

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

LASERDYNAMICS, INC.	§	
	§	
Plaintiff	§	CIVIL ACTION NO.: 2-06CV-348 TJW
	§	
v.	§	
	§	
ASUS COMPUTER INTERNATIONAL;	§	JURY TRIAL DEMANDED
QUANTA STORAGE AMERICA, INC.;	§	
QUANTA COMPUTER USA, INC.;	§	
ASUSTEK COMPUTER, INC.;	§	
QUANTA STORAGE, INC. AND	§	
QUANTA COMPUTER, INC.	§	
	§	
Defendants	§	

PLAINTIFF’S FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

LaserDynamics Inc., (hereafter “LaserDynamics”) Plaintiff, brings this action against Asus Computer International, Quanta Storage America, Inc., Quanta Computer USA, Inc., Asustek Computer, Inc., Quanta Computer, Inc., and Quanta Storage, Inc., Defendants, and alleges that:

I.

PARTIES

1. Plaintiff, LaserDynamics, Inc. is a corporation organized under the laws of Japan having its principal place of business in Kanagawa-Ken, Japan.

2. Defendants Asus Computer International, Quanta Storage America, Inc., and Quanta Computer USA, Inc. are corporations organized and existing under the laws of California, with principal places of business in Fremont, California.

3. On information and belief, Defendants Asustek Computer, Inc., Quanta Storage, Inc., and Quanta Computer, Inc. are corporations organized and existing under the laws of Taiwan with principal places of business in Taiwan.

II.

JURISDICTION AND VENUE

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

5. 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

6. 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.

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

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

IV.

PATENT INFRINGEMENT

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

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

11. 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.

V.

PRAYER FOR RELIEF

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

A. Defendants, their officers, 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.

Date: September 14, 2007

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux

Timothy N. Trop
Attorney-in-Charge
Trop, Pruner & Hu, P.C.
1616 S.Voss Rd., Suite 750
Houston, Texas 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883
E-mail: trop@tphm.com

Gregory M Luck
State Bar No. 12666380
Thomas W. Sankey
State Bar No. 17635670
Grant Cook
State Bar No. 04732000
Thompson & Knight
333 Clay St., Suite 3300
Houston, TX 77002
Telephone: (713) 654-8111
Facsimile: (713) 654-1871
E-mail: gregory.luck@tklaw.com
E-mail: thomas.sankey@tklaw.com
E-mail: grant.cook@tklaw.com

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
Brown McCarroll, L.L.P.
1127 Judson Road, Suite 220
Longview, Texas 75601-5157
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
E-mail: ccapshaw@mailbmc.com
E-mail: ederieux@mailbmc.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that, on this 14th day of September 2007, 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).

/s/ Elizabeth L. DeRieux
Elizabeth L. DeRieux