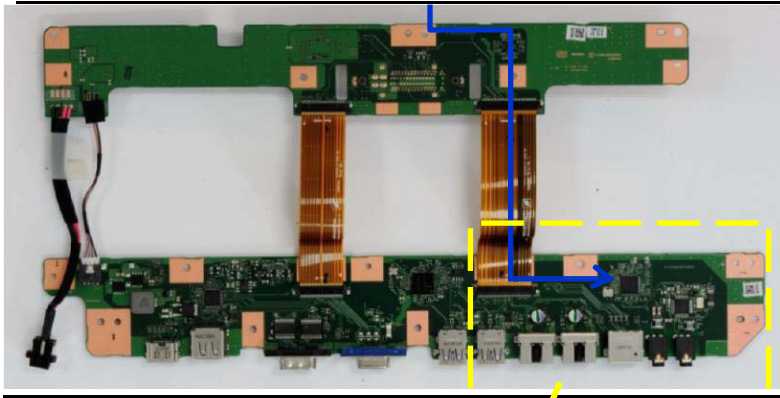
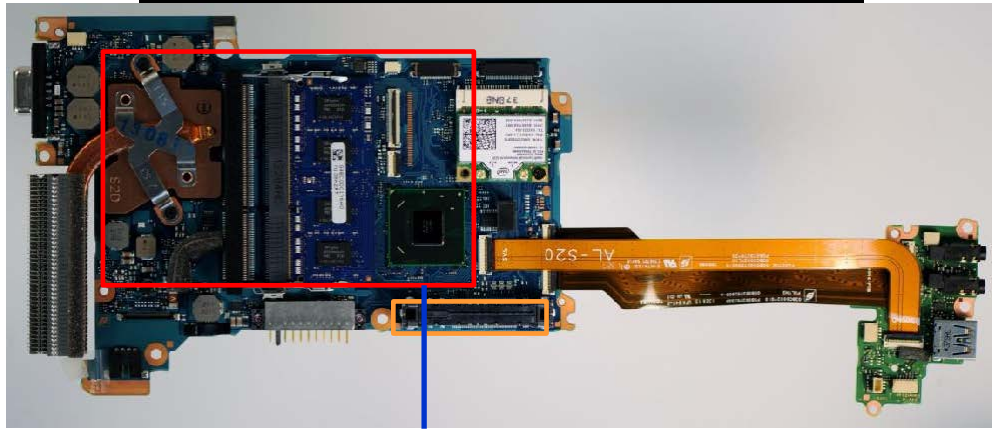
- Ports²
 - Rear: DC In, USB 3.0 (2)², USB 2.0 (4), Serial, Displayport, HDMI³ (DVI supported with included HDMI to DVI adapter cable), VGA³, LAN (10/100/1000Mbps⁴), Audio In/Out
 - Left: On/Off switch, Security Lock slot
 - Right: Eject lever with lock, Undock button w/LED
- Dimensions & Weight: 14.9" W x 6.8" D x 1.6" H; 2.1 lbs (w/o AC adapter)
- Compatible with Tecra R840, R850, R940⁵, R950⁵; Portégé R700⁵, R830⁵ and R930⁵ series computers
- In the box: One Toshiba Hi-Speed Port Replicator II, 90W AC adapter with power cord, HDMI to DVI adapter cable and documentation
- One-year limited warranty

an external digital-audio link, using digital signals in the docking-station connector (shown in light blue below), for sending the internal digital audio (shown in blue below) generated by the internal audio controller (shown in red below) to the docking station, and wherein digital-audio signals are sent (shown in blue below) over the external digital-audio link (shown in light blue below) through the docking-station connector (shown in orange below), whereby digital audio is generated inside the portable PC and transmitted as digital audio signals (shown in blue below) to the docking station:

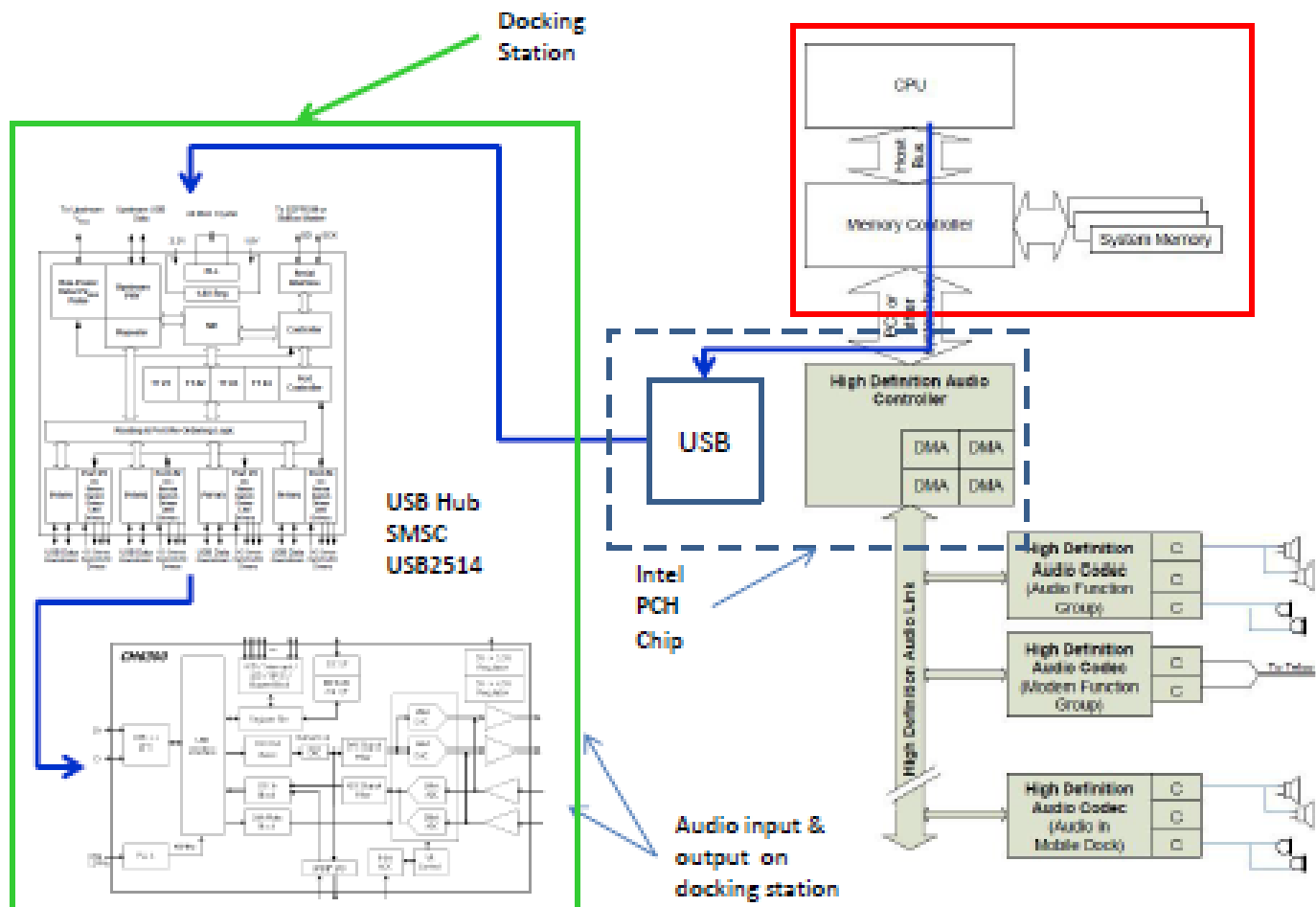
Toshiba R930 Motherboard and Audio PCB (Side A)



Toshiba R930 Motherboard and Audio PCB (Side A)



Audio jacks on docking station



16. Claim 15 of the '148 patent generally recites a portable audio system for a portable personal computer (PC) comprising: internal audio controller means for generating internal digital audio; internal analog-digital converter means for converting digital audio from the internal audio controller means to analog audio for playing on an internal speaker means; docking-station connector means for connecting the portable PC to a docking station, the docking-station connector means containing high-speed digital signals for communicating data, address, and control to a bus in the docking station, the bus for expanding functions performed by the portable PC when the portable PC is connected to the docking station through the docking-station connector means; external digital-audio link means, using digital signals in the

docking-station connector means, using digital signals in the docking-station connector means, for sending the digital audio generated by the internal audio controller means to the docking station, and wherein digital audio signals are sent over the external digital-audio link means through the docking-station connector means, whereby digital audio is generated inside the portable PC and transmitted as digital audio signals to the docking station.

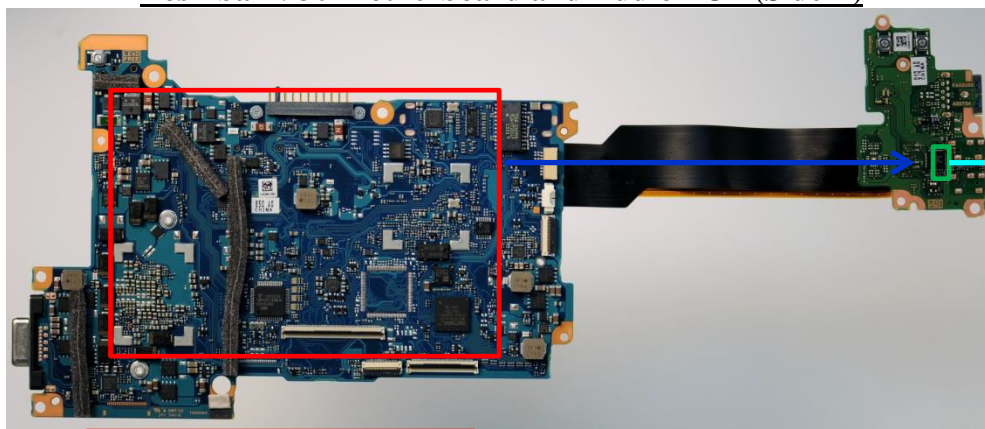
17. As demonstrated in the exemplary images below, the Infringing Instrumentalities infringe claim 15 of the '148 patent because they are portable audio systems for a portable personal computer (PC)

Toshiba R930 Laptop with Toshiba Hi-Speed Port Replicator II

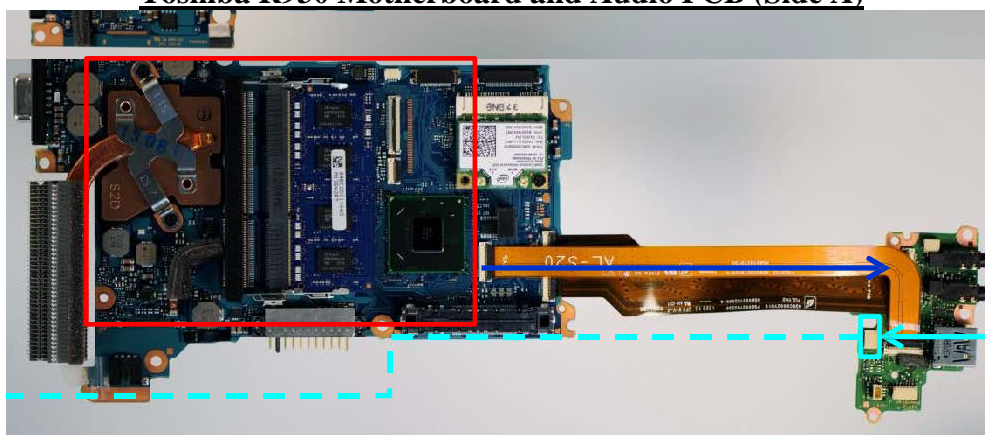


comprising: an internal audio controller means (shown in **red** below) for generating internal digital audio (shown in **blue** below); internal analog-digital converter means (shown in **forest green** below) for converting digital audio from the internal audio controller means to analog audio for playing on an internal speaker means (shown in **aqua** below);

Toshiba R930 Motherboard and Audio PCB (Side B)

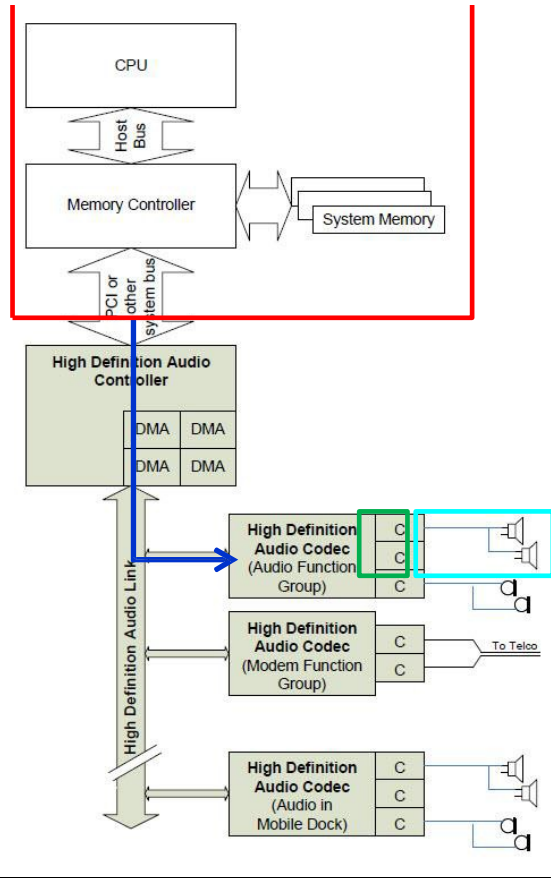


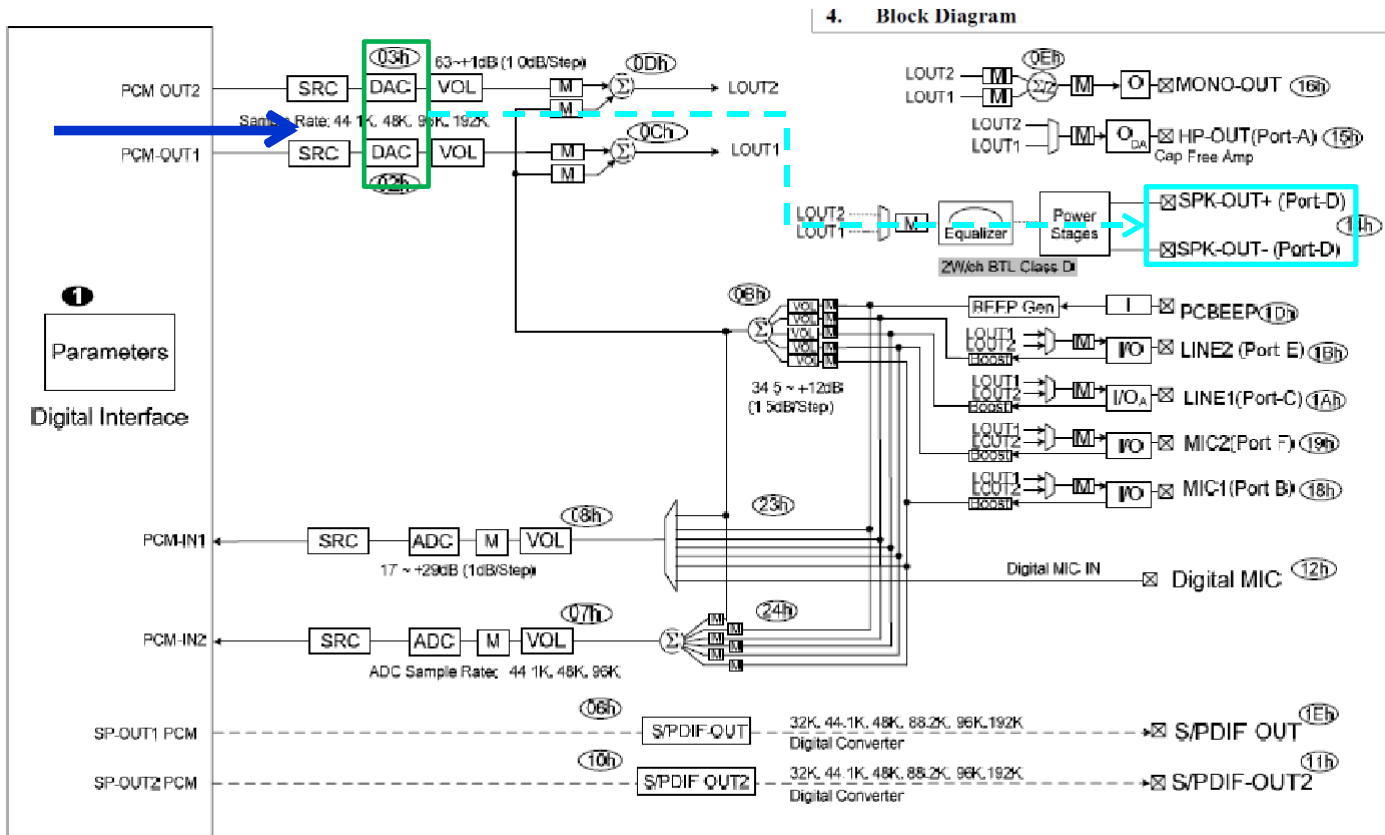
Toshiba R930 Motherboard and Audio PCB (Side A)



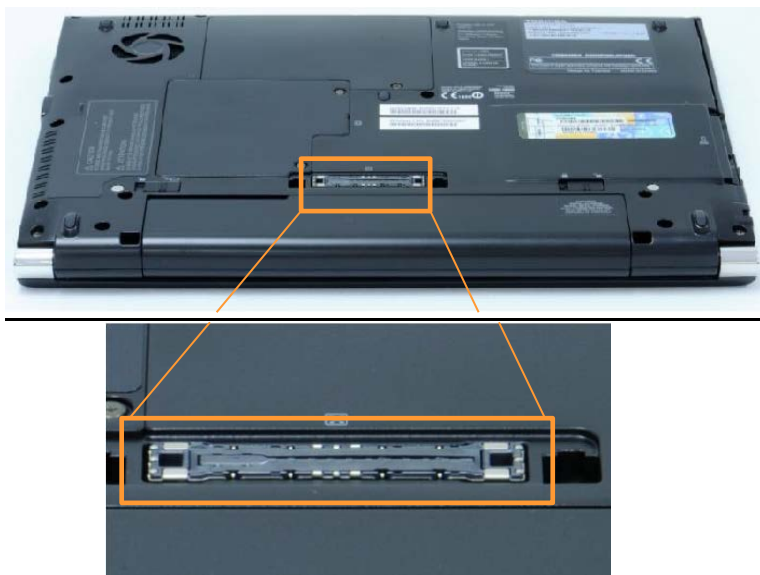
Toshiba R930 Audio PCB (Side A Enlarged), Highlighting [Speaker Connector](#)







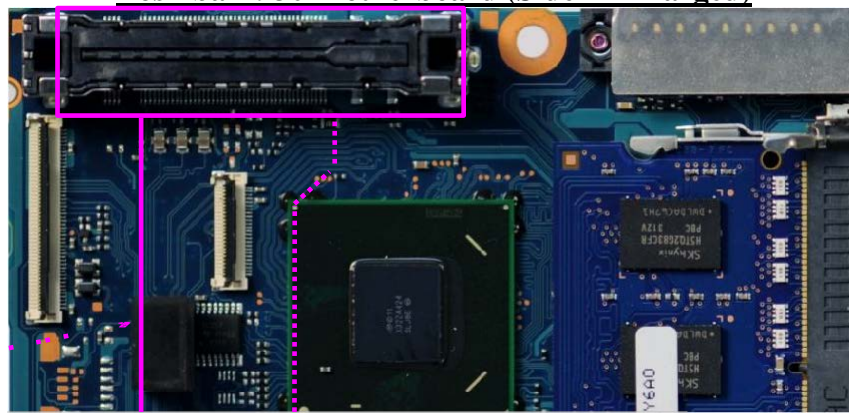
a docking-station connector means (shown in orange below) for connecting the portable PC to a docking station (shown in green below),





the docking-station connector means containing high-speed digital signals for communicating data, address, and control (shown in pink below) to a bus in the docking station, the bus for expanding functions performed by the portable PC when the portable PC is connected to the docking station through the docking-station connector means (shown in brown below);

Toshiba R930 Motherboard (Side A Enlarged)



Using the expansion port

(Available on certain models.)

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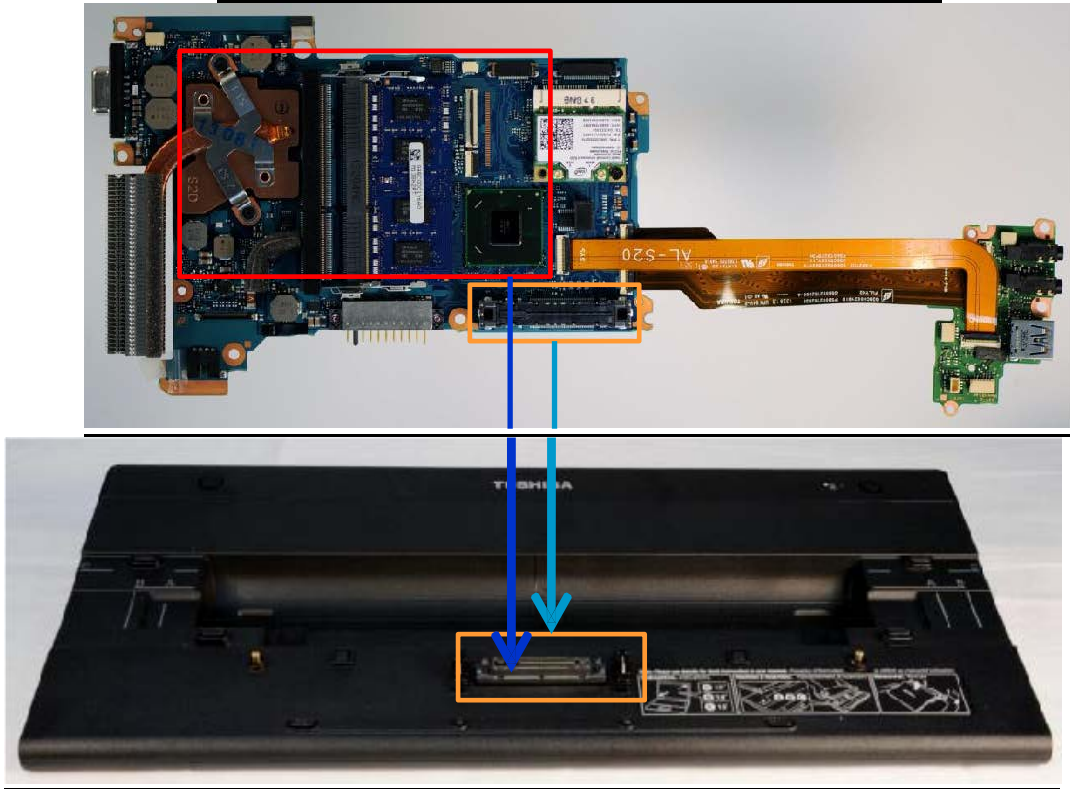


Specifications:

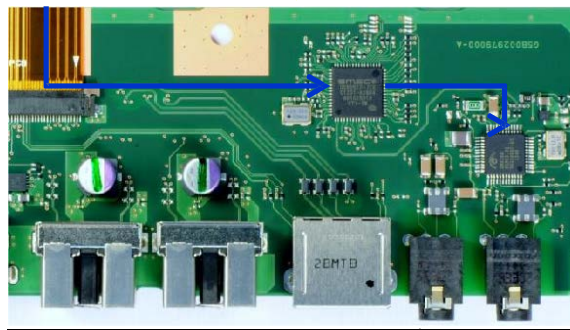
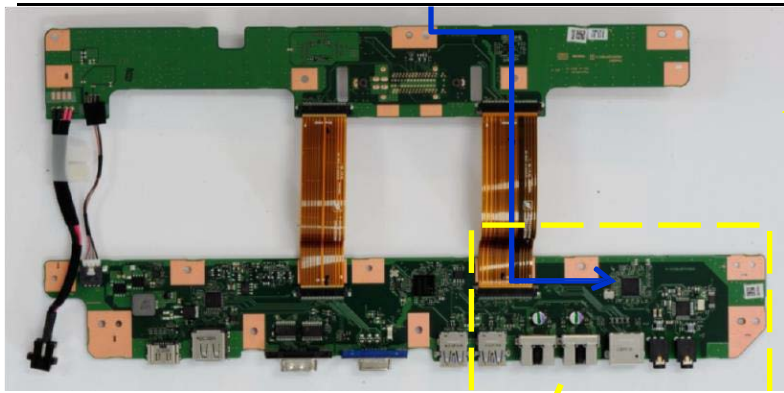
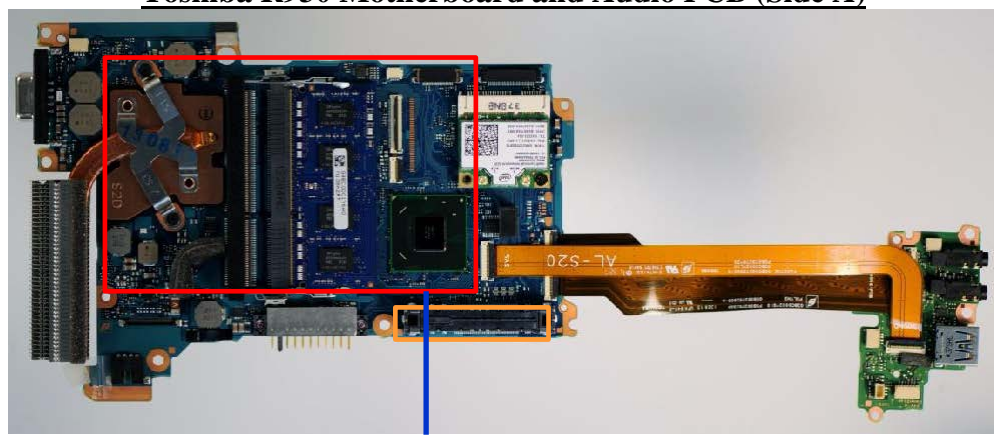
- Ports²
 - Rear: DC In, USB 3.0 (2)², USB 2.0 (4), Serial, Displayport, HDMI³ (DVI supported with included HDMI to DVI adapter cable), VGA³, LAN (10/100/1000Mbps⁴), Audio In/Out
 - Left: On/Off switch, Security Lock slot
 - Right: Eject lever with lock, Undock button w/LED
- Dimensions & Weight: 14.9" W x 6.8" D x 1.6" H; 2.1 lbs (w/o AC adapter)
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- In the box: One Toshiba Hi-Speed Port Replicator II, 90W AC adapter with power cord, HDMI to DVI adapter cable and documentation
- One-year limited warranty

external digital-audio link means, using digital signals in the docking-station connector means (shown in light blue below), using digital signals in the docking-station connector means (shown in orange below), for sending the digital audio (shown in blue below) generated by the internal audio controller means (shown in red below) to the docking station, and wherein digital audio signals are sent (shown in blue below) over the external digital-audio link means (shown in light blue below) through the docking-station connector means (shown in orange below), whereby digital audio is generated inside the portable PC and transmitted as digital audio signals (shown in blue below) to the docking station:

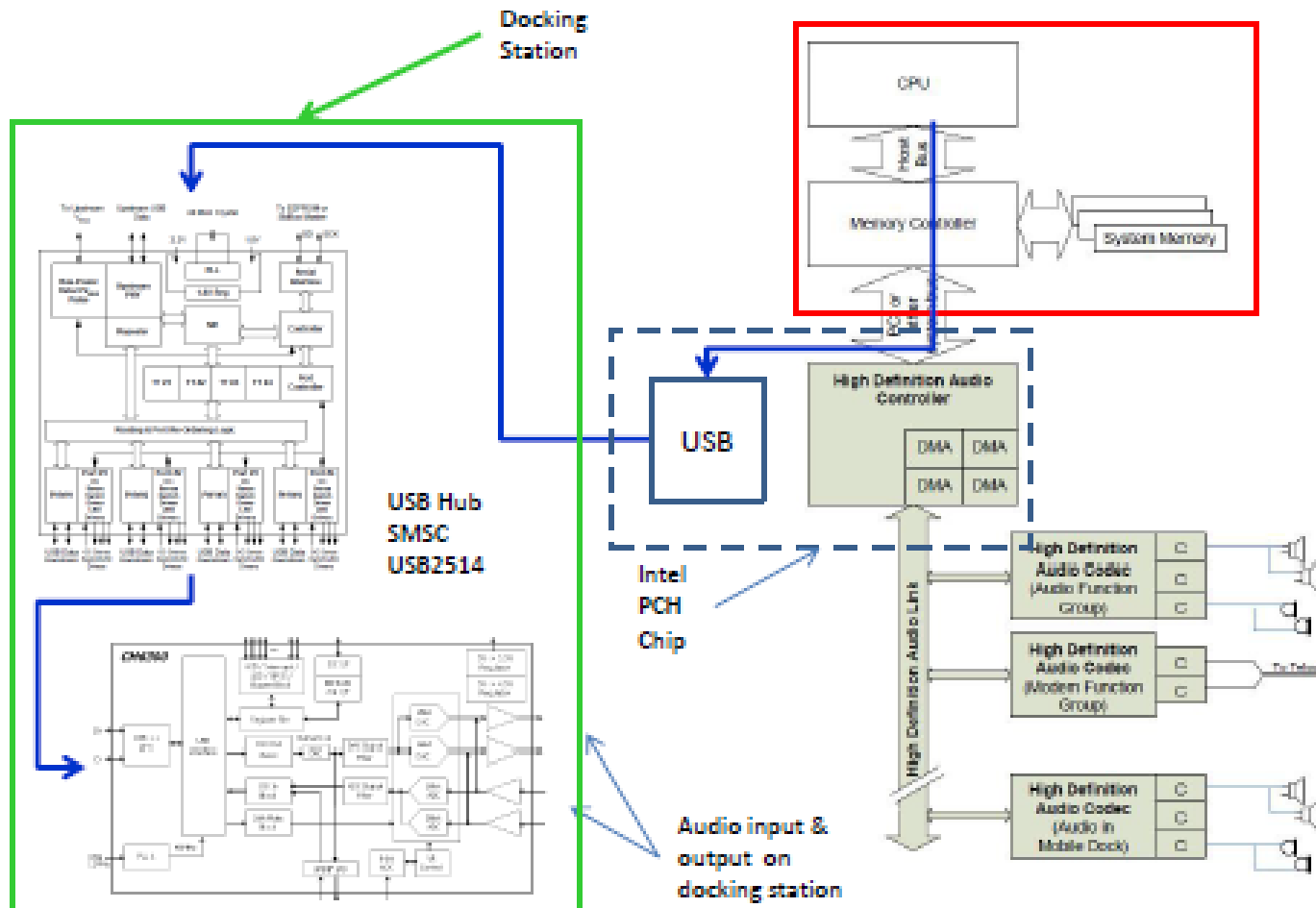
Toshiba R930 Motherboard and Audio PCB (Side A)



Toshiba R930 Motherboard and Audio PCB (Side A)



Audio jacks on docking station



18. Plaintiff has been harmed by Defendants’ infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment for itself and against Defendants as follows:

- A. An adjudication that each Defendant has infringed the ’148 patent;
- B. An award of damages to be paid by Defendants adequate to compensate Plaintiff for Defendants’ past infringement of the ’148 patent, and any continuing or future infringement

through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and

D. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

Dated: December 30, 2016

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

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Attorneys for Plaintiff
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