

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

VICTOR COMPANY OF JAPAN, LTD.	§	
Plaintiff	§	
	§	
v.	§	CIVIL ACTION NO. 1:08 CV 00041-SS
	§	
INTERVIDEO, INC. and COREL	§	
CORPORATION	§	JURY TRIAL DEMANDED
Defendants	§	

**SECOND AMENDED COMPLAINT AND APPLICATION FOR PERMANENT  
INJUNCTION**

Plaintiff Victor Company of Japan, Ltd. (“JVC”) brings this action against Defendants InterVideo, Inc. and Corel Corporation and alleges:

**NATURE OF THE CASE**

1. This is an action arising under the patent laws of the United States (Title 35, United States Code, § 271 *et seq.*) based upon defendants infringement of patents owned by JVC and relating generally to the field of DVD players, media and recorders. JVC seeks damages for defendants’ infringement and a permanent injunction restraining defendants from further infringement.

**PARTIES**

2. JVC is incorporated under the laws of Japan and maintains its principal place of business in Yokohama, Japan.

3. Upon information and belief, InterVideo Inc. is incorporated under the laws of Delaware and maintains its principal place of business at 46430 Fremont Blvd., Fremont, California. Corel alleged in its answer that InterVideo, Inc. no longer exists as a corporate entity.

4. Upon information and belief, Corel Corporation is incorporated under the laws of Canada and maintains its principal place of business at 1600 Carling Avenue, Ottawa, Ontario, Canada. It has appeared and answered.

### JURISDICTION

5. This action arises under the patent laws of the United States, Title 35 United States Code. Subject matter jurisdiction is proper under 28 U.S.C. § 1331 and § 1338.

6. This Court has personal jurisdiction over InterVideo Inc. (hereafter “InterVideo”). Upon information and belief, InterVideo conducts business in this state and is selling and offering to sell, and has within a reasonable period prior to the filing of this action, sold and offered to sell its products, including the infringing products, such as its InterVideo WinDVD Version 7.0 media player software application, to customers in this State and in this District, either directly or indirectly. Upon information and belief, InterVideo has placed its products, including the infringing products, into the stream of commerce, knowing or reasonably expecting that such products will be used, sold, or offered to be sold in this State and in this District. Upon information and belief, InterVideo has intentionally established distribution channels to offer its products for sale and to sell its products, including the infringing products, in this State and in this District.

7. This Court has personal jurisdiction over Corel Corporation (hereafter “Corel”). Upon information and belief, Corel purchased InterVideo in December 2006 and now sells and maintains the InterVideo products described in this Complaint. As a result of Corel’s purchase of InterVideo, Corel is liable for the alleged infringing acts of InterVideo. Upon information and belief, Corel conducts business in this state and is selling and offering to sell, and has within a reasonable period prior to the filing of this action, sold and offered to sell its products, including

the infringing products, such as its InterVideo WinDVD Version 7.0 media player software application, to customers in this State and in this District, either directly or indirectly. Upon information and belief, Corel has placed its products, including the infringing products, into the stream of commerce, knowing or reasonably expecting that such products will be used, sold, or offered to be sold in this State and in this District. Upon information and belief, Corel has intentionally established distribution channels to offer its products for sale and to sell its products, including the infringing products, in this State and in this District.

**VENUE**

8. Venue is proper in this Court under 28 U.S.C. § 1400(b) because InterVideo and Corel reside in this District within the meaning of 28 U.S.C. § 1391(c). In addition, venue is proper in this Court under 28 U.S.C. §§ 1391(b)-(c) because (i) InterVideo and Corel reside in this District, and/or (ii) a substantial part of the events or omissions giving rise to the claims against each of them occurred in this District.

**FIRST CLAIM**

***(Patent Infringement of the '383 Patent)***

9. The allegations of paragraphs 1-8 are incorporated herein by reference.

10. JVC is the sole owner of United States Patent No. 6,493,383, entitled "METHOD OF REPRODUCTION FOR PROTECTION OF DATA ACCORDING TO BOTH MEDIUM PROTECTION DATA AND APPARATUS PROTECTION DATA" ("the '383 patent"). The '383 patent was duly and legally issued on December 10, 2002 to Takayuki Sugahara, and was assigned to JVC. A copy of the '383 patent is attached to this Complaint as Exhibit A.

11. Upon information and belief, InterVideo and Corel have been and currently are infringing, contributing to the infringement of, and/or inducing the infringement of the '383

patent, by among other things, making, using, selling, importing, and/or offering for sale, within the territorial boundaries of the United States, products that are covered by one or more claims of the '383 patent.

12. Upon information and belief, infringement of the '383 patent has been and is willful, and will continue unless enjoined by the Court. JVC has suffered, and will continue to suffer, irreparable injury as a result of this willful infringement. Pursuant to 35 U.S.C. § 284, JVC is entitled to damages for infringement and treble damages. Pursuant to 35 U.S.C. § 283, JVC is entitled to a permanent injunction against further infringement.

13. This case is exceptional, and JVC therefore is entitled to attorneys' fees pursuant to 35 U.S.C. §285.

### **SECOND CLAIM**

#### ***(Patent Infringement of the '692 Patent)***

14. The allegations of paragraphs 1-8 are incorporated herein by reference.

15. JVC is the sole owner of United States Patent No. 6,522,692, entitled "REPRODUCTION PROTECTION METHOD ACCORDING TO BOTH MEDIUM AND APPARATUS PROTECTION DATA AND A MEDIUM THEREFOR" ("the '692 patent"). The '692 patent was duly and legally issued on February 18, 2003 to Takayuki Sugahara, and was assigned to JVC. A copy of the '692 patent is attached to this Complaint as Exhibit B.

16. Upon information and belief, InterVideo and Corel have been and currently are infringing, contributing to the infringement of, and/or inducing the infringement of the '692 patent, by among other things, making, using, selling, importing, and/or offering for sale, within the territorial boundaries of the United States, products that are covered by one or more claims of the '692 patent.

17. Upon information and belief, infringement of the '692 patent has been and is willful, and will continue unless enjoined by the Court. JVC has suffered, and will continue to suffer, irreparable injury as a result of this willful infringement. Pursuant to 35 U.S.C. § 284, JVC is entitled to damages for infringement and treble damages. Pursuant to 35 U.S.C. § 283, JVC is entitled to a permanent injunction against further infringement.

18. This case is exceptional, and JVC therefore is entitled to attorneys' fees pursuant to 35 U.S.C. §285.

### **THIRD CLAIM**

#### ***(Patent Infringement of the '920 Patent)***

19. The allegations of paragraphs 1-8 are incorporated herein by reference.

20. JVC is the sole owner of United States Patent No. 6,570,920, entitled "METHOD OF PROTECTION OF DATA TRANSMISSION ACCORDING TO BOTH MEDIUM SPECIFIC PROTECTION DATA AND ADDITIONAL PROTECTION DATA" ("the '920 patent"). The '920 patent was duly and legally issued on May 27, 2003 to Takayuki Sugahara, and was assigned to JVC. A copy of the '920 patent is attached to this Complaint as Exhibit C.

21. Upon information and belief, InterVideo and Corel have been and currently are infringing, contributing to the infringement of, and/or inducing the infringement of the '920 patent, by among other things, making, using, selling, importing, and/or offering for sale, within the territorial boundaries of the United States, products that are covered by one or more claims of the '920 patent.

22. Upon information and belief, infringement of the '920 patent has been and is willful, and will continue unless enjoined by the Court. JVC has suffered, and will continue to suffer, irreparable injury as a result of this willful infringement. Pursuant to 35 U.S.C. § 284,

JVC is entitled to damages for infringement and treble damages. Pursuant to 35 U.S.C. § 283, JVC is entitled to a permanent injunction against further infringement.

23. This case is exceptional, and JVC therefore is entitled to attorneys' fees pursuant to 35 U.S.C. §285.

**FOURTH CLAIM**

***(Patent Infringement of the '491 Patent)***

24. The allegations of paragraphs 1-8 are incorporated herein by reference.

25. JVC is the sole owner of United States Patent No. 6,141,491, entitled "METHOD FOR JUMP-REPRODUCING VIDEO DATA OF MOVING PICTURE CODED WITH HIGH EFFICIENCY" ("the '491 patent"). The '491 patent was duly and legally issued on October 31, 2000 to Toru Yamagishi, Ken Miyazaki and Kentaro Yokouchi, and was assigned to JVC. A copy of the '491 patent is attached to this Complaint as Exhibit D.

26. Upon information and belief, InterVideo and Corel have been and currently are infringing, contributing to the infringement of, and/or inducing the infringement of the '491 patent, by among other things, making, using, selling, importing, and/or offering for sale, within the territorial boundaries of the United States, products that are covered by one or more claims of the '491 patent.

27. Upon information and belief, infringement of the '491 patent has been and is willful, and will continue unless enjoined by the Court. JVC has suffered, and will continue to suffer, irreparable injury as a result of this willful infringement. Pursuant to 35 U.S.C. § 284, JVC is entitled to damages for infringement and treble damages. Pursuant to 35 U.S.C. § 283, JVC is entitled to a permanent injunction against further infringement.

28. This case is exceptional, and JVC therefore is entitled to attorneys' fees pursuant to 35 U.S.C. §285.

**FIFTH CLAIM**

***(Patent Infringement of the '008 Patent)***

29. The allegations of paragraphs 1-8 are incorporated herein by reference.

30. JVC is the sole owner of United States Patent No. 5,535,008, entitled "METHOD FOR JUMP-REPRODUCING VIDEO DATA OF MOVING PICTURE CODED WITH HIGH EFFICIENCY" ("the '008 patent"). The '008 patent was duly and legally issued on July 9, 1996 to Toru Yamagishi, Ken Miyazaki and Kentaro Yokouchi, and was assigned to JVC. A copy of the '008 patent is attached to this Complaint as Exhibit E.

31. Upon information and belief, InterVideo and Corel have been and currently are infringing, contributing to the infringement of, and/or inducing the infringement of the '008 patent, by among other things, making, using, selling, importing, and/or offering for sale, within the territorial boundaries of the United States, products that are covered by one or more claims of the '008 patent.

32. Upon information and belief, infringement of the '008 patent has been and is willful, and will continue unless enjoined by the Court. JVC has suffered, and will continue to suffer, irreparable injury as a result of this willful infringement. Pursuant to 35 U.S.C. § 284, JVC is entitled to damages for infringement and treble damages. Pursuant to 35 U.S.C. § 283, JVC is entitled to a permanent injunction against further infringement.

33. This case is exceptional, and JVC therefore is entitled to attorneys' fees pursuant to 35 U.S.C. §285.

**PRAYER FOR RELIEF**

JVC respectfully requests the following relief:

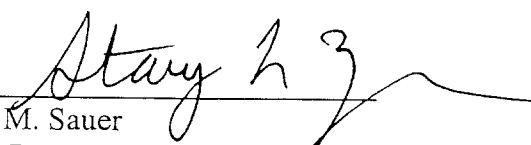
- A. that InterVideo and Corel be adjudged to have infringed or induced other to infringe the '383, '692, '920, '491 and '008 patents;
- B. that the Court enter a permanent injunction against InterVideo and Corel, and all others in active concert with one or more of them, prohibiting them from directly or indirectly infringing, or inducing others to infringe, the '383, '692, '920, '491 and '008 patents;
- C. that the Court order an accounting for damages by virtue of InterVideo and Corel's infringement of the '383, '692, '920, '491 and '008 patents;
- D. that the Court award damages to JVC against InterVideo and Corel, pursuant to 35 U.S.C. § 284;
- E. that the Court treble the damages for willful infringement pursuant to 35 U.S.C. § 284;
- F. that the Court award JVC pre-judgment and post-judgment interest and its costs, pursuant to 35 U.S.C. §284;
- G. that the Court award JVC attorneys' fees incurred in this action pursuant to 35 U.S.C. § 285; and
- H. that JVC be awarded such other and further relief as this Court deems just and proper.



**DEMAND FOR A JURY TRIAL**

34. JVC hereby demands a trial by jury as to all issues triable by a jury.

Respectfully submitted,

By:   
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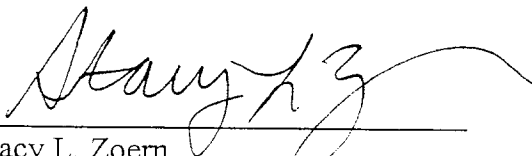
**ATTORNEYS FOR VICTOR COMPANY  
OF JAPAN, LTD.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, via email, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document pursuant to Local Rule CV-5(b)(2). Any other counsel of record will be served by facsimile transmission and/or first class mail this 6th day of July, 2009.

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