

1 Michael N. Feder (NV Bar No. 7332)
 2 BECKLEY SINGLETON, CHTD.
 3 530 Las Vegas Blvd. South
 4 Las Vegas, NV 89101
 5 Telephone: (702) 385-3373
 6 Facsimile: (702) 939-1042

7 Thomas W. Winland (*Pro Hac Vice*)
 8 Steven M. Anzalone (*Pro Hac Vice*)
 9 Smith R. Brittingham IV (*Pro Hac Vice*)
 10 FINNEGAN, HENDERSON, FARABOW,
 11 GARRETT & DUNNER, L.L.P.
 12 901 New York Ave., N.W.
 13 Washington, D.C. 20001-4413
 14 Telephone: (202) 408-4000
 15 Facsimile: (202) 408-4400

16 Steven H. Morrisett (*Pro Hac Vice*)
 17 FINNEGAN, HENDERSON, FARABOW,
 18 GARRETT & DUNNER, L.L.P.
 19 Stanford Research Park
 20 700 Hansen Way
 21 Palo Alto, California 94304
 22 Telephone: (650) 849-6600
 23 Facsimile: (650) 849-6666

24 Attorneys for Plaintiff U.S. Philips Corporation

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

25 **U.S. PHILIPS CORPORATION**, a Delaware
 26 Corporation,

27 Plaintiff,

28 v.

19 **SYNERGY DYNAMICS**
 20 **INTERNATIONAL, LLC**, a Nevada
 21 Corporation; **DELPHI TECHNOLOGY INC.**,
 22 a Nevada Corporation; **IMAGE MEDIA**
 23 **SOLUTIONS**, a Nevada Corporation; **UL**
 24 **TRAN TECHNOLOGY & SERVICE**
 25 **CORP.**, a corporation of Taiwan, **MEDIA**
 26 **OWL INC.**, a Nevada Corporation,
 27 **TIMOTHY TURNER**, an individual; **JAMES**
 28 **(JEN-SHOU) HSIEH**, an individual;
CHRISTIAN RATH, an individual; **YACHI**
CHEN, an individual; **TROY NIELSON**, an
 individual; **WILLIAM DIAZ**, an individual;
DES FARRELL, an individual; and
ANTONIO HONG, an individual,

Defendants.

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
AUG 26 2005	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <u> </u>	DEPUTY <u> </u>

Case No.: CV-S-05-0577-PMP-RJJ

**AMENDED COMPLAINT FOR PATENT
 INFRINGEMENT**

DEMAND FOR JURY TRIAL

1. This is a civil action for infringement of a patent arising under the laws of the United States relating to patents, including 35 U.S.C. § 281.

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this civil action arises under the laws of the United States and because this civil action arises under an Act of Congress relating to patents.

3. Plaintiff U.S. Philips Corporation (“Philips”) is a corporation organized and existing under the laws of Delaware, with a place of business at 1251 Avenue of the Americas, New York, NY 10020.

4. Upon information and belief, defendant Synergy Dynamics International, LLC (“SDI”) is a corporation organized and existing under the laws of the State of Nevada, with places of business at 1433 N. Jones Blvd, Suite 140, Las Vegas, Nevada 89108 and 6231 McLeod Dr, Suite G, Las Vegas, NV 89120.

5. Upon information and belief, defendant Delphi Technology Inc. (“Delphi”) is a corporation organized and existing under the laws of the State of Nevada, with a place of business at 2121 E. Warm Springs Road #1075, Las Vegas, Nevada 89119.

6. Upon information and belief, defendant Image Media (“IM”) is a corporation organized and existing under the laws of the State of Nevada, with places of business at 1433 N. Jones Blvd Suite 140, Las Vegas, Nevada 89108 and 6231 McLeod Dr, Suite I, Las Vegas, NV 89120.

7. Upon information and belief, defendant UL Tran Technology and Service Corp., (“UL Tran”) is a corporation organized and existing under the laws of Taiwan.

1 8. Upon information and belief, defendant Media Owl, Inc. ("Media Owl")
2 is a corporation organized and existing under the laws of the State of Nevada, with
3 places of business at 2121 E. Warm Springs Rd., Apt. 1075, Las Vegas, Nevada
4 89119 and 6231 McLeod Dr., Suite G/H, Las Vegas, Nevada 89120.

5 9. Upon information and belief, defendant Timothy Turner ("Turner") is an
6 owner and/or officer of SDI.

7 10. Upon information and belief, defendant James (Jen-Shou) Hsieh
8 ("Hsieh") is the CEO and majority owner of Delphi and the majority owner of SDI.

9 11. Upon information and belief, defendant Christian Rath ("Rath") is an
10 owner and/or officer of SDI and IM.

11 12. Upon information and belief, defendant Yachi Chen ("Chen") is an
12 owner and/or officer of SDI and Media Owl.

13 13. Upon information and belief, defendant Troy Nielson ("Nielson") is an
14 owner and/or officer of SDI and IM.

15 14. Upon information and belief, defendant William Diaz ("Diaz") is the
16 president of SDI.

17 15. Upon information and belief, defendant Des Farrell ("Farrell") is an
18 owner and/or officer of SDI.

19 16. Upon information and belief, defendant Antonio Hong ("Hong") is an
20 owner and/or officer of SDI and serves as the sales and marketing manager of SDI.

21 **Factual Background**

22 17. Upon information and belief, SDI has manufactured unlicensed digital
23 versatile disc (also known as digital video disc) (DVD) products.

24 18. Upon information and belief, unlicensed SDI DVD products have been
25 made, used, sold, offered for sale in, and/or imported into the United States.

26 19. Upon information and belief, Delphi has manufactured unlicensed DVD
27 products.

1 20. Upon information and belief, unlicensed Delphi DVD products have been
2 made, used, sold, offered for sale in, and/or imported into the United States.

3 21. Upon information and belief, IM has manufactured unlicensed DVD
4 products.

5 22. Upon information and belief, unlicensed IM DVD products have been
6 made, used, sold, offered for sale in, and/or imported into the United States.

7 23. Upon information and belief, UL Tran has manufactured unlicensed
8 DVD products.

9 24. Upon information and belief, unlicensed UL Tran DVD products have
10 been made, used, sold, offered for sale in, and/or imported into the United States.

11 25. Upon information and belief, Media Owl has manufactured unlicensed
12 DVD products.

13 26. Upon information and belief, unlicensed Media Owl DVD products have
14 been made, used, sold, offered for sale in, and/or imported into the United States.

15 27. Upon on information and belief, Turner has been involved in the
16 ownership, control, and active management of SDI, and Turner has been in active
17 concert or participation with SDI in the manufacture, use, sale, offer for sale of DVD
18 products in, and/or importation of DVD products into the United States and this
19 judicial district, including unlicensed DVD products distributed by SDI.

20 28. Upon on information and belief, Hsieh has been involved in the
21 ownership, control, and active management of Delphi and SDI, and Hsieh has been in
22 active concert or participation with Delphi and SDI in the manufacture, use, sale, offer
23 for sale of DVD products in, and/or importation of DVD products into the United
24 States and this judicial district, including unlicensed DVD products distributed by
25 Delphi and SDI.

26 29. Upon on information and belief, Rath has been involved in the
27 ownership, control, and active management of SDI and IM, and Rath has been in
28 active concert or participation with SDI in the manufacture, use, sale, offer for sale of

1 DVD products in, and/or importation of DVD products into the United States and this
2 judicial district, including unlicensed DVD products distributed by SDI and IM.

3 30. Upon on information and belief, Chen has been involved in the
4 ownership, control, and active management of SDI and Media Owl, and Chen has
5 been in active concert or participation with SDI in the manufacture, use, sale, offer for
6 sale of DVD products in, and/or importation of DVD products into the United States
7 and this judicial district, including unlicensed DVD products distributed by SDI and
8 Media Owl.

9 31. Upon on information and belief, Nielson has been involved in the
10 ownership, control, and active management of SDI and IM, and Nielson has been in
11 active concert or participation with SDI in the manufacture, use, sale, offer for sale of
12 DVD products in, and/or importation of DVD products into the United States and this
13 judicial district, including unlicensed DVD products distributed by SDI and IM.

14 32. Upon on information and belief, Diaz has been involved in the
15 ownership, control, and active management of SDI, and Diaz has been in active
16 concert or participation with SDI in the manufacture, use, sale, offer for sale of DVD
17 products in, and/or importation of DVD products into the United States and this
18 judicial district, including unlicensed DVD products distributed by SDI.

19 33. Upon on information and belief, Farrell has been involved in the
20 ownership, control, and active management of SDI, and Farrell has been in active
21 concert or participation with SDI in the manufacture, use, sale, offer for sale of DVD
22 products in, and/or importation of DVD products into the United States and this
23 judicial district, including unlicensed DVD products distributed by SDI.

24 34. Upon information and belief, Hong has been involved in the ownership,
25 control, and active management of SDI, and Hong has been in active concert or
26 participation with SDI in the manufacture, use, sale, offer for sale of DVD products in,
27 and/or importation of DVD products into the United States and this judicial district,
28 including unlicensed DVD products distributed by SDI.

Personal Jurisdiction and Venue

35. Plaintiff repeats and re-alleges herein the allegations set forth in paragraphs 1 through 34 above.

36. Upon information and belief, SDI, Delphi, IM, UL Tran, Media Owl, Turner, Hsieh, Rath, Chen, Nielson, Diaz, Hong and Farrell (collectively "Defendants"), acting alone or in consort, voluntarily placed unlicensed DVD products into the stream of U.S. commerce, conscious that Nevada and this judicial district were the likely destination of a substantial quantity of those unlicensed DVD products.

37. Upon information and belief, a substantial part of the events giving rise to these claims for patent infringement occurred in the judicial district of Nevada.

38. Upon information and belief, SDI resides in the judicial district of Nevada.

39. Upon information and belief, SDI maintains continuous and systematic contacts with the judicial district of Nevada.

40. Upon information and belief, SDI has committed acts of patent infringement in this judicial district and has a regular and established place of business in this district for purposes of 28 U.S.C. § 1400(b).

41. Upon information and belief, Delphi resides in the judicial district of Nevada.

42. Upon information and belief, Delphi maintains continuous and systematic contacts with the judicial district of Nevada.

43. Upon information and belief, Delphi has committed acts of patent infringement in this judicial district and has a regular and established place of business in this district for purposes of 28 U.S.C. § 1400(b).

44. Upon information and belief, IM resides in the judicial district of Nevada.

1 45. Upon information and belief, IM maintains continuous and systematic
2 contacts with the judicial district of Nevada.

3 46. Upon information and belief, IM has committed acts of patent
4 infringement in this judicial district and has a regular and established place of business
5 in this district for purposes of 28 U.S.C. § 1400(b).

6 47. Upon information and belief, UL Tran maintains continuous and
7 systematic contacts with the judicial district of Nevada.

8 48. Upon information and belief, UL Tran has purposefully availed itself of
9 the privilege of doing business in the judicial district of Nevada, including by
10 intentionally establishing a distribution channel that brought its unlicensed DVD
11 products into the judicial district of Nevada.

12 49. Upon information and belief, UL Tran has committed acts of patent
13 infringement in this judicial district.

14 50. Upon information and belief, Media Owl resides in the judicial district of
15 Nevada.

16 51. Upon information and belief, Media Owl maintains continuous and
17 systematic contacts with the judicial district of Nevada.

18 52. Upon information and belief, Media Owl has committed acts of patent
19 infringement in this judicial district and has a regular and established place of business
20 in this district for purposes of 28 U.S.C. § 1400(b).

21 53. Upon information and belief, Turner maintains continuous and
22 systematic contacts with the judicial district of Nevada.

23 54. Upon information and belief, Turner has committed acts of patent
24 infringement, and has a regular and established place of business, in this judicial
25 district for the purposes of 28 U.S.C. § 1400(b).

26 55. Upon information and belief, Hsieh maintains continuous and systematic
27 contacts with the judicial district of Nevada.
28

1 56. Upon information and belief, Hsieh has committed acts of patent
2 infringement, and has a regular and established place of business, in this judicial
3 district for the purposes of 28 U.S.C. § 1400(b).

4 57. Upon information and belief, Rath maintains continuous and systematic
5 contacts with the judicial district of Nevada.

6 58. Upon information and belief, Rath has committed acts of patent
7 infringement, and has a regular and established place of business, in this judicial
8 district for the purposes of 28 U.S.C. § 1400(b).

9 59. Upon information and belief, Chen maintains continuous and systematic
10 contacts with the judicial district of Nevada.

11 60. Upon information and belief, Chen has committed acts of patent
12 infringement, and has a regular and established place of business, in this judicial
13 district for the purposes of 28 U.S.C. § 1400(b).

14 61. Upon information and belief, Nielson maintains continuous and
15 systematic contacts with the judicial district of Nevada.

16 62. Upon information and belief, Nielson has committed acts of patent
17 infringement, and has a regular and established place of business, in this judicial
18 district for the purposes of 28 U.S.C. § 1400(b).

19 63. Upon information and belief, Diaz maintains continuous and systematic
20 contacts with the judicial district of Nevada.

21 64. Upon information and belief, Diaz has committed acts of patent
22 infringement, and has a regular and established place of business, in this judicial
23 district for the purposes of 28 U.S.C. § 1400(b).

24 65. Upon information and belief, Farrell maintains continuous and systematic
25 contacts with the judicial district of Nevada.

26 66. Upon information and belief, Farrell has committed acts of patent
27 infringement, and has a regular and established place of business, in this judicial
28 district for the purposes of 28 U.S.C. § 1400(b).

68. Upon information and belief, Hong has committed acts of patent infringement, and has a regular and established place of business, in this judicial district for the purposes of 28 U.S.C. § 1400(b).

69. Upon information and belief, Defendants are subject to personal jurisdiction in this district because they have each maintained continuous and systematic contacts with the judicial district of Nevada.

70. Upon information and belief, Defendants are also subject to personal jurisdiction in this district because they purposefully engaged in activities that gave rise to this claim for patent infringement and which were directed at residents of the judicial district of Nevada.

71. Upon information and belief, SDI, Delphi, IM, and Media Owl reside in this judicial district for purposes of 28 U.S.C. § 1391(c) because, they each are subject to personal jurisdiction in this district.

72. Upon information and belief, venue for this civil action in this judicial district is proper under 28 U.S.C. §§ 1391(b)(1), 1391(b)(2), 1391(c), and/or 1400(b).

**First Count
(Patent Infringement)**

First Count (Patent Infringement)

73. Plaintiff repeats and re-alleges herein the allegations set forth in paragraphs 1 through 72 above.

74. United States Letters Patent No. 5,790,512 (“the ‘512 patent”) issued on August 4, 1998, to Paul L. M. Put and Albericus A. M. Hoevenaars. A copy of the ‘512 patent, entitled “Optical Information Carrier,” is attached hereto as Exhibit A.

75. Philips is the owner by assignment of the '512 patent.

76. Upon information and belief, Defendants have directly infringed, induced infringement of, and/or contributed to infringement of one or more claims of the '512 patent, both literally and under the doctrine of equivalents, by making, using, offering

1 for sale, selling unlicensed DVD products in, and/or importing unlicensed DVD
2 products into the United States.

3 77. Upon information and belief, Defendants had knowledge of the '512
4 patent before the filing of this suit.

5 78. Upon information and belief, the infringement by Defendants has been
6 deliberate and willful.

7 **Second Count**
8 **(Patent Infringement)**

9 79. Plaintiff repeats and re-alleges herein the allegations set forth in
10 paragraphs 1 through 72 above.

11 80. United States Letters Patent No. 5,745,641 ("the '641 patent") issued on
12 April 28, 1998, to Wiebe De Haan and Jan Van Der Meer. A copy of the '641 patent,
13 entitled "Full-Motion Video Disc With Reference Information For Slow-Motion Or
14 Freeze Playback," is attached hereto as Exhibit B.

15 81. Philips is the owner by assignment of the '641 patent.

16 82. Upon information and belief, Defendants have directly infringed, induced
17 infringement of, and/or contributed to infringement of one or more claims of the '641
18 patent, both literally and under the doctrine of equivalents, by making, using, offering
19 for sale, selling unlicensed DVD products in, and/or importing unlicensed DVD
20 products into the United States.

21 83. Upon information and belief, Defendants had knowledge of the '641
22 patent before the filing of this suit.

23 84. Upon information and belief, the infringement by Defendants has been
24 deliberate and willful.

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28 //

Prayer for Relief

WHEREFORE, Philips respectfully prays that judgment be entered:

A. declaring that Defendants have infringed the '512 and '641 patents;

B. declaring that Defendants' infringement of the '512 and '641 patents has been deliberate and willful;

C. preliminarily and permanently enjoining Defendants, their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them, from infringement of the '512 and '641;

D. compensating Philips for all damages caused by Defendants' infringement of the '512 and '641 patents;

E. enhancing Philips' damages up to three times their amount, pursuant to 35 U.S.C. § 284;

F. granting Philips pre- and post-judgment interest on its damages, together with all costs and expenses;

G. granting Philips reasonable attorney fees pursuant to 35 U.S.C. § 285; and

H. awarding such other relief as this Court may deem just and proper.

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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all claims.

Respectfully submitted,
BECKLEY SINGLETON, CHTD.

Dated: August 12, 2005

By: 

Michael N. Feder (NV Bar No. 7332)

E-Mail: mfeder@beckleylaw.com

BECKLEY SINGLETON, CHTD.

530 Las Vegas Blvd. South

Las Vegas, NV 89101

Telephone: 702-385-3373

Facsimile: 702-939-1042

Thomas W. Winland

Email: tom.winland@finnegan.com

Steven M. Anzalone

Email: steven.anzalone@finnegan.com

Smith R. Brittingham IV

Email: smith.brittingham@finnegan.com

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Stanford Research Park

700 Hansen Way

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Facsimile: (650) 849-6666

Attorneys for Plaintiff
U.S. Philips Corporation