

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

MEDIATEK, INC.,

Plaintiff,

vs.

SANYO ELECTRIC CO., LTD. and SANYO  
NORTH AMERICA CORPORATION

Defendants.

**CIVIL ACTION NO. 6:05 CV 323**

**JURY TRIAL DEMANDED**

**SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff MediaTek, Inc. files this complaint against Sanyo Electric Co., Ltd. and Sanyo North America Corporation:

**THE PARTIES**

1. Plaintiff MediaTek Inc. (“MediaTek”) is a corporation organized under the laws of Taiwan having its principal place of business in Hsin-Chu City, Taiwan.
2. Upon information and belief, at all relevant times mentioned below, Defendant Sanyo Electric Co., Ltd. (“Sanyo Japan”) has been a corporation organized under the laws of Japan having its principal place of business in Osaka, Japan.
3. Upon information and belief, at all relevant times mentioned below, Defendant Sanyo North America Corporation (“Sanyo N.A.”) has been a corporation organized under the laws of the state of Delaware having its principal place of business

at 2055 Sanyo Avenue in San Diego, California. (Sanyo Japan and Sanyo N.A. will be referred to collectively as “Sanyo.”)

### **JURISDICTION AND VENUE**

4. This lawsuit is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 et seq. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Defendants have regularly conducted business in this judicial district, and certain of the acts complained of herein occurred in this judicial district.

### **THE PATENTS IN SUIT**

6. On February 2, 1999, the United States Patent and Trademark Office (“USPTO”) issued U.S. Patent No. 5,867,819 entitled “Audio Decoder” (hereinafter “the ‘819 patent”). A true and correct copy of the ‘819 patent is attached hereto as Exhibit A.

7. On September 12, 2000, the USPTO issued U.S. Patent No. 6,118,486 entitled “Synchronized Multiple Format Video Processing Method and Apparatus” (hereinafter “the ‘486 patent”). A true and correct copy of the ‘486 patent is attached hereto as Exhibit B.

8. On May 12, 1998, the USPTO issued U.S. Patent No. 5,751,356 entitled “Video/Audio Signal Coding System and Method” (hereinafter “the ‘356 patent”). A true and correct copy of the ‘356 patent is attached hereto as Exhibit C.

9. MediaTek is the owner of the ‘819, ‘486, and ‘356 patents by assignment with full and exclusive right to bring suit to enforce these patents.

**COUNT ONE:**

**INFRINGEMENT OF THE '819 PATENT**

10. MediaTek realleges and incorporates herein the allegations of paragraphs 1 through 9 of this Complaint as if fully set forth herein.

11. Upon information and belief, in violation of 35 U.S.C. § 271, Sanyo has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '819 patent by practicing one or more claims of the '819 patent in its manufacture, use, offering for sale, sale, and/or importation of audio decoders and products that contain audio decoder(s), such products including, but not limited to, DVD recorders, DVD players, digital television sets, set-top boxes and mobile electronic devices (for example, Model No. DRW-1000), and/or integrated circuits for use therein.

12. Upon information and belief, in violation of 35 U.S.C. § 271, Sanyo has infringed and is continuing to infringe the '819 patent by contributing to or actively inducing the infringement by others of the '819 patent by providing audio decoders and products that contain audio decoder(s), such products including, but not limited to, DVD recorders, DVD players, digital television sets, set-top boxes and mobile electronic devices (for example, Model No. DRW-1000), and/or integrated circuits for use therein.

13. Upon information and belief, Sanyo has willfully infringed the '819 patent.

14. Upon information and belief, Sanyo's acts of infringement of the '819 patent will continue after service of this complaint unless enjoined by the Court.

15. As a result of Sanyo's infringement, MediaTek has suffered and will suffer damages.

16. Unless Sanyo is enjoined by this Court from continuing its infringement of the '819 patent, MediaTek will suffer additional irreparable damages and impairment of the value of its patent rights. Thus, MediaTek is entitled to an injunction against further infringement.

**COUNT TWO:**

**INFRINGEMENT OF THE '486 PATENT**

17. MediaTek realleges and incorporates herein the allegations of paragraphs 1 through 9 of this Complaint as if fully set forth herein.

18. Upon information and belief, in violation of 35 U.S.C. § 271, Sanyo has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '486 patent by practicing one or more claims of the '486 patent in its manufacture, use, offering for sale, sale, and/or importation of video processing apparatus, including, but not limited to, digital television sets and set-top boxes (for example, Model No. HT32744), and/or integrated circuits for use therein.

19. Upon information and belief, in violation of 35 U.S.C. § 271, Sanyo has infringed and is continuing to infringe the '486 patent by contributing to or actively inducing the infringement by others of the '486 patent by providing video processing apparatus, including, but not limited to, digital television sets and set-top boxes (for example, Model No. HT32744), and/or integrated circuits for use therein.

20. Upon information and belief, Sanyo has willfully infringed the '486 patent.

21. Upon information and belief, Sanyo's acts of infringement of the '486 patent will continue after service of this complaint unless enjoined by the Court.

22. As a result of Sanyo's infringement, MediaTek has suffered and will suffer damages.

23. Unless Sanyo is enjoined by this Court from continuing its infringement of the '486 patent, MediaTek will suffer additional irreparable damages and impairment of the value of its patent rights. Therefore, MediaTek is entitled to an injunction against further infringement.

**COUNT THREE:**

**INFRINGEMENT OF THE '356 PATENT**

24. MediaTek realleges and incorporates herein the allegations of paragraphs 1 through 9 of this Complaint as if fully set forth herein.

25. Upon information and belief, in violation of 35 U.S.C. § 271, Sanyo has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '356 patent by practicing one or more claims of the '356 patent in its manufacture, use, offering for sale, sale, and/or importation of video/audio processing apparatus, including, but not limited to, DVD recorders, video camcorders, digital cameras and other mobile electronic devices (for example, Model No. VPC-C5), and/or integrated circuits for use therein.

26. Upon information and belief, in violation of 35 U.S.C. § 271, Sanyo has infringed and is continuing to infringe the '356 patent by contributing to or actively inducing the infringement by others of the '356 patent by providing video/audio processing apparatus, including but not limited to, DVD recorders, video camcorders, digital cameras and other mobile electronic devices (for example, Model No. VPC-C5), and/or integrated circuits for use therein.

27. Upon information and belief, Sanyo has willfully infringed the '356 patent.

28. Upon information and belief, Sanyo's acts of infringement of the '356 patent will continue after service of this complaint unless enjoined by the Court.

29. As a result of Sanyo's infringement, MediaTek has suffered and will suffer damages.

30. Unless Sanyo is enjoined by this Court from continuing its infringement of the '356 patent, MediaTek will suffer additional irreparable damages and impairment of the value of its patent rights. Therefore, MediaTek is entitled to an injunction against further infringement.

### **PRAYER FOR RELIEF**

WHEREFORE, MediaTek prays for the following relief:

- (a) That Sanyo be ordered to pay damages adequate to compensate MediaTek for Sanyo's infringement of the '819, '486 and '356 patents pursuant to 35 U.S.C. § 284;
- (b) That Sanyo be ordered to pay treble damages pursuant to 35 U.S.C. § 284;
- (c) That Sanyo be ordered to pay attorneys' fees pursuant to 35 U.S.C. § 285;
- (d) That Sanyo, its officers, agents, servants, employees, and those persons acting in active concert or in participation with them be enjoined from further infringement of the '819, '486 and '356 patents pursuant to 35 U.S.C. § 283;
- (e) That Sanyo be ordered to pay prejudgment interest;
- (f) That Sanyo be ordered to pay all costs associated with this action; and

(g) That MediaTek be granted such other and additional relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury as to all issues so triable.

Dated: October 27, 2005

Respectfully submitted,

**McKOOL SMITH, PC**

By: /s/ Sam Baxter

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