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U.S. DISTRICT COURT

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

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TX EASTERN-MARSHALL

SHARP CORPORATION,

Plaintiff,

v

SAMSUNG ELECTRONICS, CO. LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
and SAMSUNG TELECOMMUNICATIONS
AMERICA, LLP

Defendants

Case No **2 - 07 C V - 330**
DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Sharp Corporation ("Sharp") alleges as follows:

PARTIES

1 Sharp is a corporation organized under the laws of Japan with its principal place of business at 22-22 Nagaïke-cho, Abeno-ku, Osaka 545-8522, Japan. Sharp is a leading innovator and manufacturer of liquid crystal display modules ("LCD Modules") as well as television sets, mobile phones and computer monitors that incorporate LCD Modules ("LCD Products").

2 On information and belief, defendant Samsung Electronics Co., Ltd. ("Samsung") is a limited liability corporation organized under the laws of Korea, with its principal place of business at 250, Taepyeongno 2-ga, Jung-gu, Seoul, 100-742, Korea. On information and belief, Samsung manufactures LCD Modules and directs those products to the United States, including the Eastern District of Texas, through established distribution channels involving various third parties, knowing that these third parties will use their respective nationwide contacts and distribution channels to import into, sell, offer for sale, and/or use these LCD Modules and LCD

Products incorporating such LCD Modules in the Eastern District of Texas and elsewhere in the United States.

3 On information and belief, defendant Samsung Electronics America, Inc , (“SEA”) is a corporation organized under the laws of New York, with a principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey, 07660. SEA is a direct or indirect subsidiary of Samsung and either directly or indirectly imports into, sells, and/or offers for sale LCD Products in the United States, including in the Eastern District of Texas.

4 On information and belief, defendant Samsung Telecommunications America, LLP (“STA”) is a limited liability partnership organized under the laws of Delaware, with a principal place of business at 1301 Lookout Drive, Richardson, Texas. STA is a direct or indirect subsidiary of Samsung and either directly or indirectly imports into, sells, and/or offers for sale LCD Products in the United States, including in the Eastern District of Texas.

5 On information and belief, Defendants Samsung, SEA and STA are affiliated entities engaged in making, offering for sale, selling and/or using, in the United States of America and elsewhere, LCD Modules and LCD Products, and are further engaged in importing LCD Modules and LCD Products into the United States of America, and otherwise making such products available in the United States of America. On information and belief, Samsung directly or indirectly controls SEA and STA, SEA and STA are the agents of Samsung, and Samsung is liable for the activities of SEA and STA.

JURISDICTION

6 This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. Section 1, *et seq*, including 35 U.S.C. Section 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. Sections 1331 and 1338(a) in that this is a civil action arising out of the patent laws of the United States of America.

VENUE

7. Venue in the Eastern District of Texas is proper pursuant to 28 U.S.C. Sections 1391(b), (c) and (d) and 1400(b) because SEA and STA are authorized to do business and are doing business in the State of Texas, including this District, and have committed acts of infringement in this District; because each of Samsung, SEA and STA are subject to personal jurisdiction of this Court; and because Samsung is an alien.

COUNT ONE
(Patent Infringement)

8. Sharp incorporates by reference paragraphs 1 through 7 of this Complaint and realleges them as though fully set forth herein.

9. On March 10, 1987, the United States Patent and Trademark Office issued U.S. Patent No. 4,649,383, entitled "Method of Driving Liquid Crystal Display Device" (the "'383 patent")

10. Sharp is the owner of all rights, title and interest in and to the '383 patent.

11. On information and belief, Samsung and SEA made, used, offered to sell, sold, caused to be sold, caused to be imported and/or imported LCD Modules and LCD Products in the United States of America during the term of the '383 patent.

12. On information and belief, Samsung and SEA infringed the '383 Patent under 35 U.S.C. section 271. For example, without limitation, Samsung and SEA infringed, contributorily infringed and/or actively induced infringement of the '383 patent by making, using, offering to sell, selling, causing to be sold, causing to be imported and/or importing in the United States of America during the term of the '383 patent LCD Modules and LCD Products that practiced methods that fell within the scope of one or more claims of the '383 patent. Defendants' infringement was literal and/or under the doctrine of equivalents.

13. On information and belief, defendants' infringement of the '383 patent was willful.

14. As a consequence of defendants' infringement, Sharp is entitled to recover damages adequate to compensate it for the infringement complained of herein, but in no event less than a reasonable royalty

COUNT TWO
(Patent Infringement)

15. Sharp incorporates by reference paragraphs 1 through 7 of this Complaint and realleges them as though fully set forth herein.

16. On June 2, 1998, the United States Patent and Trademark Office issued U.S. Patent No. 5,760,855, entitled "Active Matrix Type Liquid Crystal Display Panel Having A Guard Ring Electrically Connected To The Common Electrode" (the "'855 patent").

17. Sharp is the owner of all rights, title and interest in and to the '855 patent.

18. On information and belief, Samsung, SEA and STA are making, using, offering to sell, selling, causing to be sold, causing to be imported and/or importing LCD Modules and LCD Products in the United States of America.

19. On information and belief, Samsung, SEA and STA have been and are now infringing the '855 patent under 35 U.S.C. section 271. For example, without limitation, Samsung, SEA and STA have been and are now infringing, contributorily infringing and/or actively inducing infringement of the '855 patent by making, using, offering to sell, selling, causing to be sold, causing to be imported and/or importing in the United States of America LCD Modules and LCD Products falling within the scope of one or more claims of the '855 patent. Defendants' infringement is literal and/or under the doctrine of equivalents

20. On information and belief, defendants' infringement of the '855 patent is willful.

21. As a consequence of defendants' infringement, Sharp is entitled to recover damages adequate to compensate it for the infringement complained of herein, but in no event less than a reasonable royalty

22. Defendants' infringement has irreparably injured and will continue to irreparably injure Sharp, unless and until such infringement is enjoined by this Court.

COUNT THREE
(Patent Infringement)

23. Sharp incorporates by reference paragraphs 1 through 7 of this Complaint and realleges them as though fully set forth herein.

24. On April 18, 2000, the United States Patent and Trademark Office issued U.S. Patent No 6,052,162, entitled "Transmission Type Liquid Crystal Display Device With Connecting Electrode And Pixel Electrode Connected Via Contact Hole Through Interlayer Insulating Film and Method For Fabricating" (the "'162 patent").

25. Sharp is the owner of all rights, title and interest in and to the '162 patent.

26. On information and belief, Samsung and STA are making, using, offering to sell, selling, causing to be sold, causing to be imported and/or importing LCD Modules and LCD Products in the United States of America

27. On information and belief, Samsung and STA have been and are now infringing the '162 patent under 35 U S C. section 271 For example, without limitation, Samsung and STA have been and are now infringing, contributorily infringing and/or actively inducing infringement of the '162 patent by making, using, offering to sell, selling, causing to be sold, causing to be imported and/or importing in the United States of America LCD Modules and LCD Products falling within the scope of one or more claims of the '162 patent. Defendants' infringement is literal and/or under the doctrine of equivalents

28. On information and belief, defendants' infringement of the '162 patent is willful.

29. As a consequence of defendants' infringement, Sharp is entitled to recover damages adequate to compensate it for the infringement complained of herein, but in no event less than a reasonable royalty.

30. Defendants' infringement has irreparably injured and will continue to irreparably injure Sharp, unless and until such infringement is enjoined by this Court.

COUNT FOUR
(Patent Infringement)

31. Sharp incorporates by reference paragraphs 1 through 7 of this Complaint and realleges them as though fully set forth herein.

32. On April 11, 2006, the United States Patent and Trademark Office issued U S Patent No 7,027,024, entitled "Display Device and Display Method" (the "'024 patent")

33. Sharp is the owner of all rights, title and interest in and to the '024 patent.

34. On information and belief, Samsung and SEA are making, using, offering to sell, selling, causing to be sold, causing to be imported and/or importing LCD Modules and LCD Products in the United States of America.

35. On information and belief, Samsung and SEA have been and are now infringing the '024 patent under 35 U.S.C. section 271. For example, without limitation, Samsung and SEA have been and are now infringing, contributorily infringing and/or actively inducing infringement of the '024 patent by making, using, offering to sell, selling, causing to be sold, causing to be imported and/or importing in the United States of America LCD Modules and LCD Products falling within the scope of one or more claims of the '024 patent. Defendants' infringement is literal and/or under the doctrine of equivalents.

36. On information and belief, defendants' infringement of the '024 patent is willful.

37. As a consequence of defendants' infringement, Sharp is entitled to recover damages adequate to compensate it for the infringement complained of herein, but in no event less than a reasonable royalty.

38. Defendants' infringement has irreparably injured and will continue to irreparably injure Sharp, unless and until such infringement is enjoined by this Court.

COUNT FIVE
(Patent Infringement)

39. Sharp incorporates by reference paragraphs 1 through 7 of this Complaint and realleges them as though fully set forth herein.

40. On June 6, 2006, the United States Patent and Trademark Office issued U.S. Patent No. 7,057,689, entitled "Liquid Crystal Display With At Least One Phase Compensation Element" (the "'689 patent").

41. Sharp is the owner of all rights, title and interest in and to the '689 patent.

42. On information and belief, Samsung and SEA are making, using, offering to sell, selling, causing to be sold, causing to be imported and/or importing LCD Modules and LCD Products in the United States of America.

43. On information and belief, Samsung and SEA have been and are now infringing the '689 Patent under 35 U.S.C. section 271. For example, without limitation, Samsung and SEA have been and are now infringing, contributorily infringing and/or actively inducing infringement of the '689 patent by making, using, offering to sell, selling, causing to be sold, causing to be imported and/or importing in the United States of America LCD Modules and LCD Products falling within the scope of one or more claims of the '689 patent. Defendants' infringement is literal and/or under the doctrine of equivalents.

44. On information and belief, defendants' infringement of the '689 patent is willful.

45. As a consequence of defendants' infringement, Sharp is entitled to recover damages adequate to compensate it for the infringement complained of herein, but in no event less than a reasonable royalty.

46. Defendants' infringement has irreparably injured and will continue to irreparably injure Sharp, unless and until such infringement is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Sharp requests that the Court:

A. Adjudge that the '383, '855, '162, '024, and '689, patents are valid and enforceable;

B. Adjudge that Samsung is infringing and/or has infringed, and has contributed to and induced infringement of, the '383, '855, '162, '024, and '689 patents, and that such infringement is willful and deliberate;

C. Adjudge that SEA is infringing and/or has infringed, and has contributed to and induced infringement of, at least the '383, '855, '024, and '689 patents, and that such infringement is willful and deliberate;

D Adjudge that STA is infringing and/or has infringed, and have contributed to and induced infringement of, at least the '855 and '162 patents, and that such infringement is willful and deliberate;

E Enjoin Samsung and its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns and all those acting for it and on its behalf, or acting in concert with them, from further infringement of the '855, '162, '024, and '689 patents;

F Enjoin SEA and its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns and all those acting for it and on its behalf, or acting in concert with them, from further infringement of at least the '855, '024, and '689 patents;

G Enjoin STA and its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns and all those acting for it and on its behalf, or acting in concert with them, from further infringement of at least the '855 and '162 patents;

H Award compensatory damages to Sharp, including but not limited to lost profits, but in no event less than a reasonable royalty, together with interest;

I Declare this to be an exceptional case and award treble damages to Sharp for defendants' willful infringement of the '024, '383, '855, '162, and/or '689 patents;

J Award Sharp its costs and attorneys' fees pursuant to 35 U.S.C. Section 285;

K Award Sharp such other and further relief as the Court deems just and proper

DEMAND FOR JURY TRIAL

Plaintiff Sharp hereby demands a jury trial on all issues so triable.

Dated: August 6, 2007

Otis Carroll w/ per Franklin Jones

Otis Carroll, Lead Counsel

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