

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TOSHIBA CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
CYBERHOME ENTERTAINMENT, INC.,)	
)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

Now comes Plaintiff before this Court and alleges as its complaint and petition for relief:

PARTIES

1. Plaintiff Toshiba Corporation (“Toshiba”) is a Japanese corporation having offices at 1-1, Shibaura 1-chome Minato-ku, Tokyo 105-8001 Japan.

2. Upon information and belief, Defendant Cyberhome Entertainment, Inc. (“Cyberhome”) is organized under the laws of California, and has offices located at 48455 Fremont Blvd Fremont, California. Defendant is in the business of selling media recorders and players such as DVD recorders and players.

JURISDICTION AND VENUE

3. These claims arise under the Patent Laws of the United States, 35 U.S.C. §101 *et seq.*, in that each is a claim for infringement of a United States patent. The jurisdiction of this Court is founded upon 28 U.S.C. § 1338(a).

4. This Court has personal jurisdiction over the Defendant. Upon information and

belief, the Defendant has conducted and does conduct business within the State of Delaware.

Upon information and belief, the Defendant has committed the tort of patent infringement within the State of Delaware.

5. Venue within this District is proper under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 5,587,991

6. The allegations of paragraphs 1-5 are incorporated herein by reference.

7. Plaintiff Toshiba is the sole owner by assignment of United States Patent No. 5,587,991 (“the ‘991 patent”) issued on December 24, 1996 and entitled “[r]ecording medium, signal recording apparatus thereof, and signal reproducing apparatus thereof”. A copy of the ‘991 patent is attached as Exhibit A.

8. The ‘991 patent discloses and claims media and apparatus using special encoding schemes to aid synchronization and the cancellation of DC signal components.

9. Upon information and belief, Defendant Cyberhome has infringed, and if not enjoined will continue to infringe, one or more claims of the ‘991 patent by performing, without authority, one or more of the following acts: (a) making, using, offering for sale, and/or selling within the United States the invention of one or more claims of the ‘991 patent, in violation of 35 U.S.C. §271(a), including but not limited to selling the Cyberhome model CH-DVD 300 DVD player, the Cyberhome model DVR-1600 DVD player/recorder and the Cyberhome model LDV-7000 portable DVD player; (b) importing into the United States the invention of one or more claims of the ‘991 patent, in violation of 35 U.S.C. § 271(a); (c) inducing infringement of one or more claims of the ‘991 patent, in violation of 35 U.S.C. § 271(b); and (d) contributing to

infringement of one or more claims of the '991 patent, in violation of 35 U.S.C. § 271(c) (the "acts of infringement of the '991 patent").

10. Further upon information and belief, Defendant Cyberhome's acts of infringement of the '991 patent were, in whole or in part, done willfully.

COUNT 2: INFRINGEMENT OF U.S. PATENT NO. 5,732,185

11. The allegations of paragraphs 1-5 are incorporated herein by reference.

12. Plaintiff Toshiba is the sole owner by assignment of United States Patent No. 5,732,185 ("the '185 patent") issued on March 24, 1998 and entitled "[m]ulti-scene recording medium and apparatus for reproducing data therefrom". A copy of the '185 patent is attached as Exhibit B.

13. The '185 patent discloses and claims methods and apparatus for reproducing information from multi-scene recording media including CDs and DVDs.

14. Upon information and belief, Defendant Cyberhome has infringed, and if not enjoined will continue to infringe, one or more claims of the '185 patent by performing, without authority, one or more of the following acts: (a) making, using, offering for sale, and/or selling within the United States the invention of one or more claims of the '185 patent, in violation of 35 U.S.C. § 271(a), including but not limited to selling the Cyberhome model CH-DVD 300 DVD player, the Cyberhome model DVR-1600 DVD player/recorder and the Cyberhome model LDV-7000 portable DVD player; (b) importing into the United States the invention of one or more claims of the '185 patent, in violation of 35 U.S.C. § 271(a); (c) inducing infringement of one or more claims of the '185 patent, in violation of 35 U.S.C. § 271(b); and (d) contributing to infringement of one or more claims of the '185 patent, in violation of 35 U.S.C. § 271(c) (the

“acts of infringement of the ‘185 patent”).

15. Further upon information and belief, Defendant Cyberhome’s acts of infringement of the ‘185 patent were, in whole or in part, done willfully.

COUNT 3: INFRINGEMENT OF U.S. PATENT NO. 6,009,433

16. The allegations of paragraphs 1-5 are incorporated herein by reference.

17. Plaintiff Toshiba is the sole owner by assignment of United States Patent No. 6,009,433 (“the ‘433 patent”) issued on December 28, 1999 and entitled “[i]nformation storage and information transmission media with parental control”. A copy of the ‘433 patent is attached as Exhibit C.

18. The ‘433 patent discloses and claims systems, methods, apparatus and media for data storage and retrieval using media with a data area and a management area.

19. Upon information and belief, Defendant Cyberhome has infringed, and if not enjoined will continue to infringe, one or more claims of the ‘433 patent by performing, without authority, one or more of the following acts: (a) making, using, offering for sale, and/or selling within the United States the invention of one or more claims of the ‘433 patent, in violation of 35 U.S.C. § 271(a), including but not limited to selling the Cyberhome model CH-DVD 300 DVD player, the Cyberhome model DVR-1600 DVD player/recorder and the Cyberhome model LDV-7000 portable DVD player; (b) importing into the United States the invention of one or more claims of the ‘433 patent, in violation of 35 U.S.C. § 271(a); (c) inducing infringement of one or more claims of the ‘433 patent, in violation of 35 U.S.C. § 271(b); and (d) contributing to infringement of one or more claims of the ‘433 patent, in violation of 35 U.S.C. § 271(c) (the “acts of infringement of the ‘433 patent”).

20. Further upon information and belief, Defendant Cyberhome's acts of infringement of the '433 patent were, in whole or in part, done willfully.

COUNT 4: INFRINGEMENT OF U.S PATENT 6,128,434

21. The allegations of paragraphs 1-5 are incorporated herein by reference.

22. Plaintiff Toshiba is the sole owner by assignment of United States Patent No. 6,128,434 ("the '434 patent") issued on October 3, 2000 and entitled "[m]ultilingual recording medium and reproduction apparatus". A copy of the '434 patent is attached as Exhibit D.

23. The '434 patent discloses and claims a reproduction apparatus for reproducing information from a medium including an information recording management area and an information recording data area.

24. Upon information and belief, Defendant Cyberhome has infringed, and if not enjoined will continue to infringe, one or more claims of the '434 patent by performing, without authority, one or more of the following acts: (a) making, using, offering for sale, and/or selling within the United States the invention of one or more claims of the '434 patent, in violation of 35 U.S.C. § 271(a), including but not limited to selling the Cyberhome model CH-DVD 300 DVD player, the Cyberhome model DVR-1600 DVD player/recorder and the Cyberhome model LDV-7000 portable DVD player; (b) importing into the United States the invention of one or more claims of the '434 patent, in violation of 35 U.S.C. § 271(a); (c) inducing infringement of one or more claims of the '434 patent, in violation of 35 U.S.C. § 271(b); and (d) contributing to infringement of one or more claims of the '434 patent, in violation of 35 U.S.C. § 271(c) (the "acts of infringement of the '434 patent").

25. Further upon information and belief, Defendant Cyberhome's acts of infringement

of the '434 patent were, in whole or in part, done willfully.

COUNT 5: INFRINGEMENT OF U.S PATENT 6,226,727

26. The allegations of paragraphs 1-5 are incorporated herein by reference.

27. Plaintiff Toshiba is the sole owner by assignment of United States Patent No. 6,226,727 ("the '727 patent") issued on May 1, 2001 and entitled "[c]omputer system". A copy of the '727 patent is attached as Exhibit E.

28. The '727 patent discloses and claims a computer system for managing data in units of logical blocks, wherein the logical blocks are of a different size than physical blocks of a recording medium.

29. Upon information and belief, Defendant Cyberhome has infringed, and if not enjoined will continue to infringe, one or more claims of the '727 patent by performing, without authority, one or more of the following acts: (a) making, using, offering for sale, and/or selling within the United States the invention of one or more claims of the '727 patent, in violation of 35 U.S.C. § 271(a), including but not limited to selling the Cyberhome model DVR-1600 DVD player/recorder; (b) importing into the United States the invention of one or more claims of the '727 patent, in violation of 35 U.S.C. § 271(a); (c) inducing infringement of one or more claims of the '727 patent, in violation of 35 U.S.C. § 271(b); and (d) contributing to infringement of one or more claims of the '727 patent, in violation of 35 U.S.C. § 271(c) (the "acts of infringement of the '727 patent").

30. Further upon information and belief, Defendant Cyberhome's acts of infringement of the '727 patent were, in whole or in part, done willfully.

COUNT 6: INFRINGEMENT OF U.S. PATENT 6,374,040

31. The allegations of paragraphs 1-5 are incorporated herein by reference.

32. Plaintiff Toshiba is the sole owner by assignment of United States Patent No. 6,374,040 (“the ‘040 patent”) issued on April 16, 2002 and entitled “[p]ortable DVD player”. A copy of the ‘040 patent is attached as Exhibit F.

33. The ‘040 patent discloses and claims portable-type digital versatile disk (DVD) players.

34. Upon information and belief, Defendant Cyberhome has infringed, and if not enjoined will continue to infringe, one or more claims of the ‘040 patent by performing, without authority, one or more of the following acts: (a) making, using, offering for sale, and/or selling within the United States the invention of one or more claims of the ‘040 patent, in violation of 35 U.S.C. § 271(a), including but not limited to selling the Cyberhome model LDV-7000 portable DVD player; (b) importing into the United States the invention of one or more claims of the ‘040 patent, in violation of 35 U.S.C. § 271(a); (c) inducing infringement of one or more claims of the ‘040 patent, in violation of 35 U.S.C. § 271(b); and (d) contributing to infringement of one or more claims of the ‘040 patent, in violation of 35 U.S.C. § 271(c) (the “acts of infringement of the ‘040 patent”).

35. Further upon information and belief, Defendant Cyberhome’s acts of infringement of the ‘040 patent were, in whole or in part, done willfully.

JURY DEMAND

Plaintiff Toshiba respectfully requests a jury trial on all issues triable to a jury.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff Toshiba petitions this Court and requests that a judgment be entered and relief be granted as follows:

A. Declaring that the Defendant Cyberhome has infringed the '991, '185, '433, '434, '727, and '040 patents as alleged herein (directly, by inducement, and/or contributorily);

B. Preliminarily and permanently enjoining, restraining, and prohibiting Defendant Cyberhome and any party acting through, for, or in concert with Defendant Cyberhome from further infringing (directly, by inducement, or contributorily) any claim of the '991, '185, '433, '434, '727, and '040 patents;

C. Awarding to Plaintiff Toshiba such monetary or compensatory damages as may be found or deemed adequate to fully compensate Plaintiff Toshiba for any of Defendant Cyberhome's acts of infringement of the '991, '185, '433, '434, '727, and '040 patents occurring prior to such judgment, and/or for any other injury suffered by Plaintiff Toshiba due to Defendant Cyberhome's acts of infringement of the '991, '185, '433, '434, '727, and '040 patents;

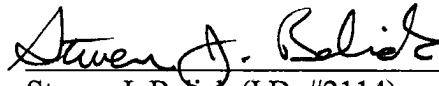
D. Declaring Defendant Cyberhome's conduct to have been willful, and trebling such award of monetary or compensatory damages;

E. Declaring this to be an exceptional case within the meaning of 35 U.S.C. §285, and awarding Plaintiff Toshiba its attorneys' fees;

F. Awarding to Plaintiff Toshiba its costs; and

G. Awarding to Plaintiff Toshiba such other, further, or general relief as this Court may deem proper.

ASHBY & GEDDES



Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Lauren E. Maguire (I.D. #4261)
222 Delaware Avenue
17th Floor
P.O. Box 1150
Wilmington, Delaware 19899
(302) 654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
lmaguire@ashby-geddes.com

Attorneys for Plaintiff

Of Counsel:

John J. Feldhaus
Foley & Lardner LLP
Suite 500
Washington Harbour
3000 K Street, N.W.
Washington, DC 20007-5109
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Dated: October 31, 2005

162981.1