

Stephen F. Roth
Orville R. Cockings
Keir J. LoIacono
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, NJ 07090-1497
Tel: 908.654.5000
Fax: 908.654.7866
Attorneys for Plaintiff Advanced Video Technologies LLC

Document Filed Electronically

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ADVANCED VIDEO TECHNOLOGIES	:	
LLC,	:	Civil Action No. 09-5220-KSH-PS
	:	
	:	
	:	District Judge Katharine S. Hayden
Plaintiff,	:	Magistrate Judge Patty Shwartz
v.	:	
	:	
	:	
CASIO AMERICA, INC. and CASIO	:	
COMPUTER CO., LTD.,	:	
	:	
	:	
Defendants.	:	x

FIRST AMENDED COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff Advanced Video Technologies LLC, having its principal place of business at 75 Montebello Park, Suffern, New York 10901-3740, for its complaint against defendants Casio America, Inc., a corporation organized and existing under the laws of the State of New York, having its principal place of business at 570 Mount Pleasant Ave, Dover, New Jersey 07801, and Casio Computer Co., Ltd., a corporation organized and existing under the laws Japan, having its principal place of business at 6-2, Hon-machi 1-chome, Shibuya-ku, Tokyo 151-8543, hereby alleges as follows:

1. Advanced Video Technologies LLC ("AVT"), is a limited liability company organized and existing under the laws of the State of New York, having its principal place of business at 75 Montebello Road, Suffern, New York 10901-3740.

2. Defendant Casio America, Inc. is a corporation organized and existing under the laws of the State of New York, having its principal place of business at 570 Mount Pleasant Ave, Dover, New Jersey 07801.

3. Defendant Casio Computer Co., Ltd. is a corporation organized and existing under the laws Japan, having its principal place of business at 6-2, Hon-machi 1-chome, Shibuya-ku, Tokyo 151-8543.

4. Upon information and belief, defendant Casio America, Inc. is a subsidiary of or substantially owned by Casio Computer Co., Ltd.

5. Defendants Casio America, Inc. and Casio Computer Co., Ltd. are hereinafter collectively referred to as "Casio."

6. This action is for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Subject matter jurisdiction is conferred upon this Court under 28 U.S.C. § 1338(a).

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

8. Personal jurisdiction over the defendants comports with the United States Constitution because Casio is located within this district and is committing and/or contributing to the acts of patent infringement alleged in this Complaint in this district.

9. On July 14, 1998, United States Patent No. 5,781,788 ("the '788 Patent"), entitled "Full Duplex Single Chip Video Codec," was duly and lawfully issued based upon an application filed by the inventors, Beng-Yu Woo, Xiaoming Li, and Vivian Hsiun. A copy of the '788 Patent is attached hereto as Exhibit A.

10. On January 8, 2008, the United States Patent and Trademark Office ("PTO") issued a Reexamination Certificate for the '788 Patent. A copy of the Reexamination Certification is attached hereto as Exhibit B.

11. AVT is the owner by assignment of the '788 Patent, and has the right to sue and recover damages for infringement thereof.

12. Casio is engaged in the marketing and sales of Exilim digital cameras and cellular phones with video capture capability in the United States generally, and in the District of New Jersey.

13. By acts including, but not limited to, the sales and marketing of Exilim digital cameras, and cellular phones having video capture capability, including, but not limited to, the C-721 and "ROCK" phones, Casio has directly and/or contributorily infringed, and/or induced infringement of, and is continuing to directly and/or contributorily infringe, and/or induce infringement of, the '788 Patent, by selling and offering to sell products and by using and inducing others to use, sell, and offer to sell digital video cameras and cellular phones that use a single chip video codec within the scope of the '788 Patent.

14. The acts of infringement by Casio have occurred with knowledge of the '788 Patent and are willful and deliberate. This action therefore is "exceptional" within the meaning of 35 U.S.C. § 285.

15. AVT has been damaged by the infringement by Casio and is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by this Court.

16. AVT has no adequate remedy at law.

WHEREFORE, AVT demands judgment as follows:

- A. An order adjudging defendant Casio to have infringed the '788 Patent;
- B. A permanent injunction enjoining Casio, together with its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them who receive actual notice of the order by personal service or otherwise, from infringing the '788 Patent;
- C. An award of damages adequate to compensate AVT for the infringement of Casio, along with prejudgment and postjudgment interest, but in no event less than a reasonable royalty, such damages to be trebled pursuant to the provisions of 35 U.S.C. § 284;
- D. An award of AVT's reasonable attorney fees and expenses, pursuant to the provisions of 35 U.S.C. § 285;
- E. An award of AVT's costs; and
- F. Such other and further relief as this Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Fed. R. Civ. P. 38(b), AVT hereby demands a jury trial on all issues so triable raised in this action.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
*Attorneys for Plaintiff Advanced Video
Technologies LLC*

Dated: March 10, 2010

By: s/ Stephen F. Roth
Stephen F. Roth
Tel: 908.654.5000
E-mail: sroth@ldlkm.com
litigation@ldlkm.com