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

FILED-CLERK
U.S. DISTRICT COURT

06 AUG 31 AM 9: 23

TX EASTERH-MARSHALL

LASERDYNAMICS, INC.

Plaintiff

CIVIL ACTION NO.:

2-06CV-348

 \mathbf{v}

8 8 8

IURY TRIAL DEMANDED

ASUS COMPUTER INTERNATIONAL; QUANTA STORAGE AMERICA, INC.; AND QUANTA COMPUTER USA, INC.

Defendants

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

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

I.

PARTIES

- Plaintiff, LaserDynamics, Inc. is a corporation organized under the laws of Japan having its principal place of business in Kanagawa-Ken, Japan.
- 2. Defendants are corporations organized and existing under the laws of California, with principal places of business in Fremont, California.

II.

JURISDICTION AND VENUE

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

Ш.

BACKGROUND

- 5. 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.
- 6 The Kamatani '981 patent was issued to Yasuo Kamatani as the inventor thereof, and is valid and subsisting.
- 7 Yasuo Kamatani assigned his rights to the Kamatani '981 patent to LaserDynamics, Inc. which now owns the Kamatani '981 patent.

IV.

PATENT INFRINGEMENT

- 8. 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.
- 9. Defendants' wrongful actions were conducted without authorization or license to do so and will continue unless enjoined by this Court.
- Defendants had full and prior knowledge of the Kamatani '981 patent, and therefore its 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: August 31, 2006

Respectfully submitted,

5. Calvin Capshaw (by serminger)
S. Calvin Capshaw

State Bar No. 03783900

E-mail: ccapshaw@mailbmc.com

Brown McCarroll, L.L.P. 1127 Judson Road, Suite 220

Longview, Texas 75601-5157

Telephone:

(903) 236-9800

Facsimile:

(903) 236-8787

Timothy N. Trop

State Bar No. 20236600

E-mail: trop@tphm com

Trop, Pruner & Hu, P.C.

1616 S. Voss Rd., Suite 750

Houston, Texas 77057-2631

Telephone: (71)

(713) 468-8880

Facsimile:

(713) 468-8883

Gregory M. Luck

State Bar No. 12666380

E-mail: gregory luck@tklaw com

Thomas W. Sankey

State Bar No. 17635670

E-mail: thomas_sankey@tklaw.com

Grant Cook

State Bar No. 04732000

E-mail: grant.cook@tklaw.com

Thompson & Knight, L.L.P.

Three Allen Center

333 Clay Street, Suite 3300

Houston, Texas 77002-4499

Telephone:

(713) 654-8111

Facsimile:

(713) 654-1871

ATTORNEYS FOR PLAINTIFF

Casa202:tv-60302-7647JOE Doocumeent21-1Filedle6/08/31/06agageo1 of 1

SJS 44 (Rev 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court the civil docket sheet.

This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I. (a) PLAINTIFFS					DEFENDANTS						
	LaserDynamics,	Asus Computer International; Quanta Storage America; Inc.; and Quanta Computer USA, Inc. C. E. V. E. D.									
(b)				pan	County of Residence	County of Residence of First Listes DESTRICTION FOR County, C				alifornie	
(a)	·	XCEPI IN U.S. PI AINTIFF (,		NOIE: IN LAI LANE	(INUS P	L AINTIFF CASES IATION CASES, U	ONLY)		ĺ	
(c)	(c) Attorney's (Firm Name, Address, and Telephone Number) Timothy N. Trop, Trop Pruner & Hu, P.C., 1616 S.Voss Rd.,					Attorneys (If Known)					
TT 73.4	Ste 750, Houston	ı, IX 77057; 713/468	3-8880							TO A COLUMN TO A C	
II. BA	7212 OF JURISH	ICTION (Place an X"	in One Box Only)		TIZENSHIP OF 1 (For Diversity Cases Only)	PRINCIPA	L PARTIES	(Place an "X" in and One Box i			
□ 1 (J S. Government Plaintiff	■ 3 Federal Question (U.S Governmen	at Not a Party)		` '	PIF DEF	Incorporated or Proof Business In Th	rincipal Place	PTF □ 4	DEF 4	
□ 2 L	J S. Government Defendant	☐ 4 Diversity		Citize	en of Another State	J 2	Incorporated and of Business In		⊞ 5	□ 5	
	Potodeant	(Indicate Citizens	ship of Parties in Item III)		•	3 0 3	Foreign Nation	Anomer State	□ 6	3 6	
IV. N	ATURE OF SUIT	(Place an "X" in One Box O	nly)	For	eign Country						
	CONTRACT		DRTS	FOR	FEITURE/PENALTY	BAN	KRUPTCY	OTHER	STATUTE	S	
150 Re & E 151 Me 152 Re Stur (Ex. 153 Rer 153 Rer 159 Cor 190 Ott 195 Cor 195 Cor 196 Cor 120 For 1210 Lat 1220 For 1230 Rer 1240 Tor 1245 Tor	arine iller Act gotiable Instrument gotiable Instrument gotiable Instrument covery of Overpayment inforcement of Judgment edicare Act covery of Defaulted dent Loans cl Veterans) covery of Overpayment Veteran's Benefits schkolders' Suits her Contract nitract Product L iability mehise L PROPERTY ad Condemnation reclosure to Lease & Ejectment tts to Land t Product Liability Other Real Property	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 755 Motor Vehicle Product Liability 360 Other Personal Injury CIVIL RIGHTS 441 Voting 442 Employment 443 Housing/ Accommodations 444 Welfare 445 Amer w/Disabilities - Employment 446 Amer w/Disabilities - Other 440 Other Civil Rights	PERSONAL INJUR 362 Personal Injury- Med. Malpractice 365 Personal Injury- Product I siability 368 Asbestos Personal Injury Product Liability PERSONAL PROPER 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability PRISONER PETITION 510 Motions to Vacate Sentence Habeas Corpus: 530 General 535 Death Penalty 540 Mandamus & Oth 550 Civil Rights 555 Prison Condition	IY	10 Agriculture 20 Other Food & Drug 25 Drug Related Seizure of Property 21 USC 881 80 Liquor Laws 10 R.R. & Truck 10 Airline Regs. 10 Occupational Safety/Health 10 Other LABOR 0 Fair Labor Standards Act 0 I abor/Mgmt. Relations 0 I abor/Mgmt Reporting & Disclosure Act 0 Railway Labor Act 0 Other Labor I titigation 1 Empl Ret Inc Security Act	☐ 422 Apper ☐ 423 Withd 28 USC ☐ PROPER ☐ 820 Copyr ☐ 830 Patent ☐ 840 Tradet ☐ 861 HIA (: ☐ 863 DIWC ☐ 864 SSID (: ☐ 865 RSI (:4)	al 28 USC 158 frawal C 157 TY-RIGHTS ights mark SECURITY 1395ff) Lung (923) 'ZOIWW (405(g)) Title XVI 05(g)) LTAX SUITS (U.S. Plaintiff indant) Third Party	400 State R	eapportionment st and Banking arce trion ter Influence Organization ter Credit at IV te Service es/Commod e er Challenge 3410 tatutory Actional Mat Allocation A n of Informa of Fee Deterring the Commod to the Challenge the Cha	ed and ns ities/ ious ion Act ters ict	
	riginal 🗖 2 Re	n X in One Box Only) moved from 3 tte Court Cite the U.S. Civil St	Remanded from Appellate Court atute under which you an	A Reinst	ated or another	fy)	1 6 Multidistri	$_{\rm ct}$ \Box 7 $_{\rm M}^{\rm Ji}$	ppeal to D idge from lagistrate idgment		
VI. CA	USE OF ACTIO	1		- thing (D			less diversity).				
	EQUESTED IN OMPLAINT:	CHECK IF THIS UNDER F.R.C.P.	MAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No								
	ELATED CASE ANY	(See instructions):	JUDGE Ward			DOCKET	NUMBER C.A	A. No.2:03-C	CV-0004	37	
Jugust 31, 2006 SIGNATURE OF ATTORNEY OF RECORD for Solvin Capchow (by permin)											
OR OFFI	CE USE ONLY		CS			U	<u> </u>	v	J	t	
RECEIP	T # AM	IOUNI	APPLYING IFP				MAG JUDO	GE			