

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

INTERNATIONAL CONTROL SYSTEMS, §
LLC §

Plaintiff, §

vs. §

Civil Action No. 2:08-cv-188 TJW

SONY ELECTRONICS, INC.; §
PANASONIC CORPORATION OF §
NORTH AMERICA; PHILIPS §
ELECTRONICS NORTH AMERICA §
CORPORATION; TTE TECHNOLOGY, §
INC.; SHARP ELECTRONICS §
CORPORATION; JVC AMERICAS CORP; §
TOSHIBA AMERICA CONSUMER §
PRODUCTS, LLC; HITACHI HOME §
ELECTRONICS (AMERICA), INC.; §
MITSUBISHI DIGITAL ELECTRONICS §
AMERICA, INC.; SAMSUNG §
ELECTRONICS AMERICA, INC.; §
LG ELECTRONICS U.S.A, INC.; §
POLAROID CORPORATION; §
AUDIOVOX ELECTRONIX §
CORPORATION §

Jury Trial Demanded

Defendants. §

AMENDED COMPLAINT

Plaintiff International Control Systems, LLC (“ICS”) files this amended complaint against the Defendants Sony Electronics, Inc. (“Sony”), Panasonic Corporation of North America (“Panasonic”), Philips Electronics North America Corporation (“Philips”), , TTE Technology, Inc., (“TTE”), Sharp Electronics Corporation (“Sharp”), JVC Americas Corp. (“JVC”), Toshiba America Consumer Products, LLC (“Toshiba”), Hitachi Home Electronics Inc. (“Hitachi”), Mitsubishi Digital Electronics America, Inc. (“Mitsubishi”), Samsung Electronics America, Inc. (“Samsung”), LG Electronics U.S.A., Inc. (“LG”), Polaroid Corporation

(“Polaroid”), Audiovox Electronix Corporation (“Audiovox”), (collectively “Defendants”) and for its cause of action alleges:

The Parties

1. ICS is a Delaware limited liability corporation having its principal place of business at 20418 North Tanglewood Drive, Sun City West, Arizona 85375.

2. Sony is a Delaware corporation with its principal place of business at 555 Madison Avenue, 8th Floor, New York, NY 10022-330. Upon information and belief, Sony is doing business in the Eastern District of Texas and elsewhere. Sony may be served with process by serving its registered agent Corporation Service Company DBA CSC – Lawyers Incorporating Service Company, 701 Brazos Street., Suite 1050, Austin, TX 78701-3232.

3. Panasonic is a Delaware corporation with its principal place of business at 1 Panasonic Way, Secaucus, New Jersey 07094. Upon information and belief Panasonic is doing business in the Eastern District of Texas and elsewhere. Panasonic may be served with process by serving its registered agent CT Corporation System, 350 N. St. Paul Street, Dallas, TX 75201-4201.

4. Philips is a Delaware corporation with its principal place of business at 1251 Avenue of the Americas, New York, New York 10020. Upon information and belief Philips is doing business in the Eastern District of Texas and elsewhere. Philips may be served with process by serving its registered agent Corporation Service Company D/B/A, 701 Brazos Street, Suite 1050, Austin, TX 78701-3232.

5. TTE is a corporation organized and existing under the laws of Delaware with a place of business at 101 West 103rd Street, Indianapolis, Indiana 46290. Upon information and belief, TTE is doing business in the Eastern District of Texas and elsewhere. TTE may be served

with process by serving Corporation Service Company DBA CSC – Lawyers, 701 Brazos Street, Suite 1050, Austin, TX 78701-3232.

6. Sharp is a New York corporation with its principal place of business at Sharp Plaza, Mahwah, New Jersey 07430. Upon information and belief Sharp is doing business in the Eastern District of Texas and elsewhere. Sharp may be served with process by serving its registered agent C T Corporation System, 350 N. St. Paul Street, Dallas, TX 75201-4201.

7. JVC is a Delaware corporation with its principal place of business at 1700 Valley Road, Wayne, New Jersey 07470. Upon information and belief JVC is doing business in the Eastern District of Texas and elsewhere. JVC may be served with process by serving its registered agent C T Corporation System, 350 N. St. Paul Street, Dallas, TX 75201-4201.

8. Toshiba is a New Jersey corporation with its principal place of business at 82 Totawa Road, Wayne, N.J. 07470-3114. Upon information and belief Toshiba is doing business in the Eastern District of Texas and elsewhere. Toshiba may be served with process by serving its registered agent Corporation Trust Company, 820 Bear Tavern Road, Trenton, N.J. 08628-1021.

9. Hitachi is a California corporation with its principal place of business at 900 Hitachi Way, Chula Vista, California 91914. Upon information and belief Hitachi is doing business in the Eastern District of Texas and elsewhere. Hitachi may be served with process by serving its registered agent C T Corporation System, 818 W. 7th Street, Los Angeles, CA 90017-3407.

10. Mitsubishi is a Delaware corporation with its principal place of business at 9351 Jeronimo Road, Irvine, California 92618. Upon information and belief Mitsubishi is doing business in the Eastern District of Texas and elsewhere. Mitsubishi may be served with process

by serving its registered agent C T Corporation System, 350 N. St. Paul Street, Dallas, TX 75201-4201.

11. Samsung is a New York corporation with its principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey 07660. Upon information and belief Samsung is doing business in the Eastern District of Texas and elsewhere. Samsung may be served with process by serving its registered agent C T Corporation System, 350 N. St. Paul Street, Dallas, TX 75201-4201.

12. LG is a Delaware corporation with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. Upon information and belief LG is doing business in the Eastern District of Texas and elsewhere. LG may be served with process by serving its registered agent United States Corporation Co., 701 Brazos Street, Suite 1050, Austin, TX 78701-3232.

13. Polaroid is a Delaware corporation with its principal place of business at 1265 Main St., Bldg. W3, Waltham, MA 02451. Upon information and belief Polaroid is doing business in the Eastern District of Texas and elsewhere. Polaroid may be served with process by serving its registered agent The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

14. Audiovox is a Delaware corporation with its principal place of business at 180 Marcus Blvd., Hauppauge, NY, 11788-3732. Upon information and belief Audiovox is doing business in the Eastern District of Texas and elsewhere. Audiovox may be served with process by serving its registered agent HIQ Corporate Services, Inc., 800 Brazos St., Suite 400, Austin, TX 78701-2548.

Jurisdiction and Venue

15. This action arises under the patent laws of the United States, Title 35 United States Code, particularly §§ 271 and 281. This Court has jurisdiction over the claims for patent infringement under 28 U.S.C. §1338(a). Venue is proper in this Court under Title 28 United States Code §§ 1391(b) and (c) and 1400(b).

Factual Background

16. On May 20, 1997, U.S. Patent No. 5,631,714 (“the ‘714 patent”) was duly and legally issued to Serge Saadoun for “Apparatus for Automatically Adapting the Mean Sound Level of a Television Receiver”. A copy of the ‘714 patent is attached as Exhibit A and is made a part hereof.

17. Serge Saadoun is the owner of the ‘714 patent and has granted ICS the exclusive right to enforce the ‘714 patent, and to represent him in regard to all business matters pertaining to the ‘714 patent as attorney in fact, including, without limitation, efforts to enforce and license the ‘714 patent. ICS has had the right at all relevant times to enforce the ‘714 patent.

18. The ‘714 patent, in general, relates to a system for automatically adapting the mean sound level of a television receiver. The system includes both a video adapting circuit, and an audio adapting circuit that detects the mean sound input level, compares it with a pre-established reference level and automatically adapts the output mean sound level to maintain it at the pre-established level.

Claim for Patent Infringement

19. ICS realleges and incorporates by reference paragraphs 1 through 18.

20. Upon information and belief, Sony manufactures, uses, offers to sell and sells television receivers containing an automatic sound leveling system known as Steady Sound that infringes the ‘714 patent. Sony television receivers containing the infringing system include

models KF-42WE610, Bravia KDL-32S2400, KDL 32S2010, KDL 46S3000, KV27HS420 and KDS-50A2020, as well as any other Sony receiver that is equipped with Steady Sound or an automatic sound leveling system that is the same as or equivalent to Steady Sound. By providing such products, Sony has in the past infringed and continues to infringe directly, by inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11, of the '714 patent.

21. Upon information and belief, Panasonic manufactures, uses, offers to sell and sells television receivers containing an automatic sound leveling system known as AI Sound that infringes the '714 patent. Panasonic television receivers containing the infringing system include models CT-27SX10B, CT-30WX15N, TH-42PC77U, TH-50PC77U, TH-37PX50U, TH-40PX50U, TH-50PX50U, TH-37PD25, TH-42OD25, PT-44LCX65, PT-52LCX65, PT-61LCX65, PT-52LCX35, PT-61LCX35, as well as any other Panasonic receiver that is equipped with AI Sound or an automatic sound leveling system that is the same as or equivalent to AI Sound. By providing such products, Panasonic has in the past infringed and continues to infringe directly, by inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11, of the '714 patent.

22. Upon information and belief, Philips manufactures, uses, offers to sell and sells television receivers containing an automatic sound leveling system known as Audio Volume Leveler that infringes the '714 patent. Philips television receivers containing the infringing system include models 21PT2265, 43P8341, 27PT9015D, 32PT7005D, 32PT9005D, 26MF23ID, 32MF23ID, as well as any other Philips receiver that is equipped with Audio Volume Leveler or an automatic sound leveling system that is the same as or equivalent to Audio Volume Leveler. By providing such products, Philips has in the past infringed and continues to

infringe directly, by inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11, of the '714 patent.

23. Upon information and belief, TTE manufactures, uses, offers to sell and sells television receivers containing automatic sound leveling systems known as Automatic Volume Level, Stable Sound, Sound Logic and/or Smart Sound that infringe the '714 patent. TTE television receivers containing an infringing system include Automatic Volume Level models L32WD2, L40FHD380, L42FHD38 and L46WD250; Stable Sound model 27F501; Sound Logic models HD52W140 and L37WD14; and Smart Sound model HD58S998, all of which infringe the '714 patent. TTE receivers containing the infringing system include the aforementioned models, as well as any other TTE receiver that is equipped with Automatic Volume Level, Stable Sound, Sound Logic or Smart Sound, or an automatic sound leveling system that is the same as or equivalent to Automatic Volume Level, Stable Sound, Sound Logic or Smart Sound. By providing such products, TTE has in the past infringed and continues to infringe directly, by inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11, of the '714 patent.

24. Upon information and belief, Sharp manufactures, uses, offers to sell and sells television receivers containing an automatic sound leveling system known as Equisound that infringes the '714 patent. Sharp television receivers containing the infringing system include model 32F360, as well as any other Sharp receiver that is equipped with Equisound or an automatic sound leveling system that is the same as or equivalent to Equisound. By providing such products, Sharp has in the past infringed and continues to infringe directly, by inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11 of the '714 patent.

25. Upon information and belief, JVC manufactures, uses, offers to sell and sells television receivers containing automatic sound leveling systems known as Smart Sound and/or Maxxvolume that infringe the '714 patent. JVC television receivers containing an infringing system include Smart Sound models HD-52G566, HD-52G586, HD-52FA97, HD-58S998, T-32X667 and LT-40FH97; and Maxxvolume model LT-42X899, as well as any other JVC receiver that is equipped with Smart Sound or Maxxvolume, or an automatic sound leveling system that is the same as or equivalent to Smart Sound or Maxxvolume. By providing such products, JVC has in the past infringed and continues to infringe directly, by inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11, of the '714 patent.

26. Upon information and belief, Toshiba manufactures, uses, offers to sell and sells television receivers containing automatic sound leveling systems known as StableSound and/or Automatic Volume Leveler that infringe the '714 patent. Toshiba television receivers containing an infringing system include StableSound models 36HFX71 and 32hl67; and Automatic Volume Leveler model 20HL67, as well as any other Toshiba receiver that is equipped with StableSound or Automatic Volume Leveler, or an automatic sound leveling system that is the same as or equivalent to StableSound or Automatic Volume Leveler. By providing such products, Toshiba has in the past infringed and continues to infringe directly, by inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11, of the '714 patent.

27. Upon information and belief, Hitachi manufactures, uses, offers to sell and sells television receivers containing an automatic sound leveling system known as Perfect Volume that infringes the '714 patent. Hitachi television receivers containing the infringing system include models 51UX20B, 50VG825, 55VG825, 60VG825, 37HLX99, 42HDT52, 42HDT52A, 42HDT51, 55HDT51, 42HDT52, 55HDT52, 50FX20B, 60FX20B, 50VG825, 55VG825,

60VG825, 55HDM71, CMP4211, L42V651 and L47V651, as well as any other Hitachi receiver that is equipped with Perfect Volume or an automatic sound leveling system that is the same as or equivalent to Perfect Volume. By providing such products, Hitachi has in the past infringed and continues to infringe directly, by inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11, of the '714 patent.

28. Upon information and belief, Mitsubishi manufactures, uses, offers to sell and sells television receivers containing an automatic sound leveling system known as Level Sound that infringes the '714 patent. Mitsubishi television receivers containing the infringing system include models WD-57831, WD-65000, WL-82913, WD-52825, WD-62825, WD73C8, WD-60735, WD65735, WD-73735, WD65736, WD-73736, WD-65835, WD-73835, LT-2220, LT-3020, LT-40148, LT-46148, LT-52148, LT-46246, LT-52246 and PD-4225S, as well as any other Mitsubishi receiver that is equipped with Level Sound or an automatic sound leveling system that is the same as or equivalent to Level Sound. By providing such products, Mitsubishi has in the past infringed and continues to infringe directly, by inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11, of the '714 patent.

29. Upon information and belief, Samsung manufactures, uses, offers to sell and sells television receivers containing automatic sound leveling systems known as Auto Volume and/or Automatic Volume Control that infringe the '714 patent. Samsung television receivers containing an infringing system include Auto Volume models HCP4241W and HL-S4265W; and Automatic Volume Control model FP-T5084, as well as any other Samsung receiver that is equipped with Auto Volume or Automatic Volume Control, or an automatic sound leveling system that is the same as or equivalent to Auto Volume or Automatic Volume Control. By providing such products, Samsung has in the past infringed and continues to infringe directly, by

inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11, of the '714 patent.

30. Upon information and belief, LG manufactures, uses, offers to sell and sells television receivers containing automatic sound leveling systems known as EZ SoundRite, Auto Volume Leveler and/or Auto Volume, that infringe the '714 patent. LG television receivers containing an infringing system include EZ SoundRite models C27A25 and LGC29C35TM; EZ SoundRite/Auto Volume Leveler models 32LP1DC, 42LB1DR, 50PC1DR, 42LB1DRA 50PC1DRA; and Auto Volume Leveler/Auto Volume model 37LB5D, as well as any other LG receiver that is equipped with EZ SoundRite, Auto Volume Leveler and/or Auto Volume, or an automatic sound leveling system that is the same as or equivalent to EZ SoundRite, Auto Volume Leveler and/or Auto Volume. By providing such products, LG has in the past infringed and continues to infringe directly, by inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11, of the '714 patent.

31. Upon information and belief, Polaroid manufactures, uses, offers to sell and sells television receivers containing an automatic sound leveling system known as AVC ("Automatic Volume Control") that infringes the '714 patent. Polaroid television receivers containing the infringing system include the models FLM-3230TM/FLM-3730TM, TTM-2901L, as well as any other Polaroid receiver that is equipped with AVC/Automatic Volume Control or an automatic sound leveling system that is the same as or equivalent to AVC/Automatic Volume Control. By providing such products, Polaroid has in the past infringed and continues to infringe directly, by inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11, of the '714 patent.

32. Upon information and belief, Audiovox manufactures, uses, offers to sell and sells television receivers containing an automatic sound leveling system known as AVC (Auto Volume Control) that infringes the '714 patent. Audiovox television receivers containing the infringing system include the models FPE4207HR and FPE2706, as well as any other Audiovox receiver that is equipped with AVC (Auto Volume Control) or an automatic sound leveling system that is the same as or equivalent to AVC (Auto Volume Control). By providing such products, Audiovox has in the past infringed and continues to infringe directly, by inducement, or by contributing to the infringement of at least claims 1, 9, 10 and 11, of the '714 patent.

33. As a result of Defendants' infringing conduct, Defendants have damaged ICS. Defendants are liable to ICS in an amount that adequately compensates ICS for their infringement, which, by law, can in no event be less than a reasonable royalty.

34. Upon information and belief, Defendants have deliberately and willfully infringed the '714 patent, making this an exceptional case and justifying the assessment of treble damages pursuant to 35 U.S.C. § 284 and the award of attorneys fees pursuant to 35 U.S.C. § 285.

35. As a consequence of Defendants' infringement, ICS has been irreparably damaged and such damage will continue without the issuance of an injunction by this Court.

36. ICS has complied with the marking requirements of 35 U.S.C. § 287 with respect to all articles covered by the claims of the '714 patent which it manufactures, offers for sale and sells within the United States, or imports into the United States.

Demand for Jury Trial

37. ICS demands a jury trial on all claims and issues.

Prayer For Relief

WHEREFORE, ICS prays for entry of judgment:

- A. That U.S. Patent No. 5,631,714 has been infringed by Defendants and by others whose infringement has been contributed to and/or induced by Defendants;
- B. That Defendants, and each of their officers, agents, employees, representatives, successors, assigns and those acting in privity or concert with them be permanently enjoined from further infringement of U.S. Patent No. 5,631,714;
- C. That Defendants account for and pay to ICS all damages and costs caused by Defendants' activities complained of herein;
- D. That ICS be granted pre-judgment and post-judgment interest on the damages caused by reason of Defendants' activities complained of herein;
- E. That ICS be granted its attorneys' fees in this action;
- F. That costs be awarded to ICS; and
- G. That ICS be granted such other and further relief that is just and proper under the circumstances.

Respectfully submitted,

Date: September 22, 2008

/s/ Edward W. Goldstein
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 22, 2008. Service to Audiovox Electronix Corporation and Polaroid Corporation will be by certified mail, return receipt requested.

/s/ Edward W. Goldstein
Edward W. Goldstein