

**THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

AD TECHNOLOGIES LLC  
f/k/a AMIGA DEVELOPMENT LLC

Plaintiff,

v.

HEWLETT-PACKARD COMPANY

Defendant.

C A. NO. 2-04CV-242

**PLAINTIFF AD TECHNOLOGIES LLC'S  
FIRST AMENDED COMPLAINT**

AD Technologies LLC ("AD Technologies"), formerly known as Amiga Development LLC ("Amiga"), plaintiff in the above-captioned action, for its First Amended Complaint against Hewlett-Packard Company ("HP"), alleges as follows:

**PARTIES**

1. Plaintiff AD Technologies LLC is a limited liability company organized under the laws of the state of Delaware, having a principal place of business at 7565 Irvine Center Drive, Irvine, CA 92618-2930.

2. Upon information and belief, Defendant Hewlett-Packard Company is a corporation organized under the laws of the state of Delaware, having its principal place of business at 3000 Hanover Street, Palo Alto, California 94304. Upon information and belief, HP transacts business in this judicial district, including the sale and offering for sale of its products and services.

### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this action as provided for in 28 U.S.C. §§ 1331 and 1338(a), and pursuant to the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

4. This Court has personal jurisdiction over HP because HP transacts business in this State and because HP has sufficient minimum contacts with this State.

5. Venue in this judicial district is proper under the provisions of 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

### **THE PATENTS**

6. On October 17, 1989, U.S. Patent No. 4,874,164 ("the '164 patent") was duly and legally issued for an invention entitled "Personal Computer Apparatus for Block Transfer of Bit-Mapped Image Data." A true and correct copy of the '164 patent is attached hereto as Exhibit A and incorporated herein by reference.

7. On May 2, 1995, U.S. Patent No. 5,412,667 ("the '667 patent") was duly and legally issued for an invention entitled "Decoder for Cross Interleaved Error Correcting Encoded Data." A true and correct copy of the '667 patent is attached hereto as Exhibit B and incorporated herein by reference.

8. The '164 patent and the '667 patent are collectively referred to herein as the "Asserted Patents."

### **COUNT I**

#### **(Infringement of the '164 Patent)**

9. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 8.

10. Plaintiff is the assignee and owner of all right, title, and interest in and to the '164 patent. Accordingly, Plaintiff has the right to bring this suit for damages and injunctive relief.

11. Upon information and belief, HP has infringed and continues to infringe the '164 patent by making, using, offering to sell, and selling (directly or through intermediaries) in the United States and/or importing into the United States products that embody the inventions disclosed and claimed in said patent. Upon information and belief, HP has also contributed to the infringement of the '164 patent, and/or actively induced others to infringe the '164 patent.

12. Upon information and belief, HP's infringement of the '164 patent has been willful.

13. Plaintiff is entitled to recover from HP the damages sustained as a result of HP's wrongful acts in an amount subject to proof at trial.

14. HP's infringement has caused irreparable harm to Plaintiff for which there is no adequate remedy at law. Plaintiff will continue to be harmed unless and until HP's infringement is enjoined by this Court.

## **COUNT II**

### **(Infringement of the '667 Patent)**

15. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 8.

16. Plaintiff is the assignee and owner of all right, title, and interest in and to the '667 patent. Accordingly, Plaintiff has the right to bring this suit for damages and injunctive relief.

17. Upon information and belief, HP has infringed and continues to infringe the '667 patent by making, using, offering to sell, and selling (directly or through intermediaries) in the United States and/or importing into the United States products that embody the inventions disclosed and claimed in said patent. Upon information and belief, HP has also contributed to the infringement of the '667 patent, and/or actively induced others to infringe the '667 patent.

18. Upon information and belief, HP's infringement of the '667 patent has been willful.

19. Plaintiff is entitled to recover from HP the damages sustained as a result of HP's wrongful acts in an amount subject to proof at trial.

20. HP's infringement has caused irreparable harm to Plaintiff for which there is no adequate remedy at law. Plaintiff will continue to be harmed unless and until HP's infringement is enjoined by this Court.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays:

A. That Plaintiff be adjudged the owner of the Asserted Patents and entitled to all rights of recovery thereunder, and that such patents are valid and enforceable;

B. That HP be adjudged to have infringed, induced infringement, and/or contributed to infringement of the Asserted Patents;

C. That HP, its officers, principals, agents, attorneys, servants, and employees, and all others acting under their direction and authority, and their successors and assigns, be enjoined by preliminary and permanent injunctions from infringement, inducement of infringement, and contributory infringement of each of the Asserted Patents;

D. That Plaintiff be awarded all damages adequate to compensate them for HP's infringement of the Asserted Patents, such damages to be determined by a jury;

E. That Plaintiff be awarded treble damages in view of HP's willful infringement of the Asserted Patents;

F. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that Plaintiff be awarded the attorney fees, costs, and expenses that they incur prosecuting this action;

G. That Plaintiff be awarded prejudgment interest; and

H. That Plaintiff be given such other and further relief as this Court deems just and proper.

### **DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all issues.

Dated: July 19, 2005

Respectfully submitted,

/s/

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to FED. R. CIV. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email on this 19th day of July, 2005.

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/s/