

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

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U.S. DISTRICT COURT

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TX EASTERN-MARSHALL



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LUND, L.L.C.

Plaintiff,

vs.

PANASONIC CORPORATION
OF NORTH AMERICA, FUJITSU
COMPUTER SYSTEMS CORPORATION,
and DIALOGUE USA INC.

Defendants.

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Case No

2-06CV-90

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JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lund, L.L.C. ("Lund") brings this action against defendants Panasonic Corporation of North America ("Panasonic"), Fujitsu Computer Systems Corporation ("Fujitsu") and Dialogue USA Inc. ("Dialogue"), and alleges:

THE PARTIES

1. Lund is a limited liability company organized and existing under the laws of the State of Michigan.
2. On information and belief, Panasonic is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at One Panasonic Way, Secaucus, New Jersey 07094, has designated its registered agent and office for purposes of service of process in Texas as C I Corporation System, 350 North St. Paul Street, Dallas, Texas 75201, and is doing business in this judicial district.

3. On information and belief, Fujitsu is a corporation organized and existing under the laws of the State of California, having a principal place of business at 1250 East Arquez Avenue M/S 124, Sunnyvale, California 94085, has designated its registered agent and office for purposes of service of process in Texas as Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701, and is doing business in this judicial district.

4. On information and belief, Dialogue is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 230 Park Avenue, 10th Floor, New York, New York 10169, has designated its registered agent and office for purposes of service of process as Vanguard Corporate Services, Ltd., 3500 South Dupont Highway, Dover, Delaware 19901, and is doing business in this judicial district.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

6. Subject-matter jurisdiction over Lund's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, each defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

8. On information and belief, each defendant has placed its infringing notebook computers into the stream of commerce throughout the United States, which computers have

been offered for sale, sold and/or used in the State of Texas and/or in the Eastern District of Texas.

9. Each defendant, directly or through its subsidiaries, divisions or groups, has committed acts of infringement in this judicial district, is subject to personal jurisdiction in this judicial district, and/or is doing business in this judicial district.

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and (d) and 1400(b).

PATENT INFRINGEMENT

11. On February 1, 1994, U.S. Patent No. 5,283,862 ("the '862 patent"), entitled "Notebook Computer With Reversible Cover For External Use Of Membrane Switch Device," a copy of which is attached hereto as Exhibit A, was duly and legally issued to the inventor, Alan K. Lund. Plaintiff Lund is the owner of all right, title and interest in and to the '862 patent, including the right to sue for and recover all past, present and future damages for infringement of the '862 patent.

12. Upon information and belief, each defendant, directly or through its subsidiaries, divisions or groups, has infringed and continues to infringe the '862 patent by making, using, selling and/or offering to sell, in Texas and/or this judicial district, notebook computers that are covered by one or more of the claims of the '862 patent. Each defendant is liable for infringement of the '862 patent pursuant to 35 U.S.C. § 271.

13. Panasonic's infringement is based at least on the manufacture, use, sale, importation and/or offer for sale of the "Panasonic Toughbook CF-18" notebook computer.

14. Fujitsu's infringement is based at least on the manufacture, use, sale, importation and/or offer for sale of the "Lifebook P1510D" notebook computer.

15. Dialogue's infringement is based at least on the manufacture, use, sale, importation and/or offer for sale of the "Flybook" notebook computer.

16. Each defendant's acts of infringement have caused damage to Lund, and Lund is entitled to recover from each defendant the damages sustained by Lund as a result of each defendant's wrongful acts in an amount subject to proof at trial.

17. As a consequence of the infringement complained of herein, Lund has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless defendants are enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Lund prays for entry of judgment that:

- A. Each defendant has infringed the '862 patent;
- B. Each defendant account for and pay to Lund all damages caused by its infringement of the '862 patent;
- C. Lund be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining defendants, their officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D. Lund be granted pre-judgment and post-judgment interest on the damages caused to it by reason of defendants' patent infringement;
- E. Lund be granted its reasonable attorneys' fees;
- F. Costs be awarded to Lund; and,
- G. Lund be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Lund demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: March 9, 2006

By: John J. Polasek (by permission E. H. H. H. H.)

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