

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

FILED-CLERK
U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

LASERDYNAMICS, INC.

Plaintiff

v.

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

Defendants

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CIVIL ACTION NO.: BY _____
~~2-06CV-348~~
TJW

JURY TRIAL DEMANDED

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**

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 are corporations organized and existing under the laws of California, with principal places of business in Fremont, California.

**II.
JURISDICTION AND VENUE**

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

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.

10. 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.

Respectfully submitted,

Date: August 31, 2006

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E. J. Keays)

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ATTORNEYS FOR PLAINTIFF

Summary issued
2-06CV-348TSW

JS 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. 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 the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I. (a) PLAINTIFFS

LaserDynamics, Inc.

(b) County of Residence of First Listed Plaintiff Kanagawa-Ken, Japan
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Timothy N. Trop, Trop Pruner & Hu, P.C., 1616 S. Voss Rd.,
Ste 750, Houston, TX 77057; 713/468-8880

DEFENDANTS

Asus Computer International, Quanta Storage America, Inc.,
and Quanta Computer USA, Inc.
County of Residence of First Listed Defendant Plameda County, California
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED

Attorneys (If Known)

RECEIVED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
AUG 31 2006

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State 1 PIF 1 DEF
- Citizen of Another State 2 PIF 2 DEF
- Citizen or Subject of a Foreign Country 3 PIF 3 DEF
- Incorporated or Principal Place of Business In This State 4 PIF 4 DEF
- Incorporated and Principal Place of Business In Another State 5 PIF 5 DEF
- Foreign Nation 6 PIF 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, AGRICULTURE, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Ward DOCKET NUMBER C.A. No.2:03-CV-000437

DATE August 31, 2006

SIGNATURE OF ATTORNEY OF RECORD Elizabeth A. Keiser for Stephen Capshaw (by permission)

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RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____