

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GEORGIA
ATLANTA DIVISION**

LIGHTSIDE TECHNOLOGIES LLC,

Plaintiff,

v.

HISENSE USA CO, and
HISENSE ELECTRIC CO LTD,

Defendants.

C.A. No. 1:19-cv-00526-ELR

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lightside Technologies LLC (“Lightside” or “Plaintiff”) files this Amended Complaint for Patent Infringement against Defendants Hisense USA Co, and Hisense Electric Co., LTD (collectively “Hisense” or “Defendants”) based on knowledge to itself and information and belief as to Defendants as follows.

NATURE OF ACTION

1. Pursuant to 35 U.S.C. § 271, this is an action for infringement of U.S. Patent Nos. 6,370,198 (“the ’198 Patent”), 8,842,727 (“the ’727 Patent”), 5,999,220 (“the ’220 Patent”), 8,374,253 (the ’253 Patent”) and 8,873,640 (“the ’640 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. Hisense USA Co. (“Hisense USA”) is a Georgia corporation with its principal place of business located at 7310 McGinnis Ferry Road, Suwanee, Georgia 30024. Hisense USA may be served with Summons and a copy of this Complaint by delivering the same to its registered agent, Bryce Mowbray, at 7310 McGinnis Ferry Road, Suwanee, Georgia 30024.

4. Defendant Hisense Co., Ltd. (“Hisense”) is the parent company of Hisense USA and is a Chinese Corporation with a regular and established place of business located at No. 218 Qianwangang Road, Economic and Technological Development Zone, Qingdao, China, 266555. Hisense may be served under the terms of the Hague Service Convention Treaty.

5. This action is properly commenced against the Defendants in a single action, under 35 U.S.C. § 299(a), as (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 and smartphone products; and (2) questions of fact common to all Defendants will arise in this action.

JURISDICTION AND VENUE

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

7. Pursuant to 28 U.S.C. §§ 1331 and 1338, this Court has original jurisdiction over the subject matter of this action as it is an action arising under the Patent Laws of the United States.

8. This Court has personal jurisdiction over Defendants as: (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, engage in other established and persistent courses of conduct, or derive revenue from goods and services provided to individuals in this Judicial District.

9. Venue is proper in this Judicial District under 28 U.S.C. § 1400(b) because defendant Hisense USA is incorporated in Georgia, has committed acts of infringement within this Judicial District and has an established place of business in this Judicial District and because defendant Hisense has committed acts of

infringement within this Judicial District and has an established place of business in this Judicial District.

THE PATENTS-IN-SUIT

10. 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 Kinya Washino of Dumont, NJ. A true and correct copy of the ’198 Patent is provided herewith as Exhibit 1.

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

12. On December 7, 1999, the USPTO issued the ’220 Patent, titled “Multi-Format Audio/Video Production System with Frame-Rate Conversion,” to Kinya Washino of Peterborough, NJ. A true and correct copy of the ’220 Patent is provided herewith as Exhibit 3.

13. On February 12, 2013, the USPTO issued the ’253 Patent, titled “Wide-Band Multi-Format Audio/Video Production System With Frame Rate Conversion,” to Kinya Washino of Peterborough, NJ. A true and correct copy of the ’253 Patent is provided herewith as Exhibit 4.

14. On October 28, 2014, the USPTO issued the '640 Patent, titled "Wide-Band Multi-Format Audio/Video Production System With Frame Rate Conversion," to Kinya Washino of Dumont, NJ. A true and correct copy of the '640 Patent is provided herewith as Exhibit 5.

15. Plaintiff is the owner and assignee of all substantial rights, title, and interest in the Patents-in-Suit, as evidenced by the recorded assignment submitted herewith as Exhibit 6.

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

BACKGROUND

17. Kinya ("Ken") Washino is the inventor of the inventions claimed and disclosed in the Patents-in-Suit.

18. 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 that succeeded where others had failed.

19. 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.

20. 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.

21. 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.

22. 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 led 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.

23. 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.

24. 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.

25. The Washino '198, '727, '220, '253 and '640 Patents are directed to the field of video production, photographic image processing, and computer graphics. The inventions disclosed in the Patents-in-Suit relate to a multi-format digital and/or wide-band 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.

26. 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 first pixel dimension (*i.e.*, such as a lower resolution) video programs having first frequency sampling rates into second pixel dimension (*i.e.*, such as a high definition and ultra-high definition) video programs having second frequency sampling rates.

27. Upon information and belief, Hisense makes, sells, offers for sale, uses, and/or imports UHDTVs and HDTVs, including Hisense UHDTV/HDTVs with MEMC and Ultra Motion or Ultra Smooth Motion televisions (referred to as “TV Accused Products”) in the United States that implement the claimed inventive concept of the ’198 and ’727 patents.

28. Upon information and belief, Hisense makes, sells, offers for sale, uses, and/or imports smartphones, including the Hisense x1 smartphone (referred to as “Smartphone Accused Products”), in the United States that implement the claimed inventive concept of the ’220, ’253, and ’640 patents.

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

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

30. 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 TV Accused Products, which perform all of the limitations of one or more of the claims of the '198 patent, as shown in the accompanying claim chart, submitted herewith as Exhibit 7 (which chart is provided for exemplary purposes only and is not intended to limit the claims which may be asserted to be infringed).

31. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contentions 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.

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

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

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

34. 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/or importing their TV Accused Products, and/or induce infringement or engage in contributory infringement by such actions with their TV Accused Products, which perform all of the limitations of one or more of the claims of the '727 patent, as shown in the accompanying claim chart, submitted herewith as Exhibit 8 (which chart is provided for exemplary purposes only and is not intended to limit the claims which may be asserted to be infringed).

35. 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.

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

COUNT III
DIRECT INFRINGEMENT OF U.S. PATENT NO. 5,999,220

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

38. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants directly infringe one or more claims of the '220 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 Smartphone Accused Products, and/or induce infringement or engage in contributory infringe by such actions with their Smartphone Accused Products, which perform all of the limitations of one or more of the claims of the '220 patent, as shown in the accompanying claim chart, submitted herewith as Exhibit 9 (which chart is provided for exemplary purposes only and is not intended to limit the claims which may be asserted to be infringed).

39. 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.

40. Since at least the date that Defendants were served with a copy of this Complaint, Defendants have known that their Smartphone Accused Products directly infringe one or more claims of the '220 Patent.

COUNT IV
DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,374,253

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

42. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants directly infringe one or more claims of the '253 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 Smartphone Accused Products, and/or induce infringement or engage in contributory infringe by such actions with their Smartphone Accused Products, which perform all of the limitations of one or more of the claims of the '253 patent,

as shown in the accompanying claim chart, submitted herewith as Exhibit 10 (which chart is provided for exemplary purposes only and is not intended to limit the claims which may be asserted to be infringed).

43. 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.

44. Since at least the date that Defendants were served with a copy of this Complaint, Defendants have known that their Smartphone Accused Products directly infringe one or more claims of the '253 Patent.

COUNT V
DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,873,640

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

46. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants directly infringe one or more claims of the '640 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

Smartphone Accused Products, and/or induce infringement or engage in contributory infringe by such actions with their Smartphone Accused Products, which perform all of the limitations of one or more of the claims of the '640 patent, as shown in the accompanying claim chart, submitted herewith as Exhibit 11 (which chart is provided for exemplary purposes only and is not intended to limit the claims which may be asserted to be infringed).

47. 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.

48. Since at least the date that Defendants were served with a copy of this Complaint, Defendants have known that their Smartphone Accused Products directly infringe one or more claims of the '640 Patent.

JURY TRIAL DEMANDED

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

PRAYER FOR RELIEF

WHEREFORE Plaintiff Lightside Technologies, LLC prays upon this Court for the following relief:

A. That this Court enter a Judgment that Defendants have infringed the Patents-in-Suit under 35 U.S.C. § 271;

B. An accounting of all infringing acts including, but not necessarily limited to, those acts presented before this Court;

C. Pursuant to 35 U.S.C. § 284, an Order for an award of damages 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, and in no event less than a reasonable royalty, together with interest and costs;

D. Pursuant to 35 U.S.C. § 283, that this Court direct and Order via permanent injunction that Defendants immediately and permanently cease engaging in infringing acts against the claim bounds of the Patents-in-Suit.

E. Award reasonably attorneys' fees, costs, and expenses incurred by Plaintiff in prosecuting this action, pursuant to 35 U.S.C. § 285; and

F. Award such other and further relief at law or in equity that this Court deems just and proper.

This 15th day of April, 2019.

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LOCAL RULE 7.1D CERTIFICATION

By signature below, counsel certifies that the foregoing document was prepared in Times New Roman, 14-point font in compliance with Local Rule 5.1B.

/s/ Paul A. Piland

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