

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

LIGHTSIDE TECHNOLOGIES LLC,

Plaintiff,

v.

HAIER AMERICA HOLDING CORP.,
HAIER AMERICA TRADING LLC, and
HAIER GROUP CORP.,

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lightside Technologies LLC (“Lightside” or “Plaintiff”) files this Complaint for Patent Infringement against Defendants Haier American Trading LLC, Haier America Holding Corp., and Haier Group Corp. (collectively “Haier” or “Defendants”) based on knowledge to itself and information and belief as to Defendants as follows.

NATURE OF ACTION

1. This is an action for infringement of U.S. Patent Nos. 6,370,198 (“the ’198 Patent”) and 8,842,727 (“the ’727 Patent”) (collectively the “Patents-in-Suit”).

PARTIES

2. Lightside is a Texas limited liability company with a principal place of business at 700 Lavaca St., Suite 1401, Austin, TX 78701-3101.

3. Haier America Holding Corp. (“Haier Holding”) is a Delaware corporation with a regular and established place of business at 50 Haier Boulevard, Camden, SC 29020-7640.

Haier Holding may be served with process via its registered agent: Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

4. Haier America Trading LLC (“Haier Trading”) is the parent company of Haier Holding and is a New York limited liability company with a regular and established place of business at 1800 Valley Road, Wayne, NJ 07470. Haier Trading may be served with process via its registered agent: Corporation Service Company, 80 State Street, Albany, New York 12207-2543.

5. Defendant Haier Group Corporation (“Haier Group”) is the parent company of Haier Trading and is a Chinese Corporation with a regular and established place of business at 1 Haier Road, Hi Tech Zone, Qingdao, Shandong 266101, China. Haier Group may be served under the terms of the Hague Service Convention Treaty.

6. This action is commenced against the Defendants under 35 USC § 299(a) in a single action because (1) any right to relief is asserted against the Defendants jointly, severally, or in the alternative with respect to or arising 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 television products; and (2) questions of fact common to all Defendants will arise in this action.

JURISDICTION AND VENUE

7. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

8. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

9. This Court has personal jurisdiction over Defendants because (i) Defendants conduct business in this Judicial District, directly or through intermediaries; (ii) at least a portion

of the alleged infringements occurred in this Judicial District; and (iii) Defendants regularly solicit business, engages in other persistent courses of conduct, or derives revenue from goods and services provided to individuals in this Judicial District.

10. Venue is proper in this Judicial District under 28 U.S.C. § 1400(b).

THE PATENTS-IN-SUIT

11. On April 9, 2002, the United States Patent and Trademark Office (“USPTO”) issued the ’198 Patent, titled “Wide-Band Multi-Format Audio/Video Production System With Frame-Rate Conversion,” to Ken Washino of Dumont, NJ. A true and correct copy of the ’198 Patent is provided at Exhibit 1.

12. On September 23, 2014, the USPTO issued the ’727 Patent, titled “Wide-Band Multi-Format Audio/Video Production System With Frame-Rate Conversion,” to Ken Washino of Dumont, NJ. A true and correct copy of the ’727 Patent is provided at Exhibit 2.

13. Plaintiff is the owner and assignee of all substantial rights, title, and interest in the Patents-in-Suit.

14. The Patents-in-Suit are presumed valid under 35 U.S.C. § 282(a).

BACKGROUND

15. Ken Washino is the inventor of the inventions claimed and disclosed in the Patents-in-Suit.

16. Mr. Washino is the epitome of the ingenious tinkerer who used inventive skills and a deep understanding of the industry to resolve a long standing problem and succeeded where others had failed.

17. Mr. Washino was born in Aichi Prefecture, Japan, on February 21, 1953. His parents operated a small commercial farm in this rural area. He became interested in

communications and electronics at an early age, acquiring an amateur ham radio license by the time he was thirteen years old. During his junior high school and high school years, he built a transmitter and receiver from salvaged parts of an old tube television. From such experiences, he learned the basics of analog communications.

18. In 1974, Mr. Washino found a position as an audio recording engineer with a Japanese documentary film company working in the U.S. This expanded to other production and post-production tasks. During the years that Mr. Washino worked in this business, he gained a working knowledge of film production and of production and post-production processes.

19. After Mr. Washino returned to Japan, he earned an Electronics Engineering degree from Nihon Kogakuin Technical College in Tokyo in 1979, and in 1981 acquired a first class broadcast engineering license. By that time, Mr. Washino was already working as a camera design engineer for Ikegami, a Japanese manufacturer of high-end video cameras. In 1985, he was appointed Video Field Sales Engineer and sent to the U.S. This experience enabled Mr. Washino to acquire a deep insight into the competitive market for equipment and services and to appreciate the needs of and problems encountered by video professionals. Mr. Washino then decided to establish himself in the U.S. permanently and formed his own video services company, focused on video production, post-production, and video cassette duplication in New York City.

20. By late 1986, Mr. Washino had acquired the market knowledge, technical skills, and financial resources to begin working on some of the ideas he had to improve efficiency and preserve quality in video field production. He identified the need for a universal camera control system and developed a prototype. Subsequent experimentation with early digital video devices soon lead to his 1992 inventions for Video Field Production, Video Monitoring and

Conferencing, and PC-Based Audio/Video Production. In 1989, Mr. Washino began working on high-speed video duplication and filed his first patent application in 1993.

21. From then on, Mr. Washino developed a long series of inventions related to video production, post-production and signal distribution that could accommodate the coming digital and High-Definition “multiple format” future.

22. By October, 2014, Mr. Washino had been granted twenty U.S. patents on inventions for which he is the inventor or co-inventor, with fourteen foreign equivalents.

23. The Washino ’198 and ’727 Patents are directed to the field of video production, photographic image processing, and computer graphics. The invention disclosed in the Patents relate to a multi-format digital video production method and system capable of maintaining the full bandwidth resolution of the subject material while providing professional quality editing and manipulation of images.

24. The claims of the Patents-in-Suit recite the inventive concept of using a specialized high-capacity digital video storage memory supporting asynchronous program recording/writing and reproducing/reading capability for transforming lower pixel dimension (*i.e.*, lower resolution) video programs having lower frequency sampling rates into higher pixel dimension (*i.e.*, high definition and ultra-high definition) video programs having higher frequency sampling rates.

25. Upon information and belief, Haier makes, sells, offers for sale, uses, and/or imports UG-series, UGX-series, and UFC-series televisions (referred to as “Accused Products”) in the United States that implement the claimed inventive concept of the Patents-in-Suit. *See Haier America Trading LLC v. Samsung Electronics Co. Ltd.*, No. 1:17-cv-921 (TJM/CFH) (N.Y.N.D., filed Aug. 21, 2017) (D.I. 1 ¶¶ 1, 16, 17).

COUNT I
DIRECT INFRINGEMENT OF U.S. PATENT NO. 6,370,198

26. Plaintiff incorporates by reference each of its foregoing allegations.

27. Without license or authorization and in violation of 35 U.S.C. § 271(a),

Defendants directly infringe one or more claims of the '198 Patent in this Judicial District and throughout the United States, literally or under the doctrine of equivalents, by making, using, selling, offering for sale, and/or importing their Accused Products as shown in Exhibit 3.

28. The claims of the '198 Patent are understandable to a person of ordinary skill in the art who has the requisite education, training, and experience with the technology at issue in this case.

29. A person of ordinary skill in the art understands Plaintiff's theory of how Defendants' Accused Products infringe the claims of the '198 Patent upon a plain reading of this Complaint, the '198 Patent, and Exhibit 3.

30. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contention or claim construction purposes by the claim charts that it provides with this Complaint. The claim charts are intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure; they do not represent Plaintiff's preliminary or final infringement contentions or preliminary or final claim construction positions.

31. Since at least the date that Defendants were served with a copy of this Complaint, Defendants have known that their Accused Products directly infringe one or more claims of the '198 Patent.

COUNT II
DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,842,727

32. Plaintiff incorporates by reference each of its foregoing allegations.

33. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants directly infringe one or more claims of the '727 Patent in this Judicial District and throughout the United States, literally or under the doctrine of equivalents, by making, using, selling, offering for sale, and importing their Accused Products as shown in Exhibit 4.

34. The claims of the '727 Patent are understandable to a person of ordinary skill in the art who has the requisite education, training, and experience with the technology at issue in this case.

35. A person of ordinary skill in the art understands Plaintiff's theory of how Defendants' Accused Products infringe the claims of the '727 Patent upon a plain reading of this Complaint, the '727 Patent, and Exhibit 4.

36. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contention or claim construction purposes by the claim charts that it provides with this Complaint. The claim charts are intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure; they do not represent Plaintiff's preliminary or final infringement contentions or preliminary or final claim construction positions.

37. Since at least the date that Defendants were served with a copy of this Complaint, Defendants have known that their Accused Products directly infringe one or more claims of the '727 Patent.

PRAYER FOR RELIEF

Plaintiff requests the following relief:

- A. Judgment that Defendants have directly infringed the Patents-in-Suit under 35 U.S.C. § 271(a);
- B. An accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. An award of damages under 35 U.S.C. § 284 adequate to compensate Plaintiff for Defendants' past and future infringement, including any infringement from the date of filing of this Complaint through the date of judgment, together with interest and costs;
- D. Judgment that this case is exceptional under 35 U.S.C. § 285 and an award of Plaintiff's reasonable attorneys' fees and costs; and
- E. Such further relief at law or in equity that this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all claims and issues so triable under Federal Rule of Civil Procedure 38(b).

Dated: August 20, 2018

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Respectfully Submitted,

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