

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MOTOROLA MOBILITY LLC,

Plaintiff,

v.

MAXELL, LTD.,

Defendant.

Case No. 1:22-cv-00256

**FIRST AMENDED COMPLAINT
FOR DECLARATORY
JUDGMENT**

DEMAND FOR JURY TRIAL

Plaintiff Motorola Mobility LLC (“Motorola Mobility”) files this First Amended Complaint for Declaratory Judgment against Defendant Maxell, Ltd. (“Maxell”) and in support of its Complaint alleges as follows:

INTRODUCTION

1. Motorola Mobility is a leading designer and manufacturer of mobile communication devices, including smartphones. Motorola Mobility’s long history of substantial investment in research and development has enabled it to contribute innovative technologies in the mobile and telecommunications arenas. Maxell has recently embarked on a hostile patent assertion campaign to achieve through litigation what it has been unable to achieve through innovation.

THE PARTIES

2. Plaintiff Motorola Mobility is a corporation organized and existing under the laws of the state of Delaware and has its principal place of business located at 222 W. Merchandise Mart Plaza #1800, Chicago, IL 60654.

3. On information and belief, Defendant Maxell is a Japanese corporation with a registered place of business at 1 Koizumi, Oyamazaki, Oyamazaki-cho, Otokuni-gun, Kyoto, Japan.

JURISDICTION AND VENUE

4. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), because this action involves claims arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, and under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

5. Personal jurisdiction and venue are proper in this Court as to Maxell pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and/or 1391(d), because on information and belief Maxell does business in and directs acts to this State and District. For example, Maxell products are available to be purchased online from major retailers including Target, Office Depot, Walmart, Bi-Mart, and can be shipped to customers residing within this District. Additionally, Maxell's products can be physically picked up in-store within this District at Chicago-based Targets, Office Depots, Wal-marts, and Bi-Mart, among other retailers. Maxell also has an official Amazon Webstore, where customers may order Maxell products shipped to addresses located within this District. On information and belief, Maxell has since at least 1974 targeted customers and met with business partners located within this District. For example, Maxell has marketed its electronic and technology products at trade show events located in Chicago, and has hosted business meetings in Chicago. *See Exhibit 1.*

6. Furthermore, on information and belief, Maxell's own enforcement actions have included directing communications towards Motorola Mobility in this District. Specifically, Maxell's counsel, Jamie Beaber of Mayer Brown, sent a letter dated May 17, 2018 to Courtney VanLonkhuyzen Welton at the Motorola Mobility headquarters in Chicago, Illinois. *See Exhibit 2.* Maxell also sued Motorola Mobility in a complaint dated November 12, 2021 and acknowledged that Motorola Mobility has its principal place of business in this District, and

thereafter served process on Motorola Mobility through its registered agent for service of process in Delaware with the expectation that such service would be effected on Motorola Mobility in this District. Thus, Maxell has purposefully directed its enforcement activities at Motorola Mobility in this District.

7. For these reasons, on information and belief, Maxell has, and has had, continuous and systematic contacts within the State of Illinois, including this District, and has purposefully directed business and enforcement activities at this District, and residents have used services and products offered, sold, or allegedly licensed by Maxell. In addition, on information and belief, a substantial part of the events giving rise to the claims at issue occurred in this District, and Maxell is thus subject to personal jurisdiction in this District. Venue is therefore proper in this District because Maxwell is subject to personal jurisdiction in this District. Additionally, because Maxell is a foreign corporation, venue is governed by the general venue statute, which provides that “a defendant not resident in the United States may be sued in any judicial district.” 28 U.S.C. § 1391(c)(3).

THE DJ PATENTS

8. The following patents are at issue in this litigation, which are referred to collectively herein as the “DJ Patents.”

9. On August 9, 2005, the United States Patent and Trademark Office issued United States Patent No. 6,928,292 (“the ’292 patent”), entitled “Mobile Handset with Position Calculation Function,” to Katsuhiko Tsunehara and Mikio Kuwahara. A true and correct copy of the ’292 patent is attached to this Complaint as Exhibit 3. On information and belief, Maxell is the current assignee of the ’292 patent.

10. On July 4, 2006, the United States Patent and Trademark Office issued United States Patent No. 7,072,673 (“the ’673 patent”), entitled “Radio Handset and Position Location System,” to Katsuhiko Tsunehara, Kenzaburo Fujishima, Mikio Kuwahara, and Koji Watanabe. A true and correct copy of the ’673 patent is attached to this Complaint as Exhibit 4. On information and belief, Maxell is the current assignee of the ’673 patent.

11. On June 23, 2009, the United States Patent and Trademark Office issued United States Patent No. 7,551,209 (“the ’209 patent”), entitled “Imaging Apparatus and Method for Controlling White Balance,” to Haruhiko Miyao and Takahiro Nakano. A true and correct copy of the ’209 patent is attached to this Complaint as Exhibit 5. On information and belief, Maxell is the current assignee of the ’209 patent.

12. On August 18, 2009, the United States Patent and Trademark Office issued United States Patent No. 7,577,417 (“the ’417 patent”), entitled “Mobile Terminal,” to Tamotsu Ito, Katsuki Ikuta, and Tsukasa Hasegawa. A true and correct copy of the ’417 patent is attached to this Complaint as Exhibit 6. On information and belief, Maxell is the current assignee of the ’417 patent.

13. On May 31, 2011, the United States Patent and Trademark Office issued United States Patent No. 7,952,645 (“the ’645 patent”), entitled “Video Processing Apparatus and Mobile Terminal Apparatus,” to Kozo Masuda, Ikuya Arai, and Masaaki Miyano. A true and correct copy of the ’645 patent is attached to this Complaint as Exhibit 7. On information and belief, Maxell is the current assignee of the ’645 patent.

14. On November 15, 2011, the United States Patent and Trademark Office issued United States Patent No. 8,059,177 (“the ’177 patent”) entitled “Electric Camera,” to Takahiro Nakano, Ryuji Nishimura, and Toshiro Kunugasa. A true and correct copy of the ’177 patent is attached to this Complaint as Exhibit 8. On information and belief, Maxell is the current assignee of the ’177 patent.

15. On January 17, 2012, the United States Patent and Trademark Office issued United States Patent No. 8,098,695 (“the ’695 patent”), entitled “Multiplexed Audio Data Decoding Apparatus and Receiver Apparatus,” to Yukio Fujii, Shinichi Obata, Hiroaki Shirane, and Eiji Yamamoto. A true and correct copy of the ’695 patent is attached to this Complaint as Exhibit 9. On information and belief, Maxell is the current assignee of the ’695 patent.

16. On August 16, 2016, the United States Patent and Trademark Office issued United States Patent No. 9,420,212 (“the ’212 patent”), entitled “Display Apparatus and Video

Processing Apparatus,” to Toshiyuki Kurita and Hitoaki Owashi. A true and correct copy of the ’212 patent is attached to this Complaint as Exhibit 10. On information and belief, Maxell is the current assignee of the ’212 patent.

ADDITIONAL FACTUAL BACKGROUND

17. Maxell previously initiated litigation against Motorola Mobility on the patents identified in this Complaint. Specifically, on November 12, 2021, Maxell filed a lawsuit against Motorola Mobility asserting the DJ Patents, but Maxell filed that lawsuit in an improper venue, the Western District of Texas. *Maxell, Ltd. v. Lenovo Group Ltd., et al.*, Case No. 6-21-cv-01169-ADA (W.D. Tex.). That lawsuit is therefore subject to dismissal. Although Motorola Mobility disputes the merits of Maxell’s infringement claims, the proper forum for adjudicating these disputes is in this District.

18. Maxell has alleged that the following Motorola Mobility products infringe the DJ Patents: the Moto E Family (including without limitation E⁶, E⁵ Supra, E⁵ Plus, E⁵ Play, E⁵ Go, E⁵ Cruise, E⁵; E⁴ Plus, and E⁴); Moto Edge Family (including without limitation edge and edge+), Moto G Family (including without limitation G Play, G Power, G⁷ Play, G⁷ Play with Amazon Alexa, G⁷ with Amazon Alexa, G Fast, G⁷ Supra, G7 Power, G⁷ Plus, G⁷ Optimo Maxx, G⁷ Optimo, G⁷, G⁶ Play, G⁶ Forge, G⁶, G^{5s} Plus, G⁵ Plus, G Stylus (2021), G Power (2021)); Moto One Family (including without limitation One 5G, One Action, One 5 Ace, One Hyper, One Fusion+, One Zoom, and One); Moto Razr Family (including without limitation razr (1st gen) and razr (2nd gen)); and Moto Z Family (including without limitation Z⁴ with Amazon Alexa, Z⁴, Z³ Play, Z³, Z² Play, and Z² Force). These products are referred to herein collectively as “Motorola Mobility Products.”

19. In view of the foregoing, a threat of actual and imminent injury exists as to Motorola Mobility that can be redressed by judicial relief. The injury to Motorola Mobility includes uncertainty as to whether the development, use, and sale of the Motorola Mobility products will be free from infringement claims based on each of the DJ Patents. Consequently,

the injury is sufficiently immediate and irreparable to warrant the issuance of a declaratory judgment.

COUNT ONE

Noninfringement of United States Patent No. 6,928,292

20. Motorola Mobility incorporates by reference the preceding allegations of its Complaint.

21. The '292 patent purports to disclose "a mobile handset that is equipped with both position calculation means using radio waves from GPS satellites and position calculation means using RF carriers from cellular base stations." '292 patent at Abstract. Claim 1 of the '292 patent recites:

1. A mobile handset capable of determining its position using radio waves, the mobile handset comprising:

GPS receiver means for receiving GPS-oriented signals and generating received GPS signals;

GPS position calculation means for calculating the mobile handset's position from the received GPS signals and outputting a GPS-based position result;

GPS reliability calculation means for calculating GPS positioning reliability based on the GPS-based position result;

cellular receiver means for receiving cellular-oriented signals and generating received cellular signals;

cellular position calculation means for calculating the mobile handset's position from the received cellular signals and outputting a cellular-based position result;

cellular reliability calculation means for calculating cellular positioning reliability based on the cellular-based position result;
and

GPS/cellular positioning results combining means for combining the GPS-based position result and the cellular-based position result with the GPS positioning reliability and the cellular positioning reliability, wherein said GPS and cellular receiver means are adapted to receive GPS and cellular-oriented signals simultaneously.

'292 patent, claim 1.

22. Maxell alleges the Motorola Mobility Products practice at least one claim of the '292 patent.

23. Motorola Mobility has not infringed and does not infringe at least claim 1 of the '292 patent, either directly or indirectly, literally or under the doctrine of equivalents, including through its making, use, sale or offer for sale in, or importation into the United States of the Motorola Mobility Products.

24. Maxell cannot establish that the accused Motorola Mobility Products practice at least the following limitations of claim 1 of the '292 patent: “A mobile handset capable of determining its position using radio waves, the mobile handset,” a “GPS position calculation means for calculating the mobile handset's position from the received GPS signals and outputting a GPS-based position result,” a “GPS reliability calculation means for calculating GPS positioning reliability based on the GPS-based position result,” a “cellular position calculation means for calculating the mobile handset's position from the received cellular signals and outputting a cellular-based position result,” a “cellular reliability calculation means for calculating cellular positioning reliability based on the cellular-based position result,” and “GPS/cellular positioning results combining means for combining the GPS-based position result and the cellular-based position result with the GPS positioning reliability and the cellular positioning reliability, wherein said GPS and cellular receiver means are adapted to receive GPS and cellular-oriented signals simultaneously.” '292 patent, claim 1.

25. As alleged above, an actual controversy exists between Motorola Mobility and Maxell with respect to infringement of the '292 patent, and this controversy is likely to continue. Accordingly, Motorola Mobility desires a judicial determination and declaration of the respective rights and duties of the parties with respect to the '292 patent.

26. A judicial declaration is necessary and appropriate so that Motorola Mobility may ascertain its rights regarding the claims of the '292 patent.

COUNT TWO

Noninfringement of United States Patent No. 7,072,673

27. Motorola Mobility incorporates by reference the preceding allegations of its Complaint.

28. The '673 patent purports to disclose “[a] radio handset [that] includes: a signal receiver for receiving signals from a plurality of radio stations; a reception timing analyzer for analyzing reception timings of signals received by the signal reception means; a radio station selector for selecting radio stations to be used in a position calculation; and a position calculator for calculating a position of a signal reception point by using the reception timings of the signals from the selected radio stations.” ’673 patent at Abstract. According to the ’673 patent, “[t]he radio station selector selects the radio stations to be used in the position calculation in such a manner that when reception timings of signals from two or more of the radio stations cannot be separated from one another, it is decided to exclude a signal from at least one of these radio stations.” *Id.* Claim 9 of the ’673 patent recites:

9. A method for calculating a position of a radio handset in a system comprising a radio handset and a plurality of radio stations, comprising the step of:

in said radio handset, storing information of a plurality of radio stations, and receiving a plurality of signals transmitted from at least a part of said plurality of radio stations;

creating a plurality of delay profiles for said plurality of received signals;

extracting signal reception timings from said plurality of delay profiles:

selecting radio stations to be used for position calculation by determining not to use at least one of a radio station having a PN offset value same as another radio station included in the information stored in said radio handset: and

calculating the position of said radio handset using said extracted signal reception timings corresponding to said selected radio stations.

'673 patent, claim 9.

Claims 11 and 12 of the '673 patent recite:

11. A method for calculating a position of a radio handset according to claim 9, wherein said step of selecting radio stations is performed by said radio handset.

12. A method for calculating a position of a radio handset according to claim 11, wherein said position calculation is performed by said radio handset.

'673 patent, claims 11 and 12.

29. Maxell alleges the Motorola Mobility Products practice at least one claim of the '673 patent.

30. Motorola Mobility has not infringed and does not infringe at least claim 12 of the '673 patent, either directly or indirectly, literally or under the doctrine of equivalents, including through its making, use, sale or offer for sale in, or importation into the United States of the Motorola Mobility Products.

31. Maxell cannot establish that the accused Motorola Mobility Products practice at least the following limitations of claim 12: “[a] method for calculating a position of a radio handset according to claim 11, wherein said position calculation is performed by said radio handset.”

32. As alleged above, an actual controversy exists between Motorola Mobility and Maxell with respect to infringement of the '673 patent, and this controversy is likely to continue. Accordingly, Motorola Mobility desires a judicial determination and declaration of the respective rights and duties of the parties with respect to the '673 patent.

33. A judicial declaration is necessary and appropriate so that Motorola Mobility may ascertain its rights regarding the claims of the '673 patent.

COUNT THREE

Noninfringement of United States Patent No. 7,551,209

34. Motorola Mobility incorporates by reference the preceding allegations of its Complaint.

35. The '209 patent purports to disclose a method of performing camera white balance, which is the process of adjusting color in a digital image so that whites appear white in the resulting photograph regardless of external lighting conditions (e.g., sunny, overcast, or indoors under artificial light). '209 patent at 3:35-41. Claim 1 of the '209 patent requires, among other things, a specific process for correcting white balance using three pieces of information: (1) object brightness, (2) object distance, and (3) zoom value. *Id.* at claim 1. Claim 1 of the '209 patent recites:

1. An imaging apparatus, comprising:

object distance detecting means for detecting distance to an object;

zoom value detecting means for detecting a zoom value of an optical system;

object brightness detection means for detecting brightness of the object;

white balance controlling means for detecting an achromatic portion of the object based on a chrominance signal generated from an output signal of an imaging element through the optical system, and controlling gain of the chrominance signal in accordance with a shift amount of white balance detected from the achromatic portion, wherein white balance is controlled such that:

while object distance detection information is fixed, if zoom value information changes when object brightness information is a first value, white balance adjustment is made or not made according to a first threshold value; and

if the zoom value information changes, when the object brightness information is a second value different from the first value, white value adjustment is made or not made according to a second threshold value different from the first threshold value.

'209 patent at claim 1.

36. Maxell has alleged the Motorola Mobility Products practice at least one claim of the '209 patent.

37. Motorola Mobility has not infringed and does not infringe at least claim 1 of the '209 patent, either directly or indirectly, literally or under the doctrine of equivalents, including

through its making, use, sale or offer for sale in, or importation into the United States of the Motorola Mobility Products.

38. Maxell cannot establish that the accused Motorola Mobility Products have an object distance threshold value setting means as recited in the claims. For example, no product obtains zoom value information and object brightness information and on that basis forms a threshold value for comparison to an object distance. Also, none of the accused Motorola Mobility Products have a white balance control signal detection setting means as recited in claim 1 that compares the zoom value and zoom value threshold value, and no product forms a white balance control amount adjustment value based on that comparison.

39. As alleged above, an actual controversy exists between Motorola Mobility and Maxell with respect to infringement of the '209 patent, and this controversy is likely to continue. Accordingly, Motorola Mobility desires a judicial determination and declaration of the respective rights and duties of the parties with respect to the '209 patent.

40. A judicial declaration is necessary and appropriate so that Motorola Mobility may ascertain its rights regarding the claims of the '209 patent.

COUNT FOUR

Noninfringement of United States Patent No. 7,577,417

41. Motorola Mobility incorporates by reference the preceding allegations of its Complaint.

42. The '417 patent purports to disclose "a mobile terminal." '417 patent, claim 1. Claim 1 of the '417 patent recites:

1. A mobile terminal capable of being changed from an open condition into a closed condition, comprising:

a processor which executes program processing; and

a clock controller capable of changing a frequency of a clock signal to be fed to the processor;

wherein the clock controller controls the frequency of the clock signal so as to become a first frequency when the mobile terminal

is in the open condition, and controls the frequency of the clock signal so as to become a second frequency lower than the first frequency when the mobile terminal is in the closed condition, and

wherein the clock controller controls the frequency of the clock signal so as to become a frequency higher than the second frequency when a specific processing is executed even if the mobile terminal is in the closed condition, and controls the frequency of the clock signal so as to become the second frequency after the execution of the specific processing is completed.

'417 patent, claim 1.

43. Maxell has alleged the Motorola Mobility Products practice at least one claim of the '417 patent.

44. Motorola Mobility has not infringed and does not infringe at least claims 1 and 5 of the '417 patent, either directly or indirectly, literally or under the doctrine of equivalents, including through its making, use, sale or offer for sale in, or importation into the United States of the Motorola Mobility Products.

45. Claim 5 of the '417 patent, which depends from claim 1, recites: "The mobile terminal according to claim 1, further comprising an input unit which allows a user of the mobile terminal to set the frequency of the clock signal, wherein when the frequency is set by the user using the input unit, the first frequency is the frequency set by the user using the input unit."

'417 patent, claim 5. Maxell cannot establish that the accused Motorola Mobility Products practice at least the limitations of the claims 1 and 5, because the Motorola Mobility Products do not allow a user to change or set the frequency of a clock controller or clock signal.

46. As alleged above, an actual controversy exists between Motorola Mobility and Maxell with respect to infringement of the '417 patent, and this controversy is likely to continue. Accordingly, Motorola Mobility desires a judicial determination and declaration of the respective rights and duties of the parties with respect to the '417 patent.

47. A judicial declaration is necessary and appropriate so that Motorola Mobility may ascertain its rights regarding the claims of the '417 patent.

COUNT FIVE

Noninfringement of United States Patent No. 7,952,645

48. Motorola Mobility incorporates by reference the preceding allegations of its Complaint.

49. The '645 patent purports to disclose a video processing apparatus that includes a detector which detects whether "pattern portions" like wallpaper images are contained along with the contents of a video signal input and a corrector which corrects the video signal, such that if the pattern portions are contained in the input video signal, the corrector does not correct the video signal. '645 patent at Abstract. The detection and exclusion of "pattern portions" from the contents of a video signal input are recited in every claim of the '645 patent. For example, claim 1 of the '645 patent recites:

1. A video processing apparatus comprising:

an input unit to which a video signal containing contents is input;

a detector which detects whether pattern portions other than contents are contained in the video signal input to the input unit;

a corrector which corrects the video signal input to the input unit;
and

a controller which controls the corrector to cause the corrector to correct the video signal input to the input unit when the pattern portions are not contained, and which controls the corrector to cause the corrector not to correct the video signal when the pattern portions are contained.

'645 patent, claim 1.

50. Maxell has alleged the Motorola Mobility Products practice claims 1-3 of the '645 patent.

51. Motorola Mobility has not infringed and does not infringe at least claims 1-3 of the '645 patent, either directly or indirectly, literally or under the doctrine of equivalents, including through its making, use, sale or offer for sale in, or importation into the United States of the Motorola Mobility Products.

52. Maxell cannot establish that the accused Motorola Mobility Products practice at least the following limitations of claims 1-3 of the '645 patent: a detector which detects pattern portions other than contents that are contained in a video signal input, a corrector which corrects the video signal input to the input unit, and a controller which controls the corrector such that it does not change the correction characteristics when the pattern portions are contained in the video signal.

53. Although Maxell has previously alleged that the image signal processor (ISP) and/or CPU practice these limitations in the context of "Portrait mode" or when "performing scanning of documents" (*Maxell, Ltd. v. Lenovo Group Ltd., et al.*, Case No. 6-21-cv-01169-ADA, at ¶¶ 176-77), Maxell has not demonstrated that any ISP or CPU in the accused Motorola Mobility Products in either of these modes detect and exclude "pattern portions" in any "correction" process as claimed in the '645 patent. Additionally, Maxell cannot establish that the accused Motorola Mobility Products practice at least these limitations of the '645 patent claims, because to the extent the Motorola Mobility Products include the claimed "corrector," it performs the correction on both the purported "pattern portions" as well as the purported video signal Maxell identifies with respect to the accused the Motorola Mobility Products.

54. As alleged above, an actual controversy exists between Motorola Mobility and Maxell with respect to infringement of the '645 patent, and this controversy is likely to continue. Accordingly, Motorola Mobility desires a judicial determination and declaration of the respective rights and duties of the parties with respect to the '645 patent.

55. A judicial declaration is necessary and appropriate so that Motorola Mobility may ascertain its rights regarding the claims of the '645 patent.

COUNT SIX

Noninfringement of United States Patent No. 8,059,177

56. Motorola Mobility incorporates by reference the preceding allegations of its Complaint.

57. The '177 patent purports to disclose an “electric camera” that includes, among other things, “an image sensing device with a light receiving surface having N vertically arranged pixels and an arbitrary number of pixels arranged horizontally, N being equal to or more than three times the number of effective scanning lines M of a display screen of a television system.” '177 patent at Abstract. Claim 1 of the '177 patent recites:

1. An electric camera comprising:

an image sensing device with a light receiving surface having N vertically arranged pixels and an arbitrary number of pixels arranged horizontally, N being equal to or more than three times the number of effective scanning lines M of a display screen of a television system;

a driver including a first driver mode to drive the image sensing device to vertically mix or cull signal charges accumulated in individual pixels of every K pixels to produce a number of lines of output signals which corresponds to the number of effective scanning lines M, K being at least one of integers equal to or less than an integral part of a quotient of N divided by M;

said driver also including a second driver mode to drive the image sensing device to vertically mix or cull signal charges accumulated in individual pixels of every K pixels to produce, during a vertical effective scanning period of the television system, a number of lines of output signals which corresponds to $1/K$ the number of vertically arranged pixels N of the image sensing device, K being an integer equal to or less than an integral part of a quotient of N divided by M; and

a signal processing unit to generate image signals by using the output signals of the image sensing device;

wherein the driving by the first driver mode and the driving by the second driver mode are selectively switched according to input information from a switch provided inside or outside the electric camera.

'177 patent, claim 1.

58. Maxell has alleged the Motorola Mobility Products practice at least one claim of the '177 patent.

59. Motorola Mobility has not infringed and does not infringe at least claim 1 of the '177 patent, either directly or indirectly, literally or under the doctrine of equivalents, including

through its making, use, sale or offer for sale in, or importation into the United States of the Motorola Mobility Products.

60. Maxell cannot establish that the accused Motorola Mobility Products practice at least the limitations of claim 1 of the '177 patent that require the recite electric camera to “vertically mix or cull signal charges accumulated in individual pixels of every K pixels.”

61. As alleged above, an actual controversy exists between Motorola Mobility and Maxell with respect to infringement of the '177 patent, and this controversy is likely to continue. Accordingly, Motorola Mobility desires a judicial determination and declaration of the respective rights and duties of the parties with respect to the '177 patent.

62. A judicial declaration is necessary and appropriate so that Motorola Mobility may ascertain its rights regarding the claims of the '177 patent.

COUNT SEVEN

Noninfringement of United States Patent No. 8,098,695

63. Motorola Mobility incorporates by reference the preceding allegations of its Complaint.

64. The '695 patent purports to disclose a “multiplexed audio decoder apparatus.” '695, claim 1. Claim 1 of the '695 patent recites:

1. A multiplexed audio data decoder apparatus, for inputting a group of packets, each being formed by packetizing audio data sequences which are compressed and encoded and by multiplexing a plurality of those sequences, and for selectively decoding one audio data sequence which is designated by a user, the multiplexed audio data decoder comprising:

a demultiplexer for extracting the one audio data sequence which is designated by the user from said group of packets depending upon a property or attribute information of each packet, and further for extracting a method of compression and encoding which is applied for compressing the audio data sequence from a header information of each audio data sequence;

a memory in which decoding program codes are accumulated including decoding algorithms corresponding to said method of compression and encoding;

a digital signal processor for decoding the compressed audio data sequence in accordance with said decoding program codes, sequentially; and

a controller for receiving a method of compression and encoding from said demultiplexer, for detecting whether said method of compression and encoding changes to another method of compression and encoding or not, and if said method of compression and encoding changes, for downloading the decoding program code corresponding to said another method of compression and encoding, to said memory for outside of said memory,

wherein said digital signal processor begins decoding processing by using the decoding program code which is downloaded to said memory.

'695 patent, claim 1.

65. Maxell has alleged the Motorola Mobility Products practice at least one claim of the '695 patent.

66. Motorola Mobility has not infringed and does not infringe at least claim 1 of the '695 patent, either directly or indirectly, literally or under the doctrine of equivalents, including through its making, use, sale or offer for sale in, or importation into the United States of the Motorola Mobility Products.

67. Maxell cannot establish that the accused Motorola Mobility Products practice claim 1 of the '695 patent because those products do not allow for a "user" to designate an audio data sequence to be used. Rather, in Motorola Mobility Products, the data sequence is selected automatically.

68. As set alleged above, an actual controversy exists between Motorola Mobility and Maxell with respect to infringement of the '695 patent, and this controversy is likely to continue. Accordingly, Motorola Mobility desires a judicial determination and declaration of the respective rights and duties of the parties with respect to the '695 patent.

69. A judicial declaration is necessary and appropriate so that Motorola Mobility may ascertain its rights regarding the claims of the '695 patent.

COUNT EIGHT

Noninfringement of United States Patent No. 9,420,212

70. Motorola Mobility incorporates by reference the preceding allegations of its Complaint.

71. The '212 patent purports to disclose a video display apparatus with a first and second radio communication unit, in which the first radio communication unit is capable of receiving digital video from an external video processing apparatus, the second radio communication unit is capable of connecting by radio to the external video processing apparatus, accessing the internet or home network through the external video processing apparatus and receiving digital information, and a control unit that sets the transmission rate of the first radio communication unit to be greater than the transmission rate of the second radio communication unit. Claim 1 of the '212 patent recites:

1. A display apparatus, comprising:

a first radio communication unit capable of receiving digital video information by radio from an external video processing apparatus;

a second radio communication unit capable of connecting by radio to the external video processing apparatus, accessing to an internet or a home network through the external video processing apparatus by radio, and receiving digital information; and

a control unit for controlling assignment of connection by radio transmission for each of the first and second radio communication units, so that the first radio communication unit receives digital video information from the external video processing apparatus and the second radio communication unit connects to the internet or the home network simultaneously,

wherein said first radio communication unit and said second radio communication unit are different from each other in frequency bandwidth and modulation/demodulation method,

wherein the control unit controls assignment of a transmission rate between the first radio communication unit and the external video processing apparatus, and assignment of a transmission rate between the second radio communication unit and the internet or the home network, and

wherein the control unit controls the assignment of the transmission rate such that the transmission rate between the first

radio communication unit and the external video processing apparatus, is more than the transmission rate between the second radio communication unit and the internet or the home network, when a user issues an indication to receive video information by using the first radio communication unit from the video processing apparatus while acquiring information from the Internet by use of the second radio communication unit.

72. Maxell has alleged the Motorola Mobility Products practice at least claim 1 of the '212 patent.

73. Motorola Mobility has not infringed and does not infringe at least claim 1 of the '212 patent, either directly or indirectly, literally or under the doctrine of equivalents, including through its making, use, sale or offer for sale in, or importation into the United States of the Motorola Mobility Products.

74. Maxell cannot establish that the accused Motorola Mobility Products practice the limitations of claim 1 of the '212 patent. Maxell has alleged that the Motorola Mobility Products practice claim 1 because they include Bluetooth and cellular radios, each of which Maxell self-contradictorily identifies as either the “first radio communication unit” or the “second radio communication unit.” *Maxell, Ltd. v. Lenovo Group Ltd., et al.*, Case No. 6-21-cv-01169-ADA, at ¶¶ 155-57. However, the recited first and second radio communication units perform different functions and have different capabilities, so they cannot be interchanged. Thus, the mere fact that the accused products include both Bluetooth and cellular functionality does not meet the limitations of the claims.

75. As set alleged above, an actual controversy exists between Motorola Mobility and Maxell with respect to infringement of the '212 patent, and this controversy is likely to continue. Accordingly, Motorola Mobility desires a judicial determination and declaration of the respective rights and duties of the parties with respect to the '212 patent.

76. A judicial declaration is necessary and appropriate so that Motorola Mobility may ascertain its rights regarding the claims of the '212 patent.

PRAYER FOR RELIEF

WHEREFORE, Motorola Mobility respectfully requests that judgment be entered:

A. Declaring that Motorola Mobility does not infringe at least the identified claims of the DJ Patents, directly or indirectly, literally or under the doctrine of equivalents, by the making, using, selling, offering to sell, and/or importing of the Motorola Mobility Products;

B. Awarding Motorola Mobility its reasonable attorneys' fees under 35 U.S.C. § 285; and

C. Awarding any other remedy or relief to which Motorola Mobility may be entitled and which is deemed appropriate by the Court.

DEMAND FOR JURY TRIAL

Motorola Mobility demands trial by jury of all issues triable of right by a jury.

Dated: March 4, 2022

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