

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

IMAGIO LLC,

Plaintiff,

v.

CDW LLC; SEARS, ROEBUCK AND CO.;
LENOVO (UNITED STATES) INC.;
FUJITSU AMERICA, INC.; SONY
ELECTRONICS INC.; ASUS COMPUTER
INTERNATIONAL; and TOSHIBA
AMERICA INFORMATION SYSTEMS,
INC.,

Defendants.

Civil Action No. 11-cv-1614

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Imagio LLC sues Defendants CDW LLC; Sears, Roebuck and Co.; Lenovo (United States) Inc.; Fujitsu America, Inc.; Sony Electronics Inc.; ASUS Computer International; and Toshiba America Information Systems, Inc. and states as follows:

Cause of Action, Plaintiff, Patents in Suit

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, including 35 U.S.C. §§ 271, 281 and 284.

2. Imagio LLC ("Imagio") is a Nevada limited liability company with offices in this judicial district in both Chicago, Illinois and Crystal Lake, Illinois.

3. Imagio owns all right, title and interest in and, thus, has standing to sue for infringement of United States Patent Nos. 7,630,556 B1 (the "'556 patent") and 7,630,557 B1 (the "'557 patent"), each issued on December 8, 2009 and entitled "Image Compression by Object Segregation" (collectively, the "patents in suit").

Defendants

4. CDW LLC ("CDW") is an Illinois limited liability company having its principal place of business in this judicial district at 200 North Milwaukee Avenue, Vernon Hills, Illinois 60061. CDW is registered to do business in the State of Illinois and has an agent for service of process in Springfield, Illinois. CDW offers for sale and sells products nationwide, as well as in this judicial district, that permit the practice of the method of claim 1 of the '556 patent and claim 1 of the '557 patent.

5. Sears, Roebuck and Co. ("Sears") has its principal place of business in this judicial district at 3333 Beverly Road, Hoffman Estates, IL 60179. Sears is registered to do business in the State of Illinois and has an agent for service of process in Chicago, Illinois. Sears offers for sale and sells products nationwide, as well as in this judicial district, that permit the practice of the method of claim 1 of the '556 patent and claim 1 of the '557 patent.

6. Lenovo (United States) Inc. ("Lenovo") is a Delaware corporation having its principal place of business at 1009 Think Place, Morrisville, North Carolina 27560. Lenovo is registered to do business in the State of Illinois and has an agent for service of process in Chicago, Illinois. Lenovo designs, develops, offers for sale and sells products nationwide, as well as within this judicial district, that permit the practice of the method of claim 1 of the '556 patent and claim 1 of the '557 patent.

7. Fujitsu America, Inc. ("Fujitsu") is a California corporation having its principal place of business at 1250 East Arques Ave., Sunnyvale, California 94085. Fujitsu is registered to do business in the State of Illinois and has an agent for service of process in Chicago, Illinois. Fujitsu designs, develops, offers for sale and sells products nationwide, as well as in this judicial district, that permit the practice of the method of claim 1 of the '556 patent and claim 1 of the '557 patent.

8. Sony Electronics Inc. ("Sony") is a Delaware corporation having its principal place of business at 16530 Via Esprillo, San Diego, California 92127. Sony is registered to do business in the State of Illinois and has an agent for service of process in Springfield, Illinois. Sony designs, develops, offers for sale and sells products nationwide, as well as in this judicial district, that permit the practice of the method of claim 1 of the '556 patent and claim 1 of the '557 patent.

9. ASUS Computer International ("ASUS") is a California company having its principal place of business at 800 Corporate Way, Fremont, California 94539. ASUS designs, develops, offers for sale and sells products nationwide, as well as in this judicial district, that permit the practice of the method of claim 1 of the '556 patent and claim 1 of the '557 patent.

10. Toshiba America Information Systems, Inc. ("Toshiba") is a California corporation having its principal place of business at 9740 Irvine Blvd., Irvine, California 92618. Toshiba is registered to do business in the State of Illinois and has an agent for service of process in Chicago, Illinois. Toshiba designs, develops, offers for sale and sells products nationwide, as well as in this judicial district, that permit the practice of the method of claim 1 of the '556 patent and claim 1 of the '557 patent.

Jurisdiction and Venue

11. This Court has exclusive jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).

12. Each of the Defendants is subject to personal jurisdiction in this judicial district because each one has transacted business and has committed acts of infringement in this district.

13. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b) because each of the Defendants is subject to personal jurisdiction, does business and has committed acts of infringement in this judicial district.

Indirect Infringement

14. CDW has committed and will continue to commit acts that constitute, with its knowledge of the '556 and '557 patents, knowing and intentional inducement of infringement of at least claim 1 of the '556 and '557 patents by others within the meaning of 35 U.S.C. § 271(b) through, among other things, its acts of marketing, distributing, providing, selling and/or offering to sell in the United States and/or importing into the United States computer products with CPU and GPU that supports Microsoft Direct X version 10 or higher at its stores and/or on its website, including but not limited to the following computer products: ASUS G53 Series (i.e. G53JW-3DE, G53JW-A1), ASUS G73 Series (i.e. ASUS G73JW-WS1B, ASUS G73JW3DE), Lenovo IdeaCentre Q Series (i.e. Q110, Q150), Lenovo ThinkPad T410, Lenovo ThinkPad T400, Lenovo ThinkPad T510, Lenovo ThinkPad X201, Toshiba Qosmio X500 Series (i.e. X500, X505), Toshiba Tecra A11, Toshiba Portege R700, Toshiba Tecra M11, Fujitsu LIFEBOOK S760, Fujitsu LIFEBOOK E780, Fujitsu LIFEBOOK P770, Fujitsu LIFEBOOK AH530, Fujitsu LIFEBOOK S710, Fujitsu LIFEBOOK NH570, Fujitsu LIFEBOOK T730, Fujitsu LIFEBOOK T900, Sony VAIO EC Series and Sony VAIO E Series. CDW's customers who have used such computer products directly infringe at least claim 1 of the '556 and '557 patents within the meaning of 35 U.S.C. § 271(a). CDW has knowingly induced such infringement with the intent to encourage such infringing use at least through advertisements, marketing, and providing instructions enabling such infringing use after receiving notice of its infringement.

15. Sears has committed and will continue to commit acts that constitute, with its knowledge of the '556 and '557 patents, knowing and intentional inducement of infringement of at least claim 1 of the '556 and '557 patents by others within the meaning of 35 U.S.C. § 271(b) through, among other things, its acts of marketing, distributing, providing, selling and/or offering to sell in the United States computer products with a CPU and GPU that supports Microsoft Direct X version 10 or higher at its stores and/or on its website, including but not limited to the

following computer products: ASUS Eee PC 1215N, ASUS Eee PC 1015PN, Lenovo Ideapad Z565, Lenovo-Idea Y560, Toshiba Qosmio X500 Series (i.e. X500, X505), Sony VAIO EB Series, Sony VAIO EB Series and Fujitsu LIFEBOOK T900. Sears' customers who have used such computer products directly infringe at least claim 1 of the '556 and '557 patents within the meaning of 35 U.S.C. § 271(a). Sears has knowingly induced such infringement with the intent to encourage such infringing use at least through advertisements, marketing, and providing instructions enabling such infringing use after receiving notice of its infringement.

16. Lenovo has committed and will continue to commit acts that constitute, with its knowledge of the '556 and '557 patents, knowing and intentional inducement of infringement of at least claim 1 of the '556 and '557 patents by others within the meaning of 35 U.S.C. § 271(b) through, among other things, its acts of making, marketing, distributing, providing, testing, configuring, selling, and/or offering to sell in the United States and/or importing into the United States computer products with a CPU and GPU that supports Microsoft Direct X version 10 or higher, including but not limited to the following computer products: the Lenovo IdeaCentre Q Series (i.e. Q110, Q150), Lenovo ThinkPad T Series (i.e. T410, T400, T510), Lenovo ThinkPad X Series (i.e. X201, X201 Tablet), Lenovo Ideapad Z565, Lenovo IdeaPad Y560 and Y560d computer products ("Lenovo Products"). Lenovo's customers who have used such computer products directly infringe at least claim 1 of the '556 and '557 patents within the meaning of 35 U.S.C. § 271(a). Lenovo has knowingly induced such infringement with the intent to encourage such infringing use at least through advertisements, marketing, and providing instructions enabling such infringing use after receiving notice of its infringement.

17. Fujitsu has committed and will continue to commit acts that constitute, with its knowledge of the '556 and '557 patents, knowing and intentional inducement of infringement of at least claim 1 of the '556 and '557 patents by others within the meaning of 35 U.S.C. § 271(b) through, among other things, its acts of making, marketing, distributing, providing, testing,

configuring, selling, and/or offering to sell in the United States and/or importing into the United States computer products with a CPU and GPU that supports Microsoft Direct X version 10 or higher, including but not limited to the following computer products: Fujitsu LIFEBOOK S710, Fujitsu LIFEBOOK S760, Fujitsu LIFEBOOK E780, Fujitsu LIFEBOOK P770, Fujitsu LIFEBOOK AH530, Fujitsu LIFEBOOK S710, Fujitsu LIFEBOOK NH570, Fujitsu LIFEBOOK T730, Fujitsu LIFEBOOK T900 computer products ("Fujitsu Products"). Fujitsu's customers who have used such computer products directly infringe at least claim 1 of the '556 and '557 patents within the meaning of 35 U.S.C. § 271(a). Fujitsu has knowingly induced such infringement with the intent to encourage such infringing use at least through advertisements, marketing, and providing instructions enabling such infringing use after receiving notice of its infringement.

18. Sony has committed and will continue to commit acts that constitute, with its knowledge of the '556 and '557 patents, knowing and intentional inducement of infringement of at least claim 1 of the '556 and '557 patents by others within the meaning of 35 U.S.C. § 271(b) through, among other things, its acts of making, marketing, distributing, providing, testing, configuring, selling, and/or offering to sell in the United States and/or importing into the United States computer products with a CPU and GPU that supports Microsoft Direct X version 10 or higher, including but not limited to the following computer products: Sony VAIO EC Series, Sony VAIO E Series, Sony VAIO F Series, Sony VAIO Y Series, Sony VAIO EA Series, and Sony VAIO EB Series computer products ("Sony Products"). Sony's customers who have used such computer products directly infringe at least claim 1 of the '556 and '557 patents within the meaning of 35 U.S.C. § 271(a). Sony has knowingly induced such infringement with the intent to encourage such infringing use at least through advertisements, marketing, and providing instructions enabling such infringing use after receiving notice of its infringement.

19. ASUS has committed and will continue to commit acts that constitute, with its knowledge of the '556 and '557 patents, knowing and intentional inducement of infringement of at least claim 1 of the '556 and '557 patents by others within the meaning of 35 U.S.C. § 271(b) through, among other things, its acts of making, marketing, distributing, providing, testing, configuring, selling, and/or offering to sell in the United States and/or importing into the United States computer products with a CPU and GPU that supports Microsoft Direct X version 10 or higher, including but not limited to the following computer products: ASUS Essentio CG1330, ASUS G53 Series (i.e. G53JW-3DE, G53JW-A1), ASUS G73 Series (i.e. ASUS G73JW-WS1B, ASUS G73JW3DE), ASUS G51 Series, ASUS G71 Series, ASUS G72 Series, ASUS Eee PC 1215N, ASUS Eee PC 1015PN computer products ("ASUS Products"). ASUS' customers who have used such computer products directly infringe at least claim 1 of the '556 and '557 patents within the meaning of 35 U.S.C. § 271(a). ASUS has knowingly induced such infringement with the intent to encourage such infringing use at least through advertisements, marketing, and providing instructions enabling such infringing use after receiving notice of its infringement.

20. Toshiba has committed and will continue to commit acts that constitute, with its knowledge of the '556 and '557 patents, knowing and intentional inducement of infringement of at least claim 1 of the '556 and '557 patents by others within the meaning of 35 U.S.C. § 271(b) through, among other things, its acts of making, marketing, distributing, providing, testing, configuring, selling, and/or offering to sell in the United States and/or importing into the United States computer products with a CPU and GPU that supports Microsoft Direct X version 10 or higher, including but not limited to the following computer products: Toshiba Qosmio X500 Series (i.e. X500, X505), Toshiba Tecra A11, Toshiba Portege R700 and Toshiba Tecra M11 computer products ("Toshiba Products"). Toshiba's customers who have used such computer products directly infringe at least claim 1 of the '556 and '557 patents within the meaning of 35 U.S.C. § 271(a). Toshiba has knowingly induced such infringement with the intent to encourage

such infringing use at least through advertisements, marketing, and providing instructions enabling such infringing use after receiving notice of its infringement.

21. Accordingly, Imagio is entitled to recover damages adequate to compensate it for each Defendant's infringement, but in no event less than a reasonable royalty.

22. Imagio has complied with the requirements of 35 U.S.C. §287, and provided notice to each Defendant.

23. Each Defendant's' infringement of the patents in suit has been willful, deliberate and objectively reckless.

Notice, Knowledge, Willfulness

24. Each Defendant's infringement has occurred with knowledge of the '556 patent and '557 patent, willfully and deliberately in violation of 35 U.S.C. §271. Each Defendant was given actual notice of the patents in suit in letters which were sent at least as early as December 9, 2010. Each letter provided a claim chart that compared each Defendant's representative products with representative claim 1 of the '556 patent and representative claim 1 of the '557 patent. The letters also gave each Defendant notice that it was inducing infringement of the patents in suit, and also included a proposed license for the patents in suit. Each Defendant has failed to adequately respond to Imagio's allegations of infringement and, upon information and belief, has not taken necessary steps to avoid infringement. Instead, each Defendant has continued to infringe the patents in suit in an objectively reckless manner, with disregard of Imagio's patent rights in the patents in suit.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court enter judgment against each of the Defendants, and against their respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of Imagio and against each of the Defendants;
- B. An award of damages adequate to compensate Imagio for the infringement that has occurred (together with prejudgment interest from the date the infringement began), but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;
- C. Increased damages as permitted under 35 U.S.C. § 284;
- D. A finding that this case is exceptional and an award to Imagio of its attorneys' fees and costs as provided by 35 U.S.C. § 285; and
- E. Such other relief that Imagio is entitled to under law and any other relief that this Court or a jury may deem just and proper.

JURY DEMAND

Imagio demands a trial by jury on all issues presented in this Complaint.

Respectfully submitted,

/s/ Raymond P. Niro _____

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