

743561 v1

1 Matthew T. Powers (SBN 124493)
 2 SKJERVEN MORRILL MacPHERSON LLP
 25 Metro Drive, Suite 700
 San Jose, California 95110
 3 Phone: (408) 453-9200
 Facsimile: (408) 453-7979
 4

5 Thomas B. Kenworthy
 Nathan W. McCutcheon
 David M. Morris
 6 Collin W. Park
 MORGAN, LEWIS & BOCKIUS LLP
 7 1800 M Street, N.W.
 Washington, DC 20036-5869
 8 Telephone: (202) 467-7000
 Facsimile: (202) 467-7176
 9

10 Attorneys for Plaintiff LG ELECTRONICS INC.

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

15 LG ELECTRONICS INC.,
 16 Plaintiff,

17 v.

18 BIZCOM ELECTRONICS, INC., COMPAL
 19 ELECTRONICS, INC., and SCEPTRE
 TECHNOLOGIES, INC.,

20 Defendants.
21

No. C 01-01375 BZ

**COMPLAINT FOR PATENT
INFRINGEMENT**

[DEMAND FOR JURY TRIAL]

22
 23 Plaintiff LG Electronics Inc. (“LGE”) complains of defendants Bizcom Electronics, Inc.,
 24 Compal Electronics, Inc., and Sceptre Technologies, Inc. (collectively, “defendants”) as follows:

The Parties

26 1. Plaintiff LGE is a corporation organized under the laws of the Republic of Korea
 27 and having a place of business at LG Twin Towers, 20, Yoido-dong, Youngdungpo-gu, Seoul
 28 150-721 Korea.

743561 v1

1 Laboratories, Inc. (“Wang”). The ‘645 patent was later assigned to LGE.

2 11. On July 3, 1990, the USPTO issued U.S. Patent No. 4,939,641 (“the ‘641 Patent”),
3 entitled “Multi-Processor System With Cache Memories,” to Martin J. Schwartz and Robert D.
4 Becker, who assigned their rights in the ‘641 patent to Wang. The ‘641 patent was later assigned
5 to LGE.

6 12. On December 31, 1991, the USPTO issued U.S. Patent No. 5,077,733 (“the ‘733
7 Patent”), entitled “Priority Apparatus Having Programmable Node Dwell Time,” to David L.
8 Whipple, who assigned his rights in the ‘733 patent to Wang. The ‘733 patent was later assigned
9 to LGE.

10 13. On January 3, 1995, the USPTO issued U.S. Patent No. 5,379,379 (“the ‘379
11 Patent”), entitled “Memory Control Unit With Selective Execution Of Queued Read And Write
12 Requests,” to Robert D. Becker, Martin J. Schwartz, Kevin H. Curcuru, and Kenneth J. Eng, who
13 assigned their rights to Wang. The ‘379 patent was later assigned to LGE.

14 14. On April 6, 1999, the USPTO issued U.S. Patent No. 5,892,509 (“the ‘509 Patent”),
15 entitled “Image Processing Apparatus Having Common And Personal Memory And Capable Of
16 Viewing And Editing An Image Commonly With A Remote Image Processing Apparatus Over A
17 Network,” to Thomas Jakobs, Wayne D. Jung, Richard A. Karlin, Leonard Reiffel, Raphael K.
18 Tam, Timothy T. Tutt, and Michael F. Dunk, who assigned their rights to LG Semicon Co., Ltd.
19 The ‘509 patent was later assigned to LGE.

20 15. LGE owns all legal rights, title, and interests in, to, and under the ‘645, ‘641, ‘733,
21 ‘379, and ‘509 Patents (collectively, “Patents-in-Suit”), including the right to bring this suit for
22 damages and injunctive relief for infringement thereof.

23 **Count I -- Infringement By Bizcom**

24 16. LGE restates and incorporates by reference the averments set forth in Paragraphs 1-
25 15 of this Complaint as if set forth in full herein.

26 17. Defendant Bizcom has infringed and continues to infringe one or more claims of
27 the Patents-in-Suit by making, selling, offering to sell, using, or importing into the United States
28 computer systems embodying the claimed inventions of the Patents-in-Suit, or by contributing

1 thereto or inducing others to do so.

2 18. LGE has sustained damages as a result of Bizcom's infringement of the Patents-in-
3 Suit and will continue to sustain damages in the future unless Bizcom is permanently enjoined by
4 this Court from further infringement of the Patents-in-Suit.

5 **Count II -- Infringement By Compal**

6 19. LGE restates and incorporates by reference the averments set forth in Paragraphs 1-
7 18 of this Complaint as if set forth in full herein.

8 20. Compal has infringed and continues to infringe one or more claims of the Patents-
9 in-Suit by making, selling, offering to sell, using, or importing into the United States computer
10 systems embodying the claimed inventions of the Patents-in-Suit, or by contributing thereto or
11 inducing others to do so.

12 21. Compal was notified of its activities infringing the Patents-in-Suit at least as early
13 as December 1999. Thus, Compal has had actual knowledge of its infringement of the Patents-in-
14 Suit since at least December of 1999, and the infringement of the Patents-in-Suit by Compal has
15 been, and continues to be, deliberate and willful. On information and belief, Compal will continue
16 to infringe the Patents-in-Suit unless restrained and enjoined by this Court.

17 22. LGE has sustained damages as a result of Compal's infringement of the Patents-in-
18 Suit and will continue to sustain damages in the future unless Compal is permanently enjoined by
19 this Court from further infringement of the Patents-in-Suit.

20 **Count III -- Infringement By Sceptre**

21 23. LGE restates and incorporates by reference the averments set forth in Paragraphs 1-
22 22 of this Complaint as if set forth in full herein.

23 24. Defendant Sceptre has infringed and continues to infringe one or more claims of
24 the Patents-in-Suit by making, selling, offering to sell, using, or importing into the United States
25 computer systems embodying the claimed inventions of the Patents-in-Suit, or by contributing
26 thereto or inducing others to do so.

27 25. LGE has sustained damages as a result of Sceptre's infringement of the Patents-in-
28 Suit and will continue to sustain damages in the future unless Sceptre is permanently enjoined by

1 this Court from further infringement of the Patents-in-Suit.

2 WHEREFORE, LGE prays for the following relief:

3 **PRAYER FOR RELIEF**

4 1. A judgment that defendant Bizcom has infringed each of the Patents-in-Suit.

5 2. A judgment that defendant Compal has infringed each of the Patents-in-Suit.

6 3. A judgment that infringement of each of the Patents-in-Suit by defendant Compal
7 has been willful.

8 4. A judgment that defendant Sceptre has infringed each of the Patents-in-Suit.

9 5. An injunction permanently enjoining defendant Bizcom, its officers, directors,
10 agents, servants, employees, attorneys, parents, subsidiaries, and affiliates, its assigns and
11 successors in interest, and all those acting, directly or indirectly, in concert under or participation
12 with any of the foregoing who receive notice of the injunction, including distributors and
13 customers, from continuing acts of infringement of the Patents-in-Suit, directly, contributorily, or
14 by inducement.

15 6. An injunction permanently enjoining defendant Compal, its officers, directors,
16 agents, servants, employees, attorneys, parents, subsidiaries, and affiliates, its assigns and
17 successors in interest, and all those acting, directly or indirectly, in concert under or participation
18 with any of the foregoing who receive notice of the injunction, including distributors and
19 customers, from continuing acts of infringement of the Patents-in-Suit, directly, contributorily, or
20 by inducement.

21 7. An injunction permanently enjoining defendant Sceptre, its officers, directors,
22 agents, servants, employees, attorneys, parents, subsidiaries, and affiliates, its assigns and
23 successors in interest, and all those acting, directly or indirectly, in concert under or participation
24 with any of the foregoing who receive notice of the injunction, including distributors and
25 customers, from continuing acts of infringement of the Patents-in-Suit, directly, contributorily, or
26 by inducement.

27 8. A judgment and order requiring defendant Bizcom to pay damages pursuant to 35
28 U.S.C. § 284, together with pre-judgment interest.

743561 v1

1 9. A judgment and order requiring defendant Compal to pay damages pursuant to 35
2 U.S.C. § 284, including treble damages for willful infringement as provided under 35 U.S.C.
3 § 284, together with pre-judgment interest.

4 10. A judgment and order requiring defendant Sceptre to pay damages pursuant to
5 35 U.S.C. § 284, together with pre-judgment interest.

6 11. A finding that this is an exceptional case and an order awarding reasonable
7 attorneys' fees to LGE pursuant to 35 U.S.C. §285.

8 12. Any and all such other and further relief that this Court may deem just and
9 appropriate.

10 **JURY TRIAL DEMAND**

11 Plaintiff hereby demands a trial by jury on all issues properly triable by jury.

12 **CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**
13 **(Civil L.R. 3-16)**

14 Plaintiff, pursuant to Civil Local Rule 3-16, hereby makes the following Certification of
15 Interested Entities or Persons.

16 Pursuant to Civil Local Rule 3-16, the undersigned certifies that there is nothing to report
17 regarding persons, associations of persons, firms, partnerships, corporations (including parent
18 corporations) or other entities (i) that have a financial interest in the subject matter in controversy
19 or in a party to the proceeding, or (ii) that have a non-financial interest in that subject matter or in
20 a party that could be substantially affected by the outcome of this proceeding.

21
22 DATED: April 6, 2001

SKJERVEN MORRILL MacPHERSON LLP

23
24 By _____
Matthew T. Powers

25
26 Thomas B. Kenworthy
Nathan W. McCutcheon
27 David M. Morris
Collin W. Park
28 MORGAN, LEWIS & BOCKIUS LLP

Attorneys for Plaintiff LG ELECTRONICS INC.