

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IP INNOVATION LLC, and
TECHNOLOGY LICENSING
CORPORATION

Plaintiffs,

vs.

VIZIO, INC. (f/k/a V, Inc.), and
MICROSOFT CORPORATION

Defendants.

No. 08 C 393

Judge St. Eve
Magistrate Judge Cox

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT

Plaintiffs, IP Innovation L.L.C. ("IPI"), and Technology Licensing Corporation ("TLC") complain of defendants Vizio, Inc. (f/k/a V, Inc.) ("Vizio") and Microsoft Corporation ("Microsoft") as follows:

PARTIES, JURISDICTION AND VENUE

1. This is a claim for patent infringement arising under the patent laws of the United States, including 35 U.S.C. § 271. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. § 1338(a).

2. IPI is a Texas limited liability company, with its principal place of business at 707 Skokie Boulevard, Suite 600, Northbrook, IL 60062.

3. TLC is a Nevada corporation and has its principal place of business at 1000 E. William Street, Suite 204, Carson City, NV 89701.

4. IPI and TLC together own the full and exclusive right, title and interest in and have standing to sue for infringement of the following patents:

United States Patent No. 6,870,964	"Spatial Scan Replication Circuit," which issued March 22, 2005 ("the '964 Patent")
United States Patent No. 7,382,929	"Spatial Scan Replication Circuit," which issued June 3, 2008 ("the '929 Patent")

5. Vizio (which changed its name in 2007 from V, Inc. to Vizio, Inc.) is a corporation incorporated under the laws of the State of California, having its primary place of business at 39 Tesla, Irvine, CA 92618.

6. Microsoft is a corporation incorporated under the laws of the State of Washington, having its headquarters at One Microsoft Way, Redmond, Washington, 98052.

7. Vizio and Microsoft have each sold or offered to sell products that infringe the '964 and '929 patents within this judicial district, and have advertised the sale of such products in this judicial district.

8. Venue is proper in this district under 28 U.S.C. § 1400(b).

PATENT INFRINGEMENT

9. Vizio and Microsoft have each infringed the '964, and '929 patents at least by making, using, importing, selling or offering to sell, and/or by inducing, aiding and abetting, encouraging or contributing to others' use of, among other products, video game consoles, television products, DVD products, and projector products that fall within the scope of one or more claims of the patents.

10. Vizio and Microsoft each received written notice of their infringement, pursuant to 35 U.S.C. § 287(a). Vizio's and Microsoft's continued infringement is objectively reckless and willful.

11. Vizio's and Microsoft's acts of infringement have injured Plaintiffs, and Plaintiffs are entitled to recover damages adequate to compensate them for the infringement that has occurred, but in no event less than a reasonable royalty.

12. The infringement by Vizio and Microsoft has injured and will continue to injure Plaintiffs for all of Plaintiffs' patents, unless and until such infringement is enjoined by this Court.

WHEREFORE, Plaintiffs, IP Innovation and Technology Licensing Corporation respectfully request judgment against Vizio and Microsoft and each of their subsidiaries and affiliates as follows:

A. An award of damages adequate to compensate Plaintiffs for the infringement that has occurred, together with prejudgment interest from the date infringement of the patents began and through the lifetimes of the respective patents;

B. Any other damages permitted, including any for willful infringement, under 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to Plaintiffs of their attorneys' fees and expenses as provided by 35 U.S.C. § 285;

D. An injunction permanently prohibiting Vizio and Microsoft and all persons in active concert or participation with them, from further acts of infringement of the patents; and

E. Such other and further relief as this Court or a jury may deem proper.

JURY DEMAND

Plaintiffs demand a trial by jury.

Respectfully submitted,

/s/ Paul C. Gibbons

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CERTIFICATE OF SERVICE

I hereby certify that on, November 4, 2008, I electronically filed the foregoing **SECOND AMENDED COMPLAINT** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record for Defendants.

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