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9 SEER SYSTEMS, INC., a California Corporation

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FILED

DEC 18 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 **C 06 7736 - B2**

13 SEER SYSTEMS, INC., a California
14 Corporation,

15 Plaintiff,

16 vs.

17 YAMAHA CORPORATION, a Japanese
18 Corporation,

19 Defendants.

CASE NO.

**COMPLAINT FOR INFRINGEMENT OF
U.S. PATENT NO. 5,886,274**

DEMAND FOR JURY TRIAL

20 Plaintiff SEER SYSTEMS, INC. (hereinafter "SEER") hereby complains of Defendant
21 YAMAHA CORPORATION (hereinafter "YAMAHA"), and alleges as follows:

22 **JURISDICTION AND VENUE**

- 23 1. This action for patent infringement arises under the patent laws of the United
24 States, Title 35, United States Code, more particularly 35 U.S.C. §§ 271 and 281.
25 2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
26 3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

27 **THE PARTIES**

28 4. Plaintiff SEER SYSTEMS is a corporation duly incorporated and existing under
the laws of the State of California, with its principal place of business in San Mateo County – at
4420 Alpine Road, PMB #133, Portola Valley, California.

ORIGINAL

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1 been and is contributorily infringing the '274 patent under § 271(c) by providing software,
 2 product and services especially made or especially adapted for infringing use and not staple
 3 articles or commodities of commerce suitable for substantial noninfringing use, including at least
 4 certain sound chips, such as the MA-7, that YAMAHA has distributed to various cellular phone
 5 and personal digital assistant manufacturers. Plaintiff is further informed and believes, and on
 6 that basis alleges, that YAMAHA's infringement of the '274 patent under § 271(c) will continue
 7 unless enjoined by this Court.

8 13. Plaintiff is informed and believes, and on that basis alleges, that YAMAHA
 9 derived and received, and will continue to derive and receive from the aforesaid acts of
 10 infringement gains, profits, and advantages, tangible and intangible, the extent of which are not
 11 presently known to Plaintiff. By reason of the aforesaid acts of infringement, Plaintiff has been,
 12 and will continue to be, irreparably harmed.

13 **PRAYER FOR RELIEF**

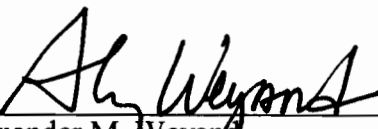
14 WHEREFORE, Plaintiff SEER SYSTEMS, INC. prays for relief as follows:

- 15 A. That YAMAHA be adjudged to have infringed the '274 patent under 35 U.S.C. §
 16 271(a);
- 17 B. That YAMAHA be adjudged to have infringed the '274 patent under 35 U.S.C. §
 18 271(b) by inducing others to infringe directly the '274 patent under 35 U.S.C. § 271(a);
- 19 C. That YAMAHA be adjudged to have contributorily infringed the '274 patent under
 20 35 U.S.C. § 271(c);
- 21 D. That YAMAHA, its officers, agents, servants, employees and attorneys, and those
 22 persons in active concert or participation with them be preliminarily and permanently restrained
 23 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '274 patent;
- 24 E. That this Court award damages to compensate SEER for YAMAHA's
 25 infringement pursuant to 35 U.S.C. § 284;
- 26 F. That this Court assess pre-judgment and post-judgment interest and costs against
 27 Defendants, and award such interest and costs to SEER pursuant to 35 U.S.C. § 284; and
- 28 G. That SEER have such other and further relief as the Court may deem proper.

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Dated: December 18, 2006

PETERSON, WEYAND & MARTIN, LLP

By 
Alexander M. Weyand
Attorney for Plaintiff
SEER SYSTEMS, INC.

DEMAND FOR JURY TRIAL

Plaintiff SEER SYSTEMS, INC. hereby demands a trial by jury as to all issues triable by jury, specifically including, but not limited to, the issue of the infringement of United States Patent No. 5,886,274.

Dated: December 18, 2006

PETERSON, WEYAND & MARTIN, LLP

By 
Alexander M. Weyand
Attorney for Plaintiff
SEER SYSTEMS, INC.

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