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AU OPTRONICS CORPORATION and
12 AU OPTRONICS CORPORATION AMERICA

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 AU OPTRONICS CORPORATION, a
Taiwanese corporation, and
17 AU OPTRONICS CORPORATION
AMERICA, a California corporation,

18 Plaintiffs,

19 v.
20

21 SAMSUNG ELECTRONICS CO., LTD., a
Korean corporation, SAMSUNG
ELECTRONICS AMERICA, INC., a New
22 York corporation, AT&T MOBILITY LLC, a
Delaware corporation, BEST BUY STORES,
23 L.P., a Delaware corporation,
BESTBUY.COM, LLC, a Virginia
24 corporation, BEST BUY PURCHASING,
LLC, a Minnesota corporation, and
25 INTERBOND CORPORATION OF
AMERICA d/b/a BRANDSMART U.S.A., a
26 Florida corporation,

27 Defendants.
28

Case No. C-11-3170 EMC

**FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

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2 and AU OPTRONICS CORPORATION AMERICA:

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1 Plaintiffs AU Optronics Corporation and AU Optronics Corporation America (hereinafter
 2 “Plaintiff” or “AUO”), for its Complaint against Defendants Samsung Electronics Co., Ltd;
 3 Samsung Electronics America, Inc.; AT&T Mobility LLC; Best Buy Stores, L.P.; BestBuy.com,
 4 LLC; Best Buy Purchasing, LLC; and Interbond Corporation of America d/b/a BrandsMart
 5 U.S.A. (hereinafter “Defendants”), for injunctive relief and for damages, including treble or
 6 multiple damages, for patent infringement, state and allege as follows:

7 8 **NATURE OF THE ACTION**

9 1. AU Optronics Corporation is the owner of United States Patent No. 6,976,781
 10 (“the ’781 patent”); and United States Patent No. 6,818,319 (“the ’319 patent”). AU Optronics
 11 Corporation and AU Optronics Corporation America are the joint owners of United States Patent
 12 No. 7,057,359 (“the ’359 patent”) and United States Patent No. 7,172,331 (“the ’331 patent”)
 13 (collectively, the “Patents-in-Suit”).

14 2. This is a civil action for the infringement of the Patents-in-Suit, including the
 15 willful infringement of the Patents-in-Suit by Defendants.

16 3. The technology at issue pertains to flat panel displays. Flat panel displays are
 17 used in numerous applications, including televisions, computer monitors, laptop computers,
 18 mobile phones, and tablet devices. The accused products include both Liquid Crystal Display
 19 (“LCD”) devices and Organic Light-Emitting Diode (“OLED”) devices.

20 21 **THE PARTIES**

22 4. AU Optronics Corporation is a corporation existing under the laws of Taiwan,
 23 R.O.C., having a principal place of business located at No. 1 Li-Hsin Road 2, Science-Based
 24 Industrial Park, Hsinchu 30078, Taiwan, R.O.C.

25 5. AU Optronics Corporation America is a California corporation with its principal
 26 place of business at 1525 McCarthy Blvd., Suite 216, Milpitas, CA 95035.

6. On information and belief, Samsung Electronics Co., Ltd. (“Samsung”) is a Korean corporation with its principal place of business at Samsung Electronics Bldg., 1320-10, Seocho 2-dong, Seocho-gu, Seoul, Korea 137-857.

7. On information and belief, Samsung Electronics America, Inc. (“SEA”) a wholly-owned subsidiary of Samsung Electronics Co., Ltd. incorporated in New York with its principal place of business at 105 Challenger Road, Ridgefield Park, NJ 07660.

8. On information and belief, AT&T Mobility LLC (“AT&T”) is a Delaware corporation with its principal place of business at 5565 Glenridge Connector, Atlanta, GA 30342.

9. On information and belief, Best Buy Stores, L.P. is a Delaware corporation with its principal place of business at 7601 Penn Avenue South, Richfield, MN 55423.

10. On information and belief, BestBuy.com, LLC is a Virginia corporation with its principal place of business at 7075 Flying Cloud Drive, Eden Prairie, MN 55344.

11. On information and belief, Best Buy Purchasing, LLC (collectively with Best Buy Stores, L.P. and BestBuy.com, LLC, “Best Buy”) is a Minnesota corporation with its principal place of business at 7601 Penn Avenue South, Richfield, MN 55423.

12. On information and belief, Interbond Corporation of America d/b/a BrandsMart U.S.A. (“BrandsMart”) is a Florida corporation with its principal place of business at 3200 SW 42nd Street, Ft. Lauderdale, FL 33312.

JURISDICTION, VENUE, AND INTRADISTRICT ASSIGNMENT

13. This action is based upon and arises under the Patent Laws of the United States, 35 U.S.C. § 100 et seq., and in particular §§ 271, 281, 283, 284 and 285, and is intended to redress infringement of the Patents-in-Suit owned by AUO.

14. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

15. Defendants have transacted and continue to transact business in the United States and in this judicial district by: using or causing to be used; making; importing or causing to be imported; offering to sell or causing to be offered for sale; and/or selling or causing to be sold

1 directly, through intermediaries and/or as an intermediary, a variety of products that infringe the
2 Patents-in-Suit.¹

3 16. This Court has personal jurisdiction over Samsung, and venue is proper in this
4 judicial district pursuant to 28 U.S.C. §§ 1391 (b), (c) and (d), and 28 U.S.C. § 1400(b), in that
5 the Defendants are committing and are causing acts of patent infringement within the United
6 States and within this judicial district, including the infringing acts alleged herein, both directly,
7 through one or more intermediaries, and as an intermediary, and in that Samsung has caused and
8 causes injury and damages in this judicial district by acts or omissions outside of this judicial
9 district, including but not limited to utilization of its own distribution channels established in the
10 United States, to import a variety of products that infringe the Patent-in-Suit into the United
11 States and into this judicial district while deriving substantial revenue from services or things
12 used or consumed within this judicial district, and will continue to do so unless enjoined by this
13 Court.

14 17. This Court has personal jurisdiction over SEA and venue is proper in this judicial
15 district pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C. § 1400(b), in that the
16 Defendants are committing acts of patent infringement within the United States and within this
17 judicial district, including the infringing acts alleged herein, both directly, through one or more
18 intermediaries, and as an intermediary.

19 18. This Court has personal jurisdiction over AT&T and venue is proper in this
20 judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C. § 1400(b), in that the
21 Defendants are committing acts of patent infringement within the United States and within this
22 judicial district, including the infringing acts alleged herein, both directly, through one or more
23 intermediaries, and as an intermediary.

24
25 ¹ Moreover, AUO will conduct discovery concerning the identity of any and all entities
26 engaged in using or causing to be used; making; importing or causing to be imported;
27 offering to sell or causing to be offered for sale; and/or selling or causing to be sold directly,
28 through intermediaries and/or as an intermediary, any products that infringe the Patents-in-Suit.

1 19. This Court has personal jurisdiction over Best Buy Stores, L.P. and venue is
 2 proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C.
 3 § 1400(b), in that the Defendants are committing acts of patent infringement within the United
 4 States and within this judicial district, including the infringing acts alleged herein, both directly,
 5 through one or more intermediaries, and as an intermediary.

6 20. This Court has personal jurisdiction over BestBuy.com, LLC and venue is proper
 7 in this judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C. § 1400(b), in that
 8 the Defendants are committing acts of patent infringement within the United States and within
 9 this judicial district, including the infringing acts alleged herein, both directly, through one or
 10 more intermediaries, and as an intermediary.

11 21. This Court has personal jurisdiction over Best Buy Purchasing, LLC and venue is
 12 proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C.
 13 § 1400(b), in that the Defendants are committing acts of patent infringement within the United
 14 States and within this judicial district, including the infringing acts alleged herein, both directly,
 15 through one or more intermediaries, and as an intermediary.

16 22. This Court has personal jurisdiction over BrandsMart and venue is proper in this
 17 judicial district pursuant to 28 U.S.C. §§ 1391 (b) and (c), and 28 U.S.C. § 1400(b), in that the
 18 Defendants are committing acts of patent infringement within the United States and within this
 19 judicial district, including the infringing acts alleged herein, both directly, through one or more
 20 intermediaries, and as an intermediary

21 23. On information and belief, SEA regularly imports large quantities of Samsung
 22 products into the United States for distribution throughout the United States, including in this
 23 judicial district. On information and belief, Defendants are involved in the distribution and sale
 24 of flat panel display products that infringe the Patents-in-Suit and are aware that those products
 25 are sold throughout the United States, including in this judicial district. On information and
 26 belief, by shipping into, offering to sell in, using, or selling products that infringe the Patents-in-
 27 Suit in this judicial district, or by inducing or causing those acts to occur, Defendants have
 28 transacted business and performed works and services in this judicial district, have contracted to

1 supply services and things in this judicial district, and have caused injury and damages in this
 2 judicial district while deriving substantial revenue from services or things used or consumed
 3 within this judicial district.

4 24. **Intradistrict Assignment.** This is an Intellectual Property case assigned on a
 5 district-wide basis pursuant to Local Rule 3-2(c).

6 7 **THE PATENTS-IN-SUIT**

8 25. The '781 Patent is entitled "Frame and Bezel Structure for Backlight Unit" and
 9 issued on December 20, 2005. The '781 Patent issued from U.S. Patent Application Serial No.
 10 10/446,103, which was filed on May 28, 2003. The inventors of the '781 Patent are Chi-Chih
 11 Chu, Wen-Yuan Cheng, and Hui-Kai Chou. AU Optronics Corporation is the owner, by valid
 12 assignment, of the entire right, title, and interest in and to the '781 Patent. A true and correct
 13 copy of the '781 patent is attached as Exhibit A.

14 26. The '319 Patent is entitled "Diffusion Barrier Multi-Layer Structure for Thin Film
 15 Transistor Liquid Crystal Displays and Process for Fabricating Thereof" and issued on
 16 November 16, 2004. The '319 Patent issued from U.S. Patent Application Serial No.
 17 10/414,282, which was filed on April 16, 2003. The inventors of the '319 Patent are I-Chang
 18 Tsao and Ming-Wei Sun. AU Optronics Corporation is the owner, by valid assignment, of the
 19 entire right, title, and interest in and to the '319 Patent. A true and correct copy of the '319
 20 patent is attached as Exhibit B.

21 27. The '359 Patent is entitled "Method and Apparatus for Controlling Driving
 22 Current of Illumination Source in a Display System" and issued on June 6, 2006. The '359
 23 Patent issued from U.S. Patent Application Serial No. 10/695,592, which was filed on October
 24 28, 2003. The inventors of the '359 Patent are Ghi-Mao Hung and I-Hsin Lo. AU Optronics
 25 Corporation and AU Optronics Corporation America are the joint owners, by valid assignment,
 26 of the entire right, title, and interest in and to the '359 Patent. A true and correct copy of the
 27 '359 patent is attached as Exhibit C.

28. The '331 Patent is entitled "Backlight Module" and issued on February 6, 2007. The '331 Patent issued from U.S. Patent Application Serial No. 11/025,918, which was filed on January 3, 2005. The inventors of the '331 Patent are Chien-Hung Kuo and Ying Szutu. AU Optronics Corporation and AU Optronics Corporation America are the joint owners, by valid assignment, of the entire right, title, and interest in and to the '331 Patent. A true and correct copy of the '331 patent is attached as Exhibit D.

COUNT I

INFRINGEMENT OF THE '781 PATENT

29. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

30. In violation of 35 U.S.C. § 271, Defendants Samsung, SEA, and BrandsMart are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '781 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, importing and/or causing to be imported without authority or license flat panel display devices, manufactured by Samsung, its subsidiaries, and its agents or third-party contract manufacturers and flat panel display products containing such flat panel display devices, including, but not limited to a Samsung 18.5" LCD monitor model E1920X.

31. On information and belief, Samsung, SEA, and BrandsMart have had knowledge of the '781 patent since before filing of this Complaint, but in any case have had notice of the '781 patent upon the filing of this Complaint. Thus Samsung, SEA, and BrandsMart's infringement of the '781 patent is and has been deliberate and willful, and Samsung, SEA, and BrandsMart have induced and contributed to the infringement of the '967 patent.

32. Unless enjoined, Samsung, SEA, and BrandsMart will continue to infringe the '781 patent, and AUO will suffer irreparable injury as a direct and proximate result of Samsung, SEA, and BrandsMart's conduct.

33. AUO has been damaged by Samsung, SEA, and BrandsMart's conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

COUNT II

INFRINGEMENT OF THE '319 PATENT

34. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

35. In violation of 35 U.S.C. § 271, Defendants Samsung, SEA, AT&T, Best Buy, and BrandsMart are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '319 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, importing and/or causing to be imported without authority or license flat panel display devices, manufactured by Samsung, its subsidiaries, and its agents or third-party contract manufacturers and flat panel display products containing such flat panel display devices, including, but not limited to a Samsung AT&T Captivate Smartphone model SGH-I897.

36. On information and belief, Samsung, SEA, AT&T, Best Buy, and BrandsMart have had knowledge of the '319 patent since before filing of this Complaint, but in any case have had notice of the '319 patent upon the filing of this Complaint. Thus Samsung, SEA, AT&T, Best Buy, and BrandsMart's infringement of the '319 patent is and has been deliberate and willful, and Samsung, SEA, AT&T, Best Buy, and BrandsMart have induced and contributed to the infringement of the '319 patent.

37. Unless enjoined, Samsung, SEA, AT&T, Best Buy, and BrandsMart will continue to infringe the '319 patent, and AUO will suffer irreparable injury as a direct and proximate result of Samsung, SEA, AT&T, Best Buy, and BrandsMart's conduct.

38. AUO has been damaged by Samsung, SEA, AT&T, Best Buy, and BrandsMart's conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

COUNT III**INFRINGEMENT OF THE '359 PATENT**

39. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

40. In violation of 35 U.S.C. § 271, Defendants Samsung and SEA are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '359 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, importing and/or causing to be imported without authority or license flat panel display devices, manufactured by Samsung, its subsidiaries, and its agents or third-party contract manufacturers and flat panel display products containing such flat panel display devices, including, but not limited to a Samsung 46" LCD television model UN46C8000XF.

41. On information and belief, Samsung and SEA have had knowledge of the '359 patent since before filing of this Complaint, but in any case have had notice of the '359 patent upon the filing of this Complaint. Thus Samsung and SEA's infringement of the '359 patent is and has been deliberate and willful, and Samsung and SEA have induced and contributed to the infringement of the '359 patent.

42. Unless enjoined, Samsung and SEA will continue to infringe the '359 patent, and AUO will suffer irreparable injury as a direct and proximate result of Samsung and SEA's conduct.

43. AUO has been damaged by Samsung and SEA's conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

COUNT IV**INFRINGEMENT OF THE '331 PATENT**

44. The allegations in the foregoing paragraphs of this Complaint are incorporated by reference herein as if restated and set forth in full.

45. In violation of 35 U.S.C. § 271, Defendants Samsung and SEA are now, and have been, directly infringing, contributorily infringing and/or inducing infringement of the '331 patent by, among other things, making, using, causing to be used, offering to sell, causing to be offered for sale, selling, causing to be sold, importing and/or causing to be imported without authority or license flat panel display devices, manufactured by Samsung, its subsidiaries, and its agents or third-party contract manufacturers and flat panel display products containing such flat panel display devices, including, but not limited to a Samsung 46" LCD television model LN46C630K1F.

46. On information and belief, Samsung and SEA have had knowledge of the '331 patent since before filing of this Complaint, but in any case have had notice of the '331 patent upon the filing of this Complaint. Thus Samsung and SEA's infringement of the '331 patent is and has been deliberate and willful, and Samsung and SEA have induced and contributed to the infringement of the '331 patent.

47. Unless enjoined, Samsung and SEA will continue to infringe the '331 patent, and AUO will suffer irreparable injury as a direct and proximate result of Samsung and SEA's conduct.

48. AUO has been damaged by Samsung and SEA's conduct, and until an injunction issues will continue to be damaged in an amount yet to be determined.

PRAYER FOR RELIEF

WHEREFORE, AUO prays for Judgment as follows:

A. That the Defendants have directly and/or indirectly, by way of inducement or contributory infringement, infringed the Patents-in-Suit;

B. That the Defendants' infringement of the Patents-in-Suit has been willful;

C. That the Defendants and their parents, subsidiaries, affiliates, successors, predecessors, assigns, and the officers, directors, agents, servants and employees of each of the foregoing, customers and/or licensees and those persons acting in concert or participation with any of them, are preliminarily and permanently enjoined and restrained from continued

infringement, including but not limited to using, making, importing, offering for sale and/or selling products that infringe, and from contributorily and/or inducing the infringement of the Patents-in-Suit prior to their expiration, including any extensions;

D. An Order directing Defendants to file with this Court and serve upon Plaintiffs' counsel within 30 days after the entry of the Order of injunction a report setting forth the manner and form in which Defendants have complied with the injunction;

E. That AUO be awarded monetary relief adequate to compensate AUO for the Defendants' acts of infringement of the Patents-in-Suit within the United States prior to the expiration of the Patents-in-Suit, including any extensions;

F. That any monetary relief awarded to AUO regarding the infringement of the Patents-in-Suit by Defendants be trebled due to the willful nature of the Defendants' infringement of the Patents-in-Suit;

G. That any monetary relief awarded to AUO be awarded with prejudgment and postjudgment interest;

H. That this is an exceptional case and that AUO be awarded the attorneys' fees, costs and expenses that it incurs prosecuting this action; and

I. That AUO be awarded such other and further relief as this Court deems just and proper.

I. JURY DEMAND

AUO demands a jury trial on all issues triable to a jury.

Dated: September 29, 2011

LATHAM & WATKINS LLP

By: /S/ - Bob Steinberg
Bob Steinberg

Attorneys for Defendants
AU OPTRONICS CORPORATION and
AU OPTRONICS CORPORATION AMERICA