

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LG HOUSEHOLD & HEALTHCARE LTD.,	)	
	)	
Plaintiff,	)	
	)	C.A. No. _____
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
THE PROCTER & GAMBLE COMPANY,	)	
	)	
Defendant.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff LG Household & Healthcare Ltd. for its complaint against The Procter & Gamble Company through its undersigned counsel hereby alleges as follows:

**NATURE OF THIS ACTION**

1. This is an action arising under the patent laws of the United States, Title 35 United States Code, 35 U.S.C. §§ 271 and 281 for infringement by The Procter & Gamble Company of U.S. Patent Nos. 6,689,344 (“the ‘344 patent”) and 6,780,401 (“the ‘401 patent”), owned by LG Household & Healthcare Ltd.

**THE PARTIES**

2. LG Household & Healthcare Ltd. (“LG”) is a Korean corporation with its principal place of business at 20, Yoido-Dong, Yeongdeungpo-Gu, Seoul, 150-721, Republic of Korea.

3. Upon information and belief, The Procter & Gamble Company (“P&G”) is an Ohio corporation with its principal place of business at One Procter & Gamble Plaza, Cincinnati, Ohio.

**JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332 and 1338(a).

5. The exercise of personal jurisdiction in Delaware is proper because acts giving rise to Plaintiff's causes of action have occurred in the State of Delaware. More specifically, P&G markets, promotes, advertises, offers for sale, sells and/or distributes products covered by one or more claims of the '344 and '401 patents to customers including wholesalers, retailers, chains, independent pharmacies and/or others throughout the United States, including in the District of Delaware. Defendants have purposefully and voluntarily placed its infringing products into the stream of commerce with the expectation that the products will be purchased by consumers in the District of Delaware.

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

#### **THE PATENTS IN SUIT**

7. U.S. Patent No. 6,689,344 (the '344 patent") entitled "Patches for Teeth Whitening," issued on February 10, 2004 to LG as assignee of the inventors Sug-Youn Chang, Ji-Young Kim, Jong-Ho Kim and Sei-Young Yun. A true and correct copy of the '344 patent is attached to this Complaint as Exhibit 1.

8. U.S. Patent No. 6,780,401 ("the '401 patent"), entitled "Patches for Teeth Whitening," issued on August 24, 2004 to LG as assignee of the inventors Ji-Young Kim, Jong-Ho Kim, Sug-Youn Chang and Sei-Young Yun. A true and correct copy of the '401 patent is attached to this Complaint as Exhibit 2.

9. The '344 and '401 patents (collectively "the Patents-in-Suit") were duly issued and are owned by LG. LG has the full legal right to sue, enforce and recover damages for all infringements of the Patents-in-Suit.

**FIRST CLAIM FOR RELIEF**

**Infringement of United States Patent No. 6,689,344**

10. Plaintiffs re-allege and incorporate by reference the allegations contained in paragraphs 1 through 9 above.

11. P&G has been and continues to directly and/or indirectly infringe the '344 patent either literally or under the doctrine of equivalents by making, using, offering for sale and/or selling products covered by one or more claims of the '344 patent, including but not limited to the product marketed under the name Crest Whitestrips® Advanced Seal.

12. On information and belief, P&G's infringement has taken place with full knowledge of the '344 patent and has been intentional, deliberate and willful.

13. On information and belief, P&G will continue to infringe the '344 patent unless and until it is enjoined by this Court.

14. LG has suffered damages and irreparable harm as a result of Defendant's infringement of the '344 patent, and will continue to be damaged unless Defendants are enjoined from future infringing sales or activities.

**SECOND CLAIM FOR RELIEF**

**Infringement of United States Patent No. 6,780,401**

15. Plaintiffs re-allege and incorporate by reference the allegations contained in paragraphs 1 through 14 above.

16. P&G has been and continues to directly and/or indirectly infringe the '401 patent either literally or under the doctrine of equivalents by making, using, offering for sale and/or selling products covered by one or more claims of the '401 patent, including but not limited to the product marketed under the name Crest Whitestrips® Advanced Seal.

17. On information and belief, P&G's infringement has taken place with full knowledge of the '401 patent and has been intentional, deliberate and willful.

18. On information and belief, P&G will continue to infringe the '401 patent unless and until it is enjoined by this Court.

19. LG has suffered damages and irreparable harm as a result of Defendant's infringement of the '401 patent, and will continue to be damaged unless Defendants are enjoined from future infringing sales or activities.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff LG prays that this Court:

- A. Enter a judgment that P&G has infringed the '344 patent.
- B. Enter a judgment that P&G has infringed the '401 patent.
- C. Grant a permanent injunction restraining and enjoining P&G, its officers, directors, agents, servants, employees, successors, assigns, parents, subsidiaries, affiliated or related companies, and all others in active concert or participation with the foregoing from infringing, inducing others to infringe and contributing to the infringement of the '344 or '401 patents.
- D. Award LG damages in a amount sufficient to compensate LG for P&G's infringement of the '344 or '401 patents, but not less than a reasonable royalty;
- E. Award pre- and post-judgment interest to LG pursuant to 35 U.S.C. § 284;
- F. Award increased damages, pursuant to 35 U.S.C. § 284, in an amount not less than three times the amount of actual damages awarded to LG, by reason of P&G's willful infringement of the '344 or '401 patents;
- G. Declare this case exceptional under 35 U.S.C. § 285 and award LG its reasonable attorneys' fees, expenses, and costs incurred in this action; and

H. Grant LG such other and further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand that all issues so triable be determined by jury.

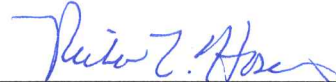
Respectfully submitted,

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