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 Technologies, LLC, a California corporation
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 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

FILED

8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA
 10 WESTERN DIVISION

11 MAN MACHINE INTERFACE
 12 TECHNOLOGIES, LLC, a California
 corporation,

13 Plaintiff,

14 vs.

15 FUNAI CORPORATION, INC., a
 New Jersey corporation; DELL INC., a
 16 Delaware corporation; and KYOCERA
 COMMUNICATIONS, INC.,
 17

18 Defendants.

Case No.: 2:10-cv-08629-JFW (PLAx)

FIRST AMENDED COMPLAINT FOR
 INFRINGEMENT OF UNITED STATES
 PATENT NO. 6,069,614;

DEMAND FOR JURY TRIAL

21 Plaintiff Man Machine Interface Technologies LLC, a California corporation,
 22 for its First Amended Complaint against Funai Corporation, Inc., a New Jersey
 23 corporation; Dell Inc., a Delaware corporation; and Kyocera Communications, Inc., a
 24 corporation having a jurisdiction of incorporation unknown to Plaintiff, alleges as
 25 follows:

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) **FIRST AMENDED COMPLAINT FOR**
) **INFRINGEMENT OF UNITED STATES**
) **PATENT NO. 6,069,614;**

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 22 for its First Amended Complaint against Funai Corporation, Inc., a New Jersey
 23 corporation; Dell Inc., a Delaware corporation; and Kyocera Communications, Inc., a
 24 corporation having a jurisdiction of incorporation unknown to Plaintiff, alleges as
 25 follows:

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THE PARTIES

1. Plaintiff, Man Machine Interface Technologies LLC ("MMIT"), is organized under the laws of California, having a place of business in Torrance, California, within this judicial district.

2. Defendant Funai Corporation, Inc. ("FUNAI") is a corporation organized under the laws of New Jersey. It has a place of business at 201 Route 17 North, Suite 903, Rutherford, New Jersey 07070.

3. Defendant Dell Inc. ("DELL") is a corporation and, on information and belief, is organized under the laws of Delaware. It has a place of business at One Dell Way, Round Rock, Texas 78642.

4. Defendant Kyocera Communications, Inc. ("KYOCERA") is a corporation organized under the laws of a jurisdiction unknown to MMIT, and has a place of business at 9520 Town Center Drive, San Diego, California 92123-1580.

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JURISDICTION AND VENUE

5. Plaintiff MMIT asserts against Defendants claims for patent infringement (direct and indirect) arising under the patent laws of the United States, Title 35 of the United States Code. This Court, therefore, has subject matter jurisdiction under 28 U.S.C., §§ 1331 and 1338(a).

6. Venue is proper in this judicial district under 28 U.S.C. 1391(c) and 1400(a)-(b) because all Defendants may be found within this judicial district, and because a substantial part of the events giving rise to this claim, as to each Defendant, occurred within this judicial district.

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THE PATENT AT ISSUE

7. United States Patent No. 6,069,614 ("the Patent"), entitled "Man Machine Interface Via Display Peripheral," was duly and legally issued on May 30, 2000. A proceeding in the United States Patent Office to reexamine the Patent was subsequently commenced on December 16, 2005 by the inventor, Tara Singhal, then the owner of the Patent, who voluntarily brought to the attention of the Patent Office

1 certain previously unconsidered prior art. After extensive and thorough
2 consideration of this prior art by the Patent Office, certain original claims of the
3 Patent (Nos. 12-15) were confirmed as to their patentability, certain claims (Nos. 1
4 and 8) were amended, certain claims (Nos. 2,7,9-11 and 16) were “determined to be
5 patentable” and a new claim (No. 17) was added. A Reexamination Certificate to
6 this effect was duly and legally issued on October 7, 2008. A true and correct copy
7 of the Patent, including its Reexamination Certificate, is attached hereto as

8 **Exhibit A.**

9 8. Subsequent to the reexamination proceeding, the Patent and all
10 damages, past, present and future, for infringement thereof were assigned by Tara
11 Singhal to MMIT, which remains the rightful owner thereof.

12 **CLAIM FOR PATENT INFRINGEMENT AGAINST FUNAI**

13 9. Plaintiff realleges and incorporates by reference paragraphs 1 through 8
14 of this Complaint as though fully set forth herein.

15 10. FUNAI has, without authorization, used, offered for sale and sold
16 remote control devices that infringe the Patent in accordance with the Reexamination
17 Certificate, both literally and/or under the doctrine of equivalents. At least some such
18 devices have been sold by FUNAI as part of packages including other electronic
19 equipment, such as televisions, the combinations of the remote control device and the
20 other equipment (the “FUNAI Combinations”) further infringing the Patent in
21 accordance with the Reexamination Certificate. Although FUNAI is not itself well
22 known in the United States, it has sold large quantities of infringing devices and
23 FUNAI Combinations in issue under the well known trademarks “Philips” and
24 “Magnavox” and possibly under other marks. Although MMIT cannot identify all
25 infringing FUNAI products without the benefit of discovery, representative and
26 exemplary FUNAI products are, on information and belief, PHILIPS/MAGNAVOX
27 remote controls RRYKF230001, TSU 9200 Philips Pronto Universal, and
28 SRU8015/37 Universal.

1 11. FUNAI has provided user manuals, owner guides, and other materials
2 relating to the operation and use of its remote control devices and the FUNAI
3 Combinations and has thereby instructed and induced its consumers to use those
4 devices in accordance with the Patent and in an infringing manner. These customers,
5 who are not parties and have not been sued herein, are, therefore, direct infringers of
6 the Patent.

7 12. As a result of the aforementioned acts, FUNAI has infringed, actively
8 induced infringement and contributed to infringement by others of various claims of
9 the Patent, including at least independent Patent claims 1, 8 and 17.

10 13. MMIT informed FUNAI of the Patent and the availability of a license
11 under the Patent on or about July 19, 2010. On information and belief, FUNAI has
12 nevertheless continued its infringement, inducement of infringement and
13 contributory infringement of the Patent without seeking the permission or
14 authorization of MMIT.

15 14. Plaintiff is entitled to recover from FUNAI all damages it has sustained
16 as a result of FUNAI's infringement, inducement of infringement and contributory
17 infringement of the Patent.

18 15. Upon information and belief, FUNAI's infringement, induced
19 infringement and contributory infringement of the Patent will continue and will cause
20 Plaintiff irreparable harm unless enjoined by this Court. Plaintiff has no adequate
21 remedy at law.

22 16. Upon information and belief, this is an exceptional case as to FUNAI
23 under 35 U.S.C. § 285.

24 **CLAIM FOR PATENT INFRINGEMENT AGAINST DELL**

25 17. Plaintiff realleges and incorporates by reference paragraphs 1 through 8
26 of this Complaint as though fully set forth herein.

27 18. DELL has, without authorization, used, offered for sale and sold remote
28 control devices that infringe the Patent in accordance with the Reexamination

1 Certificate, both literally and/or under the doctrine of equivalents. At least some such
2 devices have been sold by DELL as part of packages including other electronic
3 equipment, such as televisions, the combinations of the remote control device and the
4 other equipment (the "DELL Combinations") further infringing the Patent in
5 accordance with the Reexamination Certificate. Although MMIT cannot identify all
6 infringing DELL products without the benefit of discovery, representative and
7 exemplary DELL products are, on information and belief, remote control VP3700
8 Blu-Link Universal Remote Control for PlayStation 3 and DELL W2606C LCD TV.

9 19. DELL has provided user manuals, owner guides, and other materials for
10 its remote control devices and the DELL Combinations and has thereby induced
11 consumers to use them in accordance with the Patent and in an infringing manner.
12 The customers, who are not parties and have not been sued herein, are, therefore,
13 direct infringers of the Patent.

14 20. As a result of the aforementioned acts, DELL has infringed, actively
15 induced infringement and contributed to infringement by others of various claims of
16 the Patent, including but not limited to independent Patent claims 1, 8 and 17.

17 21. MMIT informed DELL of the Patent and the availability of a license
18 under the Patent on or about July 20, 2010. On information and belief, DELL has
19 nevertheless continued its infringement, inducement of infringement and
20 contributory infringement of the Patent without seeking the permission or
21 authorization of MMIT.

22 22. Plaintiff is entitled to recover from DELL all damages it has sustained
23 as a result of DELL's infringement and inducement of infringement and contributory
24 infringement of the Patent.

25 23. Upon information and belief, DELL's infringement, induced
26 infringement and contributory infringement of the Patent will continue and will cause
27 Plaintiff irreparable harm unless enjoined by this Court. Plaintiff has no adequate
28 remedy at law.

1 24. Upon information and belief, this is an exceptional case as to DELL
2 under 35 U.S.C. § 285.

3 **CLAIM FOR PATENT INFRINGEMENT AGAINST KYOCERA**

4 25. Plaintiff realleges and incorporates by reference paragraphs 1 through 8
5 of this Complaint as though fully set forth herein.

6 26. KYOCERA has, without authorization, used, offered for sale and sold
7 devices, to wit cell phones, that infringe the Patent in accordance with the
8 Reexamination Certificate, both literally and/or under the doctrine of equivalents. At
9 least a substantial portion of the infringing cell phones have been sold under the
10 trademarks "Kyocera" and "SANYO". Although MMIT cannot identify all
11 infringing KYOCERA phones without the benefit of discovery, representative and
12 exemplary KYOCERA phones are, on information and belief, models designated
13 Kyocera Loft S2300, Kyocera Domino S1310, Kyocera Laylo M1400 and Kyocera
14 Torino S2300.

15 27. KYOCERA has provided user manuals, owner guides, and other
16 materials relating to the operation and use of its infringing devices and has thereby
17 induced its consumers to use them in accordance with the Patent and in an infringing
18 manner. These customers, who are not parties and have not been sued herein, are,
19 therefore, direct infringers of the Patent.

20 28. MMIT informed KYOCERA of the Patent and the availability of a
21 license under the Patent on or about August 19, 2010. On information and belief,
22 KYOCERA has nevertheless continued its infringement, contributory infringement
23 and inducement of infringement of the Patent without seeking the permission or
24 authorization of MMIT.

25 29. As a result of the aforementioned acts, KYOCERA has infringed,
26 actively induced infringement and contributed to infringement by others of various
27 claims of the Patent, including but not limited to independent Patent claims 1, 8 and
28 17.

1 30. Plaintiff is entitled to recover from KYOCERA all damages it has
2 sustained as a result of KYOCERA's infringement, inducement of infringement and
3 contributory infringement of the Patent.

4 31. Upon information and belief, KYOCERA's infringement, induced
5 infringement and contributory infringement of the Patent will continue and will cause
6 Plaintiff irreparable harm unless enjoined by this Court. Plaintiff has no adequate
7 remedy at law.

8 32. Upon information and belief, this is an exceptional case as to
9 KYOCERA under 35 U.S.C. § 285.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff requests judgment as to FUNAI, DELL, and
12 KYOCERA as follows:

13 A. Preliminary and then permanent injunctions against further
14 infringement, inducement of infringement or contributory infringement of the Patent
15 by FUNAI, DELL, and KYOCERA;

16 B. An award in favor of Plaintiff of three times the damages it has
17 sustained as a consequence of FUNAI's, DELL's, and KYOCERA's infringement,
18 inducement of infringement and contributory infringement of the Patent pursuant to
19 35 U.S.C. § 284;

20 C. An award to Plaintiff of its attorneys' fees, as provided by 35 U.S.C.
21 § 285 as to all Defendants;

22 D. An award to Plaintiff of interest and costs as fixed by the Court as to all
23 Defendants; and

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1 E. An award to Plaintiff of such other and further relief as this Court deems
2 just and proper.

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4 Dated: January 24, 2011

Respectfully submitted,

SHELDON MAK & ANDERSON PC

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8 By: 
Robert A. Schroeder

9 Attorneys for Plaintiff, Man Machine Interface
10 Technologies, LLC, a California corporation
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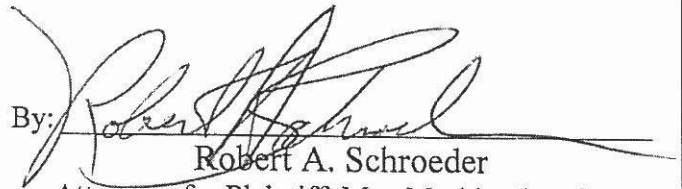
DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, and Local Rule 38-1, plaintiff MMIT does hereby demand trial by jury of each and every issue or claim as to which it is entitled to trial by jury under Rule 38(a) of the Federal Rules of Civil Procedure.

Dated: January 24, 2011

Respectfully submitted,

SHELDON MAK & ANDERSON PC

By: 

Robert A. Schroeder

Attorneys for Plaintiff, Man Machine Interface
Technologies, LLC, a California corporation