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MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN JOSE DIVISION

21 MATSUSHITA ELECTRIC INDUSTRIAL  
22 CO., LTD.

23 Plaintiff,

24 v.

25 MEDIATEK, INC., OPPO DIGITAL, INC., and  
26 MICRO-STAR INTERNATIONAL  
27 COMPUTER CORP.

28 Defendants.

**ADR E-filing**

**ORIGINAL FILED**

**AUG 03 2005**

FILED  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

**C 05 03148 JL**

**COMPLAINT FOR PATENT  
INFRINGEMENT  
AND JURY DEMAND**

DEWEY BALLANTINE LLP  
1950 University Avenue, Suite 500  
East Palo Alto, California 94303-2225

1 Plaintiff Matsushita Electric Industrial Co., Ltd. ("Matsushita") states the following as its  
2 Complaint against Defendants MediaTek, Inc. ("MediaTek"), OPPO Digital, Inc. ("OPPO  
3 Digital"), and Micro-Star International Computer Corp. ("MSI") (together "Defendants"):

4 **THE PARTIES**

5 1. Matsushita is a corporation organized and existing under the laws of  
6 Japan, with its principal place of business at 1006, Kadoma, Kadoma City, Osaka 571-8501,  
7 Japan.

8 2. Upon information and belief, Defendant MediaTek is an entity organized  
9 and existing under the laws of Taiwan, with its headquarters at 5F, No. 1-2, Innovation Road 1,  
10 Science-Based Industrial Park, Hsin-Chu City, Taiwan 300, R.O.C.

11 3. Upon information and belief, Defendant OPPO Digital is a corporation  
12 organized and existing under the laws of the State of California, with its principal place of  
13 business located at 453 Ravendale Drive, Suite D, Mountain View, CA 94043. The Statement  
14 of Information OPPO Digital filed November 17, 2004, with the Secretary of State for the State  
15 of California indicates OPPO Digital's address to be 2269 Old Middlefield Way, Mountain  
16 View, CA 94043, but OPPO Digital's website indicates its address has been changed to that  
17 given above.

18 4. Upon information and belief, Defendant MSI is a corporation organized  
19 and existing under the laws of the State of California, with its principal place of business located  
20 at 901 Canada Court, City of Industry, CA 91748.

21 **NATURE OF THE ACTION**

22 5. This is an action for patent infringement.

23 6. Defendants have infringed, contributed to the infringement of, and/or  
24 actively induced others to infringe Matsushita's U.S. Patent No. 6,728,475 ("the '475 Patent"),  
25 U.S. Patent No. 5,970,238 ("the '238 Patent"), and/or U.S. Patent No. 5,548,249 ("the '249  
26 Patent"). Hereinafter, these patents are collectively referred to as the "Asserted Patents."  
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1 Defendants continue to infringe, contribute to the infringement of, and/or actively induce the  
2 infringement of the Asserted Patents.

3 **JURISDICTION**

4 7. This action arises under the Patent Laws of the United States, 35 U.S.C.  
5 §§ 1 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and  
6 1338(a).

7 **PERSONAL JURISDICTION AND VENUE**

8 8. This Court has personal jurisdiction over Defendants because Defendants  
9 conduct business in the State of California and have committed acts of infringement in this  
10 district or have contributed to or induced acts of infringement by others in this district.

11 9. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c),  
12 1391(d) and/or 1400(b) because each of the Defendants is a corporation subject to personal  
13 jurisdiction in the Northern District of California.

14 **INTRADISTRICT ASSIGNMENT**

15 10. This is an “Intellectual Property Action” as specified in Civil L.R. 3-2(c)  
16 and so is to be assigned on a districtwide basis.

17 **FACTUAL BACKGROUND**

18 11. Matsushita is a world leader in the design of systems and large scale  
19 integrated circuits (“LSIs”) used in optical disk controller chips and chipsets found in DVD  
20 players and in computer components such as DVD-ROM drives, DVD-RAM drives, and DVD  
21 recorders. These DVD players and computer components are then sold throughout the world.

22 12. Upon information and belief, MediaTek is in the business of, *inter alia*,  
23 making, using, selling, importing and/or offering for sale products that consist of or include  
24 optical disk controller chips and chipsets (collectively “MediaTek Devices”) that infringe one or  
25 more claims of each of the Asserted Patents, knowing such MediaTek Devices to infringe one or  
26 more of the Asserted Patents and knowing and intending that such MediaTek Devices are to be  
27 incorporated into products that are imported into, sold, offered for sale, and used in the United

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1 States. These MediaTek devices include the MediaTek 1618 series integrated circuit chips and  
2 the MediaTek 1369 series integrated circuit chips.

3 13. Upon information and belief, MediaTek manufactures the MediaTek  
4 Devices and sells them to its customers, including, without limitation, to MSI and to suppliers to  
5 OPPO Digital and MSI, thereby placing the MediaTek Devices in the stream of commerce in the  
6 United States and this judicial district, knowing and intending that they will be imported into,  
7 sold, offered for sale, or used in the United States, including in this judicial district, as  
8 components of optical storage devices and/or DVD players. Products containing the MediaTek  
9 Devices have in fact been and continue to be sold in this judicial district.

10 14. Upon information and belief, MediaTek conducts activities in the United  
11 States and in California, including research and development through CrystalMedia Technology,  
12 Inc. ("CrystalMedia") and Wireless ICs, Inc. ("Wireless"), two wholly-owned subsidiaries  
13 located in California. Upon information and belief, both CrystalMedia and Wireless are  
14 instrumentalities of MediaTek, acting under the direction of MediaTek in California. MediaTek  
15 is the alter ego of these wholly-owned subsidiaries which share many of the same corporate  
16 directors.

17 15. Upon information and belief, OPPO Digital is in the business of, *inter*  
18 *alia*, making, using, selling, importing and/or offering for sale products that incorporate  
19 MediaTek Devices that infringe one or more claims of each of the Asserted Patents ("OPPO  
20 DVD Products"). OPPO DVD Products that incorporate MediaTek Devices have in fact been  
21 sold in this judicial district.

22 16. Upon information and belief, MSI is in the business of, *inter alia*, making  
23 using, selling, importing and/or offering for sale products that incorporate MediaTek Devices  
24 that infringe one or more claims of each of the Asserted Patents ("MSI DVD Products"). MSI  
25 DVD Products that incorporate MediaTek Devices have in fact been sold in this judicial district.

**COUNT I**

**(Infringement of U.S. Patent No. 6,728,475)**

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3 17. Matsushita refers to and incorporates herein the allegations of Paragraphs  
4 1 through 16 above.

5 18. United States Patent No. 6,728,475 (copy attached hereto as Exhibit A),  
6 entitled "Digital Motion Picture Decoding Apparatus and Digital Motion Picture Decoding  
7 Method," was duly and legally issued by the United States Patent and Trademark Office on April  
8 27, 2004, after full and fair examination. Matsushita is the assignee of all rights, title and interest  
9 in and to the '475 Patent and possesses all rights of recovery under the '475 Patent, including the  
10 right to sue for infringement and recover past damages.

11 19. Upon information and belief, Defendants have infringed and continue to  
12 infringe the '475 Patent by making, using, offering to sell, selling (directly or through  
13 intermediaries), and/or importing, in this district and elsewhere in the United States, products  
14 that use or embody the patented invention; by actively inducing infringement of one or more  
15 claims of the '475 Patent; and/or by contributorily infringing one or more claims of the '475  
16 Patent.

17 20. Matsushita is entitled to recover from the Defendants the damages  
18 sustained by Matsushita as a result of the Defendants' wrongful acts in an amount subject to  
19 proof at trial.

20 21. Upon information and belief, the Defendants' infringement of the '475  
21 Patent has been willful and deliberate, entitling Matsushita to increased damages under 35  
22 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C.  
23 § 285.

24 22. The Defendants' infringement of Matsushita's rights under the '475 Patent  
25 will continue to damage Matsushita, causing irreparable harm for which there is no adequate  
26 remedy at law, unless it is enjoined by this Court.

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**COUNT II**

**(Infringement of U.S. Patent No. 5,970,238)**

23. Matsushita refers to and incorporates herein the allegations of Paragraphs 1 through 16 above.

24. United States Patent No. 5,970,238 (copy attached hereto as Exhibit B), entitled "Method and Apparatus for Generating Planarizing Pattern and Semiconductor Integrated Circuit Device," was duly and legally issued by the United States Patent and Trademark Office on October 19, 1999, after full and fair examination. Matsushita is the assignee of all rights, title and interest in and to the '238 Patent and possesses all rights of recovery under the '238 Patent, including the right to sue for infringement and recover past damages.

25. Upon information and belief, Defendants have infringed and continue to infringe the '238 Patent by making, using, offering to sell, selling (directly or through intermediaries), and/or importing, in this district and elsewhere in the United States, products that use or embody the patented invention; by actively inducing infringement of one or more claims of the '238 Patent; and/or by contributorily infringing one or more claims of the '238 Patent.

26. Matsushita is entitled to recover from the Defendants the damages sustained by Matsushita as a result of the Defendants' wrongful acts in an amount subject to proof at trial.

27. Upon information and belief, the Defendants' infringement of the '238 Patent has been willful and deliberate, entitling Matsushita to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

28. The Defendants' infringement of Matsushita's rights under the '238 Patent will continue to damage Matsushita, causing irreparable harm for which there is no adequate remedy at law, unless it is enjoined by this Court.

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**COUNT III**

**(Infringement of U.S. Patent No. 5,548,249)**

29. Matsushita refers to and incorporates herein the allegations of Paragraphs 1 through 16 above.

30. United States Patent No. 5,548,249 (copy attached hereto as Exhibit C), entitled "Clock Generator and Method for Generating a Clock," was duly and legally issued by the United States Patent and Trademark Office on August 20, 1996, after full and fair examination. Matsushita is the assignee of all rights, title and interest in and to the '249 Patent and possesses all rights of recovery under the '249 Patent, including the right to sue for infringement and recover past damages.

31. Upon information and belief, Defendants have infringed and continue to infringe the '249 Patent by making, using, offering to sell, selling (directly or through intermediaries), and/or importing, in this district and elsewhere in the United States, products that use or embody the patented invention; by actively inducing infringement of one or more claims of the '249 Patent; and/or by contributorily infringing one or more claims of the '249 Patent.

32. Matsushita is entitled to recover from the Defendants the damages sustained by Matsushita as a result of the Defendants' wrongful acts in an amount subject to proof at trial.

33. Upon information and belief, the Defendants' infringement of the '249 Patent has been willful and deliberate, entitling Matsushita to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

34. The Defendants' infringement of Matsushita's rights under the '249 Patent will continue to damage Matsushita, causing irreparable harm for which there is no adequate remedy at law, unless it is enjoined by this Court.

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**PRAYER FOR RELIEF**

WHEREFORE, Matsushita asks this Court to enter judgment in its favor against Defendants and grant the following relief:

A. An adjudication that Defendants have infringed, contributed to the infringement of, and/or induced infringement of the Asserted Patents;

B. An accounting of all damages sustained by Matsushita as a result of Defendants' acts of infringement;

C. An award to Matsushita of actual damages adequate to compensate Matsushita for Defendants' acts of direct, contributory, and/or inducement of infringement, together with prejudgment and post-judgment interest;

D. An award to Matsushita of enhanced damages, up to and including trebling of Matsushita's damages pursuant to 35 U.S.C. § 284 for Defendants' willful infringement;

E. An award of Matsushita's costs of suit and reasonable attorneys' fees pursuant to 35 U.S.C. § 285 due to the exceptional nature of this case, or as otherwise permitted by law;

F. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendants, and their agents, servants, employees, principals, officers, attorneys, successors, assignees, and all those in active concert or participation with them, including related individuals and entities, customers, representatives, OEMs, dealers, and distributors from further acts of (1) infringement, (2) contributory infringement, and (3) active inducement to infringe with respect to the claims of the Asserted Patents; and

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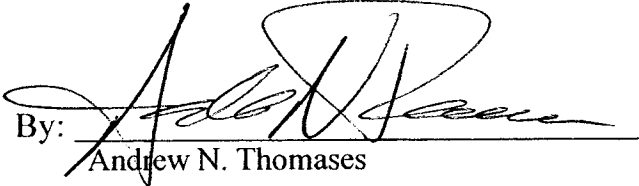


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G. Any further relief that this Court deems just and proper.

DATED: August 3, 2005

Respectfully submitted,  
DEWEY BALLANTINE LLP

By:   
Andrew N. Thomases

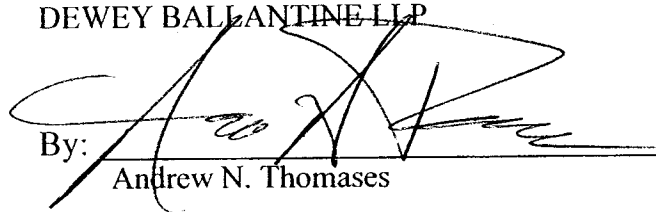
Attorneys for Plaintiff  
MATSUSHITA ELECTRIC INDUSTRIAL  
CO., LTD.

**DEMAND FOR A JURY TRIAL**

Pursuant to the provisions of Rule 38(b) of the Federal Rules of Civil Procedure and in accordance with Civil Local Rule 3-6, Matsushita demands a trial by jury of all issues so triable in this matter.

DATED: August 3, 2005

Respectfully submitted,  
DEWEY BALLANTINE LLP

By:   
Andrew N. Thomases

Attorneys for Plaintiff  
MATSUSHITA ELECTRIC INDUSTRIAL  
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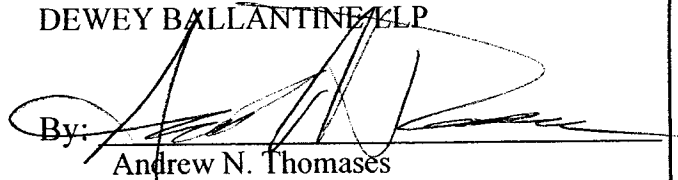
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**CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

Pursuant to Civil L.R. 3-16, the undersigned certifies that of this date, other than the named parties, there is no such interest to report.

DATED: August 3, 2005

Respectfully submitted,  
DEWEY BALLANTINE LLP

By:   
Andrew N. Thomases

Attorneys for Plaintiff  
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