

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

AmTRAN Technology Co., Ltd.,

Plaintiff,

v.

Funai Electric Co., Ltd.;
Funai Corporation, Inc.;
Sony Corporation;
Sony Corporation of America; and
Sony Electronics Inc.,

Defendants.

No. 3:08-cv-00740-bbc (filed Dec. 18, 2008)

**SECOND AMENDED COMPLAINT FOR
PATENT INFRINGEMENT AND DEMAND
FOR JURY TRIAL**

Plaintiff, AmTRAN Technology Co., Ltd. (“AmTRAN” or “Plaintiff”), by and through its undersigned counsel, files this Second Amended Complaint against Defendants, Funai Electric Co., Ltd.; Funai Corporation, Inc.; Sony Corporation; Sony Corporation of America; and Sony Electronics Inc. (collectively “Defendants”), as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.
2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
3. Venue and personal jurisdiction are proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because substantial acts of infringement have taken place in this district, including the use, offer for sale, and/or sale of infringing products, including, without limitation, the televisions identified in Exhibits C, D, and E.

THE PARTIES

4. Plaintiff AmTRAN is a Taiwanese corporation with its principal place of business in Chungho City, Taipei Hsien, Taiwan.

5. On information and belief, Defendant Funai Electric Co., Ltd. is a Japanese corporation with its principal place of business located at 7-7-1 Nakagaito, Daito City, Osaka 574-0013, Japan.

6. On information and belief, Defendant Funai Corporation, Inc. is a New Jersey corporation with its principal place of business located at 201 Route 17 North, Suite 903, Rutherford, New Jersey 07070.

7. On information and belief, Defendant Sony Corporation is a Japanese corporation with its principal place of business located at 7-1, Konan, 1-chome, Minato-ku, Tokyo, 108-0075, Japan.

8. On information and belief, Defendant Sony Corporation of America is a New York corporation with its principal place of business located at 550 Madison Avenue, New York, New York 10022.

9. On information and belief, Defendant Sony Electronics Inc. is a Delaware corporation with its principal place of business located at 16530 Via Esprillo, San Diego, California 92127.

THE PATENTS-IN-SUIT

10. On June 3, 1997, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 5,635,995 (“Strolle ’995 patent”), entitled “Dual Chrominance Signal Processor for Combined TV/VCR Systems.” AmTRAN is the owner by assignment of all right, title and interest in and to the Strolle ’995 patent. A copy of the Strolle ’995 patent is attached as Exhibit A.

11. On April 13, 2004, the USPTO duly and legally issued United States Patent No. 6,721,152 (“Ho ’152 patent”), entitled “Boost Circuit and Power Supply Converter.” AmTRAN is the owner by assignment of all right, title and interest in and to the Ho ’152 patent. A copy of the Ho ’152 patent is attached as Exhibit B.

COUNT I: INFRINGEMENT OF THE STROLLE '995 PATENT

12. AmTRAN realleges and incorporates by reference the allegations set forth in paragraphs 1 through 11.

13. Defendants have been and are currently directly infringing, contributorily infringing, and/or inducing infringement of claims 1-3 of the Strolle '995 patent by, among other things, making, using, offering to sell, selling and/or importing, without authority or license from AmTRAN, products which have signal processing circuitry for processing first and second modulated chrominance signals, including the televisions identified in Exhibits C (Funai Defendants) and D (Sony Defendants), and any other televisions regardless of model designation using circuitry for processing first and second modulated chrominance signals that are identical to or insubstantially different from that contained in the televisions identified in Exhibits C and D, or any other product or device that comprises any signal processing circuitry identical or substantially similar to that contained in the televisions identified in Exhibits C and D, in this district and elsewhere in the United States, which embody, incorporate, or otherwise practice claims 1-3 of the Strolle '995 patent. AmTRAN reserves the right to amend and supplement the accused products as discovery progresses.

14. AmTRAN has been and continues to be harmed by Defendants' conduct and is therefore entitled to recover damages adequate to compensate for the infringement, including the loss of revenues in an amount to be determined at trial.

15. On information and belief, Defendants' infringement of the Strolle '995 patent has been and continues to be knowing and willful.

16. AmTRAN has been and continues to be irreparably harmed by Defendants' infringement of the Strolle '995 patent. Unless enjoined by the Court, Defendants will continue to infringe the Strolle '995 patent, and AmTRAN will continue to suffer irreparable injury as a direct and proximate result of Defendants' conduct.

COUNT II: INFRINGEMENT OF THE HO '152 PATENT

17. AmTRAN realleges and incorporates by reference the allegations set forth in paragraphs 1 through 11.

18. Defendants have been and are currently directly infringing, contributorily infringing, and/or inducing infringement of claims 1-4 of the Ho '152 patent by, among other things, making, using, offering to sell, selling and/or importing, without authority or license from AmTRAN, products which have a boost circuit for outputting a detection signal to detect spark and a detection circuit for receiving the detection signal output from the boost circuit and determining that spark is occurring, including the televisions identified in Exhibits C (Funai Defendants) and E (Sony Defendants), and any other televisions regardless of model designation using boost circuit for outputting a detection signal to detect spark and detection circuit for receiving the detection signal output from the boost circuit and determining that spark is occurring that are identical to or insubstantially different from that contained in the televisions identified in Exhibits C and E, or any other product or device that comprises any power supply circuitry identical or substantially similar to that contained in the televisions identified in Exhibits C and E, in this district and elsewhere in the United States, which embody, incorporate, or otherwise practice claims 1-4 of the Ho '152 patent. AmTRAN reserves the right to amend and supplement the accused products as discovery progresses.

19. AmTRAN has been and continues to be harmed by Defendants' conduct and is therefore entitled to recover damages adequate to compensate for the infringement, including the loss of revenues in an amount to be determined at trial.

20. On information and belief, Defendants' infringement of the Ho '152 patent has been and continues to be knowing and willful.

21. AmTRAN has been and continues to be irreparably harmed by Defendants' infringement of the Ho '152 patent. Unless enjoined by the Court, Defendants will continue to infringe the Ho '152 patent, and AmTRAN will continue to suffer irreparable injury as a direct and proximate result of Defendants' conduct.

PRAYER FOR RELIEF

WHEREFORE, by reason of the foregoing, AmTRAN prays for entry of a judgment:

- A. That the Strolle '995 patent and Ho '152 patent are valid and enforceable;
- B. That Defendants have been and are currently infringing, contributorily infringing and/or inducing others to infringe the Strolle '995 patent and the Ho '152 patent;
- C. That an accounting be had for the damages to AmTRAN arising out of Defendants' infringing activities together with prejudgment and postjudgment interest, and that such damages be awarded to AmTRAN;
- D. That damages be awarded to AmTRAN in treble the amount of actual damages pursuant to 35 U.S.C. § 284 as a consequence of the willful and deliberate nature of Defendants' conduct;
- E. That Defendants, and their officers, agents, servants, employees, successors and assigns, and those persons acting in concert, are enjoined from further acts that infringe, contributorily infringe, or induce infringement of the Strolle '995 patent and the Ho '152 patent;
- F. That Defendants pay AmTRAN's costs, expenses, and attorneys' fees in accordance with 35 U.S.C. §§ 284 and 285 and Rule 54(d) of the Federal Rules of Civil Procedure; and
- G. That AmTRAN be granted such other further relief as the Court deems just and proper.

Dated: May 1, 2009

Respectfully submitted,

CASIMIR JONES S.C.

OF COUNSEL:

Edward G. Poplawski, Esq. (*pro hac vice*)
E-mail: epoplawski@sidley.com
Theodore W. Chandler, Esq. (*pro hac vice*)
E-mail: tchandler@sidley.com
Jim S. Zeng, Esq. (*pro hac vice*)
E-mail: jzeng@sidley.com
SIDLEY AUSTIN LLP
555 West Fifth Street
Los Angeles, California 90013
Telephone: (213) 896-6000
Facsimile: (213) 896-6600

Peter H. Kang, Esq. (*pro hac vice*)
E-mail: pkang@sidley.com
Philip W. Woo, Esq. (*pro hac vice*)
E-mail: pwoo@sidley.com
Patrick M. Lonergan, Esq. (*pro hac vice*)
E-mail: plonergan@sidley.com
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, California 94104
Telephone: (415) 772-1200
Facsimile: (415) 772-7400

By: /s/ J Mitchell Jones

J. Mitchell Jones, Esq.
Wisconsin Bar No. 1030736
Email: jmjones@casimirjones.com
Robert A. Goetz, Esq.
Wisconsin Bar No. 1043321
Email: ragoetz@casimirjones.com
David A. Casimir, Esq.
Wisconsin Bar No. 1036453
Email: dacasimir@casimirjones.com
CASIMIR JONES S.C.
440 Science Drive, Suite 203
Madison, Wisconsin 53711
Telephone: (608) 218-6900
Facsimile: (608) 218-6910

Attorneys for Plaintiff
AmTRAN Technology Co., Ltd.

DEMAND FOR JURY TRIAL

Plaintiff AmTRAN Technology Co., Ltd. respectfully requests a trial by jury pursuant to Rule 38(b) of the Federal Rules of Civil Procedure of any and all issues triable of right by a jury.

Dated: May 1, 2009

Respectfully submitted,

CASIMIR JONES S.C.

By: /s/ J Mitchell Jones

OF COUNSEL:

Edward G. Poplawski, Esq. (*pro hac vice*)
E-mail: epoplawski@sidley.com
Theodore W. Chandler, Esq. (*pro hac vice*)
E-mail: tchandler@sidley.com
Jim S. Zeng, Esq. (*pro hac vice*)
E-mail: jzeng@sidley.com
SIDLEY AUSTIN LLP
555 West Fifth Street
Los Angeles, California 90013
Telephone: (213) 896-6000
Facsimile: (213) 896-6600

Peter H. Kang, Esq. (*pro hac vice*)
E-mail: pkang@sidley.com
Philip W. Woo, Esq. (*pro hac vice*)
E-mail: pwoo@sidley.com
Patrick M. Lonergan, Esq. (*pro hac vice*)
E-mail: plonergan@sidley.com
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, California 94104
Telephone: (415) 772-1200
Facsimile: (415) 772-7400

J. Mitchell Jones, Esq.
Wisconsin Bar No. 1030736
Email: jmjones@casimirjones.com
Robert A. Goetz, Esq.
Wisconsin Bar No. 1043321
Email: ragoetz@casimirjones.com
David A. Casimir, Esq.
Wisconsin Bar No. 1036453
Email: dacasimir@casimirjones.com
CASIMIR JONES S.C.
440 Science Drive, Suite 203
Madison, Wisconsin 53711
Telephone: (608) 218-6900
Facsimile: (608) 218-6910

Attorneys for Plaintiff
AmTRAN Technology Co., Ltd.