

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

YASUO KAMATANI and
LASERDYNAMICS, INC.

Plaintiff

v.

BENQ CORP. and BENQ AMERICA
CORP.

Defendants

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CIVIL ACTION NO. 2:03-CV-00437 (TJW)

JURY TRIAL DEMANDED

PLAINTIFFS’ SECOND AMENDED COMPLAINT

Yasuo Kamatani and LaserDynamics Inc., (hereafter collectively “LaserDynamics” or “Plaintiffs”) bring this action against BenQ Corp. (“BenQ”) and BenQ America Corp. (“BenQ America”), Defendants, and allege that:

I.
PARTIES

1. Plaintiff, Yasuo Kamantani is an individual residing in Japan.
2. Plaintiff, LaserDynamics, Inc. is a corporation organized under the laws of Japan having its principal place of business in Kanagawa-Ken, Japan.
3. Defendant, BenQ Corp is a foreign corporation organized and existing under the laws of Taiwan.
4. Defendant, BenQ America Corp. is a corporation organized and doing business under the laws of the State of California. BenQ America has a principal place of business at 20480 East Business Parking, City of Industry, California. BenQ America may be served through its agent for service of process, CT Corporation Systems, having an address at 818 West Seventh Street, Los Angeles, California 90017.

II.
JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271, et seq.

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C § 1338(a). Venue is proper in this district pursuant to 28 U.S.C §§ 1391(c) and (d) and 1400(b).

III.
BACKGROUND

7. U.S. Patent No. 5, 587, 981 (hereinafter the “Kamatani ‘981 patent”) is applicable to Digital Video Disk, Digital Variable Disk, and Digital Versatile Disk players, all sometimes called “DVD players”.

8. The Kamatani ‘981 patent was issued to Yasuo Kamatani as the inventor thereof, and is valid and subsisting.

9. Yasuo Kamatani assigned his rights to the Kamatani ‘981 patent to LaserDynamics, Inc. which now owns the Kamatani ‘981 patent.

10. At all times relevant to this action, LaserDynamics has properly marked all products falling within the scope of the Kamatani ‘981 patent pursuant to 35 U.S.C. § 287.

IV.
PATENT INFRINGEMENT

11. Defendants have been and still are infringing the Kamatani patents by making, using, importing or selling DVD drives, including computers and computer peripherals, covered by the claims of the Kamatani ‘981 patent, and by inducing and contributing to infringement by others.

12. Defendants' wrongful actions were conducted without authorization or license to do so and will continue unless enjoined by this Court.

13. Defendants had full and prior knowledge of the Kamatani '981 patent and therefore their conduct was both willful and deliberate. Moreover, Defendants' willful infringement will continue unabated unless enjoined by this Court.

IV.
PRAYER FOR RELIEF

WHEREFORE, PREMISES, CONSIDERED, LaserDynamics prays for the following relief:

A. Defendants, their directors, agents, servants, employees and attorneys, and those persons and entities in active concert or participation with them be permanently enjoined from making, using, selling or importing infringing devices;

B. LaserDynamics recover damages from Defendants resulting from Defendants' infringement, and that said damages be trebled in view of Defendants' willful and wanton conduct;

C. LaserDynamics recover interest and costs pursuant to 35 U.S.C § 284 and attorneys' fees pursuant to 35 U.S.C. § 285 and

D. LaserDynamics have such other and further relief as the Court deems just and proper under the circumstances.

Trial by jury is hereby demanded.

Respectfully submitted,

Date: _____

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of PLAINTIFFS' SECOND AMENDED COMPLAINT was served the Court's ECF system or via first class mail on the following on this 27th day of September 2004.

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