

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

Fujinon Corporation,)	
)	
Plaintiff)	
)	Civil Action No.
)	
v.)	JURY TRIAL DEMANDED
)	
Motorola, Inc.,)	
)	
Defendant.)	
_____)	

COMPLAINT (FOR PATENT INFRINGEMENT)

Plaintiff, Fujinon Corporation (“Fujinon”), brings this action against Motorola, Inc. (“Motorola”), for patent infringement under the patent laws of the United States, Title 35, United States Code §§ 100 *et seq.* and in support thereof states and alleges as follows:

1. Plaintiff Fujinon is a Japanese corporation with its principal place of business at 1-324 Uetake Kita-ku, Saitama, 331-9624, Japan. Fujinon previously operated under the name Fuji Photo Optical Co., Ltd.

2. Defendant Motorola is a Delaware corporation with its principal place of business at 1301 E. Algonquin Road, Schaumburg, Illinois 60196-4041. Upon information and belief, Motorola manufactures or has manufactured for it and/or imports mobile phones, which it sells as it conducts business throughout the United States, including the State of Delaware. Upon information and belief, Motorola has solicited business in the State of Delaware, is doing business in this judicial district, and has attempted to derive financial benefit from residents of the State of Delaware, including benefits directly related to the instant cause of action set forth herein. In addition Motorola is a resident of this judicial district and has appointed The

Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, New Castle County, 19801 as its registered agent.

Jurisdiction and Venue

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 100 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

5. Upon information and belief, Motorola places its products related to this cause of action into the stream of commerce throughout the United States, including Delaware, and those products have been offered for sale and/or sold within this judicial district.

6. Motorola is subject to personal jurisdiction in this judicial district, and, upon information and belief, is doing other business in this judicial district. Motorola sells, offers to sell and has sold its products related to this cause of action within the State of Delaware.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b) in that, among other things, the acts of infringement complained of have been committed in this judicial district and Motorola has a regular and established place of business in this judicial district.

Facts and Statement of Claim

8. On January 11, 2005, United States Letters Patent No. 6,842,295 (the ‘295 patent”) entitled “Imaging Lens Formed of Aperture Diaphragm and Only Two Lens Components” was duly and legally issued to Fuji Photo Optical Co., Ltd. as assignee of the inventor Hiromitsu Yamakawa. The name change of the assignee to Fujinon was recorded in the assignment records of the United States Patent and Trademark Office. A copy of the ‘295 patent is attached hereto as Exhibit A.

9. On September 21, 2004, United States Letters Patent No. 6,795,253 (the ‘253 patent”) entitled “Imaging Lens” was duly and legally issued to Fuji Photo Optical Co., Ltd. as assignee of the inventor Yoshikazu Shinohara. The name change of the assignee to Fujinon was recorded in the assignment records of the United States Patent and Trademark Office. A copy of the ‘253 patent is attached hereto as Exhibit B.

10. On November 1, 2005, United States Letters Patent No. 6,961,191 B2 (the ‘191 patent”) entitled “Single Focus Lens” was duly and legally issued to Fujinon as assignee of the inventor Kenichi Sato. A copy of the ‘191 patent is attached hereto as Exhibit C.

11. Broadly, the ‘295 patent, ‘253 patent and ‘191 patent are each for an imaging lens.

12. Fujinon has been and is rightful owner of the ‘295 patent, ‘253 patent and the ‘191 patent.

13. Fujinon has become aware of various cellular phone products offered for sale and sold by Motorola which incorporate the invention of the ‘295 patent, the ‘253 patent, or the ‘191 patent.

14. In particular, at least the following models of Motorola’s products infringe one or more claims of the ‘295 patent: i850, i275, V620, V325i, SLVR L7c, V323i, V323, and i855.

15. In particular, at least the following models of Motorola’s products infringe one or more claims of the ‘253 patent: MPx220, PEBL U6, and RAZR V3x.

16. In particular, at least the following models of Motorola’s products infringe one or more claims of the ‘191 patent: E815, i870, V635, RAZR V3m, ROKR E2, RAZR V3i, RAZR V3c, RAZR V3x, Moto Q, i580, RAZR V3t, RAZR V3xx, i880, and RAZR V3r.

17. Motorola has offered for sale and sold the infringing products in and into the State of Delaware. On information and belief, other as yet identified products of Motorola also infringe the '295, the '253, and/or the '191 patent.

COUNT I
(Direct Infringement of Patents '295 and '253 and '191 Patents)

18. Fujinon realleges the above paragraphs as if fully set forth herein.

19. Motorola has been and is infringing the '295 patent, the '253 patent, and the '191 patent, under 35 U.S.C. § 271(a) by making, using, importing, offering for sale, or selling, without license or authority in this district and elsewhere in the United States, infringing mobile phone products, including but not limited to those identified above.

20. Motorola has had for some time actual knowledge of the '295, '253, and '191 patents and has willfully, deliberately and intentionally infringed the claims of these patents.

21. Unless a preliminary and permanent injunction are issued enjoining Motorola and its agents, servants, employees, attorneys, representatives, and all others acting on their behalf from infringing the '295 '253, and '191 patents, Motorola will continue to infringe these patents and Fujinon will be greatly and irreparably harmed.

COUNT II
(Inducement to Infringe Patents '295, '253, and '191 Patents)

22. Fujinon realleges the above paragraphs as if fully set forth herein.

23. Upon information and belief, Motorola has been infringing the '295 patent, the '253 patent, and the '191 patent under 35 U.S.C. § 271(b) by inducing others to engage in direct infringement under 35 U.S.C. § 271(a) with a knowledge and an intent to induce the specific infringing acts and to cause the infringement.

24. Upon information and belief, Motorola significantly, actively and intentionally aided, abetted, participated in and was and is a proximate, contributing and concurring cause of the aforesaid infringement, because, without limitation, Motorola imported and/or induced the importation of the infringing products and induced others to use, sell and offer to sell the infringing products.

25. By its infringing conduct, Motorola has made unlawful gains and profits, and Fujinon, due to the same infringing conduct, has been deprived of rights and remunerations that would have otherwise come to Fujinon but for the infringement. Motorola has thus caused Fujinon irreparable damage and will continue to cause Fujinon additional damages.

COUNT III
(Contributory Infringement of the ‘295, ‘253, and ‘191 Patents)

26. Fujinon realleges the above paragraphs as if fully set forth herein.

27. Upon information and belief, Motorola has been contributing to infringement of the ‘295 patent, the ‘253 patent, and the ‘191 patent under 35 U.S.C. § 271(c) by selling within the United States components of infringing mobile phones knowing that those components (a) are especially made for use in infringing products, and (b) are not staple articles of commerce suitable for substantial non-infringing uses.

28. By its infringing conduct, Motorola has made unlawful gains and profits, and Fujinon, due to the same infringing conduct, has been deprived of rights and remunerations that would have otherwise come to Fujinon but for the infringement. Motorola has thus caused Fujinon irreparable damage and will continue to cause Fujinon additional damages.

Prayer for Relief

WHEREFORE, Plaintiff, Fujinon, prays this Court for the following relief:

- a) A judgment that Motorola has infringed, induced others to infringe and/or infringed contributorily one or more claims of the '295, '253, and '191 patents;
- b) A judgment that Motorola's infringement of the '295, '253, and '191 patents has been, and continues to be, willful and deliberate;
- c) Preliminary and permanent injunctive relief prohibiting Motorola, its subsidiaries, officers, agents, servants, employees, licensees, and all other persons acting or attempting to act in active concert or participation with them or acting on their behalf, from further infringement or inducement of infringement of the '295, '253 and '191 patents;
- d) A judgment that Motorola be ordered to account for and pay all damages caused by reason of Motorola's infringement pursuant to 35 U.S.C. § 284, including enhanced damages under 35 U.S.C. § 284 in an amount to be determined by the Court;
- e) A judgment that Motorola be ordered to pay Fujinon's costs, expenses and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285;
- f) An award of pre-judgment and post-judgment interest on the damages caused to Fujinon by Motorola's infringement; and
- g) Such other and further relief as the Court may deem just and proper under the circumstances.

Jury Demand

Plaintiff, Fujinon, demands a jury trial on all issues so triable.

Dated: September 5, 2007
Wilmington, Delaware

CROSS & SIMON, LLC

By: /s/ Christopher P. Simon

Christopher P. Simon (No. 3697)
Sean T. O'Kelly (No. 4349)
913 North Market Street, 11th Floor
P.O. Box 1380
Wilmington, Delaware 19899-1380
Phone: (302) 777-4200
Facsimile: (302) 777-4224

-and-

Quentin R. Corrie, Esquire
Charles Gorenstein, Esquire
Robert J. Kenney, Esquire
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
Falls Church, Virginia 22040-0747
Phone: (703) 205-8000

Counsel for the Plaintiff