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13 Attorneys for Plaintiff
14 NAZOMI COMMUNICATIONS, INC.

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN JOSE DIVISION**

18 Nazomi Communications, Inc.,

19 Plaintiff,

20 v.

21 Nokia Corporation, Nokia, Inc., Amazon.com,
22 Inc., Western Digital Corporation, Western
23 Digital Technologies, Inc., Garmin
24 Corporation, Garmin International, Inc.,
Garmin USA, Inc., Sling Media, Inc. and
25 VIZIO, Inc.

26 Defendants.
27
28

Case No. 5: 10-cv-4686-JF

**SECOND AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff Nazomi Communications, Inc. (“Nazomi”), by and through its undersigned
2 counsel, complains as follows:

3 **JURISDICTION AND VENUE**

4 1. This infringement action arises under the patent laws of the United States, Title 35
5 of the United States Code, including but not limited to 35 U.S.C. § 271.

6 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
7 1338(a).

8 3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c),
9 and 1400(b).

10 **THE PARTIES**

11 4. Plaintiff Nazomi Communications, Inc. is a corporation organized and existing
12 under the laws of the State of Delaware with its principal place of business at 3561 Homestead
13 Road, Suite 571, Santa Clara, California 95051.

14 5. Upon information and belief, Defendant Nokia Corporation is incorporated under
15 the laws of Finland and has its principal place of business at Nokia House, Keilalahdentie 2-4,
16 FIN-02150, Espoo, Finland.

17 6. Upon information and belief, Defendant Nokia, Inc. is a corporation organized and
18 existing under the laws of the State of Delaware with its principal place of business at 6000
19 Connection Drive, Irving, Texas 75039.

20 7. Upon information and belief, Defendant Amazon.com, Inc. is a corporation
21 organized and existing under the laws of the State of Delaware with its principal place of business
22 at 410 Terry Avenue N., Seattle, Washington 98109.

23 8. Upon information and belief, Defendant Western Digital Corporation is a
24 corporation organized and existing under the laws of the State of Delaware with its principal
25 place of business at 20511 Lake Forest Drive, Lake Forest, CA 92630.

26 9. Upon information and belief, Defendant Western Digital Technologies, Inc. is a
27 corporation organized and existing under the laws of the State of Delaware with its principal
28 place of business at 20511 Lake Forest Drive, Lake Forest, CA 92630.

1 issued United States Patent No. 7,080,362 entitled “Java virtual machine hardware for RISC and
2 CISC processors” (“the ‘362 patent”). A true and correct copy of the ‘362 patent is attached as
3 Exhibit 1.

4 **17.** On May 29, 2007, the United States Patent and Trademark Office duly and legally
5 issued United States Patent No. 7,225,436 entitled “Java hardware accelerator using microcode
6 engine” (“the ‘436 patent”). A true and correct copy of the ‘436 patent is attached as Exhibit 2.

7 **18.** Nazomi is the owner and possessor of all rights, title, and interest in the ‘362 and
8 ‘436 patents.

9 **19.** Each of the Defendants sell consumer electronics products containing processor
10 cores capable of Java hardware acceleration.

11 **20.** Defendants Nokia Corporation and Nokia Inc. make, use, sell, and/or offer for sale
12 within the United States and this judicial district the Nokia 6350. Upon information and belief,
13 the Nokia 6350 incorporates an ARM1136JF-S processor core capable of Java hardware
14 acceleration.

15 **21.** Defendant Amazon.com, Inc. makes, uses, sells, and/or offers for sale within the
16 United States and this judicial district the Kindle 2 eReader. Upon information and belief, the
17 Kindle 2 eReader incorporates an ARM1136JF-S processor core capable of Java hardware
18 acceleration.

19 **22.** Defendants Western Digital Corporation and Western Digital Technologies, Inc.
20 make, use, sell, and/or offer for sale within the United States and this judicial district the My
21 Book World Edition network-attached storage device. Upon information and belief, the My Book
22 World Edition network-attached storage device incorporates an ARM926EJ-S processor core
23 capable of Java hardware acceleration.

24 **23.** Defendants Garmin Corporation, Garmin International, Inc., and Garmin USA,
25 Inc. make, use, sell, and/or offer for sale within the United States and this judicial district the
26 Nuvi 205 personal navigation device. Upon information and belief, the Nuvi 205 incorporates an
27 ARM926J processor core capable of Java hardware acceleration.

28 **24.** Defendant Sling Media, Inc. makes, uses, sells, and/or offers for sale within the

1 United States and this judicial district the Slingbox Pro-HD remote personal video recorder.

2 Upon information and belief, the Slingbox Pro-HD incorporates an ARM926EJ-S processor core
3 capable of Java hardware acceleration.

4 **25.** Defendant VIZIO, Inc. makes, uses, sells, and/or offers for sale within the United
5 States and this judicial district the VIZIO L37 and VL320M high definition televisions. Upon
6 information and belief, the VIZIO L37 and VL320M high definition televisions incorporate an
7 ARM926EJ processor core capable of Java hardware acceleration.

8 **COUNT I**

9 **INFRINGEMENT OF THE '362 PATENT**

10 **26.** Plaintiff incorporates each of the preceding paragraphs 1-25 as if fully set forth
11 herein.

12 **27.** Defendants have been and are directly infringing the '362 patent by making, using,
13 selling, and/or offering for sale within the United States and this judicial district the products
14 identified in paragraphs 20-25.

15 **28.** Upon information and belief, since December 7, 2009, Defendants Nokia
16 Corporation and Nokia, Inc. have been and are inducing end users of the Nokia 6350 to directly
17 infringe the claims of the '362 patent in violation of 35 U.S.C. 271(b).

18 **29.** In particular, Nokia Corporation and Nokia, Inc. have had actual knowledge of the
19 '362 patent since December 7, 2009. *See* Exhibit 3.

20 **30.** Upon information and belief, since December 7, 2009, Nokia Corporation and
21 Nokia, Inc. have provided end users of the Nokia 6350 with user manuals that contain instructions
22 intended to induce end users to open and use Java applications that Nokia pre-loads on Nokia
23 6350 devices. *See* Exhibit 4 (Nokia 6350 User Guide) at 34. The Nokia 6350 User Manual also
24 instructs and induces end users to download, install, and use Java applications on the Nokia 6350.
25 *See* Exhibit 4 at 34-35.

26 **31.** Upon information and belief, since December 7, 2009, Nokia Corporation and
27 Nokia, Inc. have had actual knowledge that Nokia products capable of Java hardware acceleration
28 infringe one or more claims of the '362 patent.

1 Nokia, Inc. have had actual knowledge that Nokia products capable of Java hardware acceleration
2 infringe one or more claims of the '436 patent.

3 **41.** Upon information and belief, since December 7, 2009, Nokia Corporation and
4 Nokia, Inc., have known that execution of the instructions referenced in paragraph 30 by end
5 users results in direct infringement of one or more claims of the '436 patent.

6 **42.** Consequently, upon information and belief, since December 7, 2009, Nokia
7 Corporation and Nokia, Inc. have known that the induced acts referenced in paragraph 30
8 constitute infringement of one or more claims of the '436 patent.

9 **43.** The infringement by Defendants of the '436 patent has injured Plaintiff and will
10 cause irreparable injury and damage in the future unless Defendants are enjoined from infringing
11 the '436 patent.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Nazomi prays for judgment against all Defendants as follows:

14 a) That the Court find that Defendants have each infringed and are each presently
15 infringing, directly and/or indirectly, United States Patent Nos. 7,080,362 and 7,225,436;

16 b) That the Court find the '362 and '436 patents valid and enforceable;

17 c) That the Court award Nazomi damages or other monetary relief, including
18 prejudgment interest, for Defendants' infringement;

19 d) That the Court find this to be an exceptional case entitling Nazomi to an award of
20 attorney's fees, expenses, and costs pursuant to 35 U.S.C. § 285;

21 e) That the Court enjoin Defendants and their officers, directors, agents, and
22 employees, from infringing, directly or indirectly, the '362 and '436 patents;

23 f) That the Court award Nazomi such other and further relief as the Court deems just
24 and appropriate.

25 **DEMAND FOR JURY TRIAL**

26 Plaintiff respectfully requests a jury trial on all issues so triable.
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Dated: August 15, 2011

PEPPER HAMILTON LLP

Respectfully submitted,

/s/ Matthew Durell
Matthew Durell

Attorney for Plaintiff
NAZOMI COMMUNICATIONS, INC.