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TV INTERACTIVE DATA CORPORATION

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

TV INTERACTIVE DATA CORPORATION, a  
California Corporation,

Plaintiff,

v.

SONY CORPORATION; SONY COMPUTER  
ENTERTAINMENT INC.; SONY COMPUTER  
ENTERTAINMENT AMERICA, INC.; SONY  
CORPORATION OF AMERICA; SONY  
ELECTRONICS, INC.; ROYAL PHILIPS  
ELECTRONICS N.V.; PHILIPS ELECTRONICS  
NORTH AMERICA CORPORATION; TOSHIBA  
CORPORATION; TOSHIBA AMERICA, INC.;  
TOSHIBA AMERICA CONSUMER PRODUCTS,  
L.L.C.; VICTOR COMPANY OF JAPAN, LTD.; JVC  
AMERICAS CORP.; FUNAI ELECTRIC CO., LTD.;  
FUNAI CORPORATION, INC.; P&F USA, INC.,

Defendants.

Case No. 5:10-cv-00475 JF

**FIRST AMENDED  
COMPLAINT; DEMAND FOR  
JURY TRIAL**

**COMPLAINT**

Plaintiff TV Interactive Data Corporation (“TVI”), for its first amended complaint against the above-named Defendants, states and alleges upon information and belief as follows:

**INTRODUCTION**

1. This is an action for patent infringement involving the automatic playback feature in DVD-VIDEO and Blu-ray Disc™ (including Blu-ray 3D) players. This automatic playback feature is disclosed and claimed in United States Patent No. 5,597,307, United States Patent No. 5,795,156, United States Patent No. 6,249,863, and United States Patent No. 6,418,532 (collectively, the “patents-in-suit”), which are all owned by TVI.

2. TVI’s patent infringement claims asserted in this action were asserted in *TV Interactive Data Corp. v. Sony Corp., et al.*, Case No. 5:09-cv-04755-JF (N.D. Cal.), which TVI dismissed without prejudice on February 2, 2010, (the “Dismissed Action”), out of an abundance of caution, to avoid a potential challenge later to TVI’s standing to assert one or more of its patent infringement claims.

3. TVI initiated the Dismissed Action against the Defendants on October 6, 2009, alleging infringement of one or more claims of United States Patent No. 5,597,307, United States Patent No. 5,795,156, United States Patent No. 6,249,863, and United States Patent No. 6,418,532 by making, importing, offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United States, devices and/or systems and methods that, after initial boot-up, automatically detect insertion of a storage medium, such as a Blu-ray or DVD disc, and automatically start a process or execute an application without rebooting. TVI pleaded ownership of the patents asserted in the Dismissed Action and alleged that this Court had jurisdiction over the action.

4. A potential question concerning ownership of one or more patents asserted in the Dismissed Action arose after TVI initiated the Dismissed Action. It came to TVI’s attention that a document reflecting an assignment of U.S. Patent No. 5,957,695 to ZillionTV Corporation (“Zillion”) could be misinterpreted to also include an assignment of U.S. Patent No. 6,249,863 and of U.S. Patent No. 6,418,532, which are two of the four patents-in-suit.

5. In response to and after investigation into the matter, TVI promptly took measures to make unequivocal that it has — and has always had — clear title to all of the patents-in-suit with rights to enforce each patent for past, present, and future infringement as well as to collect all damages for past, present, and future infringement of each patent. A document restating TVI's patent rights with respect to the '863 patent and the '532 patent was executed on January 28, 2010. A true and correct copy of this document is attached hereto as Exhibit A.

6. Because TVI took measures after the initiation of the Dismissed Action to clarify its rights in and to one or more of the patents-in-suit, TVI, as a preventative measure and out of an abundance of caution, voluntarily dismissed without prejudice the Dismissed Action under Fed. R. Civ. P. 41(a)(1) to avoid any challenges that may relate to standing and this Court's jurisdiction and to avoid a waste of judicial resources through needless motion practice relating to standing.

7. As the owner of the four patents asserted in the Dismissed Action, TVI filed the original Complaint in this action on February 2, 2010 in order to reassert its claims for infringement of those patents against the Defendants.

8. The Court subsequently ordered this action and the Dismissed Action to be related on February 11, 2011. (Dkt. No. 6.)<sup>1</sup>

### **PARTIES**

9. Plaintiff TVI is a California corporation located at 19870 Mendelsohn Lane, Saratoga, CA 95070.

10. Defendant Sony Corporation is a Japanese corporation, with its headquarters at 1-7-1 Konan, Minato-ku, Tokyo 108-0075, Japan, and doing business in this judicial district, at least through its wholly-owned subsidiaries.

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<sup>1</sup> In this First Amended Complaint, TVI has not asserted patent infringement claims against the following Defendants named in the original Complaint: Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; Panasonic Corporation; Panasonic Corporation of North America; LG Electronics, Inc.; LG Electronics U.S.A., Inc.; Zenith Electronics LLC; Pioneer Corporation; Pioneer Electronics (USA) Inc.; D&M Holdings Inc.; D&M Holdings US, Inc.; Denon Electronics (USA), LLC; Sharp Corporation; Sharp Electronics Corporation. TVI settled its differences with these Defendants, and they were dismissed with prejudice from the lawsuit. (See Dkt. Nos. 44, 218, 225, 238, 316, 317.)

11. Defendant Sony Computer Entertainment Inc. is a Japanese corporation, with its headquarters at 2-6-21, Minami-Aoyama, Minato-ku, Tokyo, 107-0062, Japan. It is a wholly-owned subsidiary of Sony Corporation, and conducts business in this judicial district, at least through its wholly-owned subsidiary.

12. Defendant Sony Computer Entertainment America, Inc. is a Delaware corporation, with its headquarters at 919 & 989 East Hillsdale Boulevard, Foster City, CA 94404, and doing business in this judicial district. It is a wholly-owned subsidiary of Sony Computer Entertainment Inc. and/or of Sony Corporation.

13. Defendant Sony Corporation of America is a New York corporation, with its headquarters at 550 Madison Avenue, New York, NY 10022. It is a wholly-owned subsidiary of Sony Corporation, and conducts business in this judicial district, at least through its wholly-owned subsidiary.

14. Defendant Sony Electronics, Inc. is a Delaware corporation, with its headquarters at 16530 Via Esprillo, San Diego, CA 92127, but doing business in this judicial district. It is a wholly-owned subsidiary of Sony Corporation of America and/or of Sony Corporation.

15. Sony Corporation effectively directs and/or controls the infringing conduct of the above wholly-owned subsidiaries to at least sell the accused products in the United States, including in this judicial district. The term "Sony," as it is used in this complaint, shall refer collectively to Defendants Sony Corporation, Sony Computer Entertainment Inc., Sony Computer Entertainment America, Inc., Sony Corporation of America, and Sony Electronics, Inc.

16. Defendant Royal Philips Electronics N.V. is a Dutch corporation, with its headquarters at Amstelplein 2, Breitner Center, P.O. Box 77900, 1070 MX Amsterdam, The Netherlands, and doing business in this judicial district, at least through its wholly-owned subsidiary.

17. Defendant Philips Electronics North America Corporation is a Delaware corporation, with its headquarters at 3000 Minuteman Road, M/S 109, Andover, MA 01810, but doing business in this judicial district. It is a wholly-owned subsidiary of Royal Philips Electronics N.V.

18. Royal Philips Electronics N.V. effectively directs and/or controls the infringing conduct of the above wholly-owned subsidiary. The term “Philips,” as it is used in this complaint, shall refer collectively to Defendants Royal Philips Electronics N.V. and Philips Electronics North America Corporation.

19. Defendant Toshiba Corporation is a Japanese corporation, with its headquarters at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-8001, Japan, and doing business in this judicial district, at least through its wholly-owned subsidiaries.

20. Defendant Toshiba America, Inc. is a Delaware corporation, with its headquarters at 1251 Avenue of the Americas, Suite 4110, New York, NY 10020, but doing business in this judicial district. It is a holding company for Toshiba Corporation and is wholly-owned by Toshiba Corporation.

21. Defendant Toshiba America Consumer Products, L.L.C. is a New Jersey limited liability company, with its headquarters at 82 Totowa Road, Wayne, NJ 07470, but doing business in this judicial district. It is an operating company of Toshiba America, Inc. and is wholly-owned by Toshiba America, Inc.

22. Toshiba Corporation effectively directs and/or controls the infringing conduct of the above wholly-owned subsidiaries. The term “Toshiba,” as it is used in this complaint, shall refer collectively to Defendants Toshiba Corporation, Toshiba America, Inc., and Toshiba America Consumer Products, L.L.C.

23. Defendant Victor Company of Japan, Ltd. is a Japanese corporation, with its headquarters at 12, Moriya-cho 3-chome, Kanagawa-ku, Yokohama, 221-8528, Japan, and doing business in this judicial district, at least through its wholly-owned subsidiary.

24. Defendant JVC Americas Corp. is a Delaware corporation, with its headquarters at 1700 Valley Road, Wayne, NJ 07470, but doing business in this judicial district. It is a wholly-owned subsidiary of Victor Company of Japan, Ltd.

25. Victor Company of Japan, Ltd. effectively directs and/or controls the infringing conduct of the above wholly-owned subsidiary. The term “JVC,” as it is used in this complaint, shall refer collectively to Defendants Victor Company of Japan, Ltd. and JVC Americas Corp.

26. Defendant Funai Electric Co., Ltd. is a Japanese corporation, with its headquarters at 7-7-1 Nakagaito, Daito City, Osaka 574-0013, Japan, and doing business in this judicial district, at least through its wholly-owned subsidiary.

27. Defendant Funai Corporation, Inc. is a New Jersey corporation, with its headquarters at 201 Route 17 North, Suite 903, Rutherford, NJ 07070, but doing business in this judicial district. It is a wholly-owned North American sales and marketing subsidiary of Funai Electric Co., Ltd. for consumer electronic products.

28. Defendant P&F USA, Inc. ("P&F") is a Georgia corporation, with its headquarters at 3015 Windward Plaza, Suite 100, Alpharetta, GA 30005, and doing business in this judicial district. It is a wholly-owned sales subsidiary of Funai Electric Co. Ltd.

29. Funai Electric Co., Ltd. effectively directs and/or controls the infringing conduct of the above subsidiaries to at least sell the accused products in the United States, including in this judicial district. The term "Funai," as it is used in this complaint, shall refer collectively to Defendants Funai Electric Co., Ltd., Funai Corporation, Inc., and P&F USA, Inc.

### **JURISDICTION**

30. This Court has jurisdiction over TVI's patent infringement claims under 28 U.S.C. § 1338(a), because these claims arise under Acts of Congress relating to patents including, but not limited to, 35 U.S.C. §§ 271(a)-(c), 281, and 283-285.

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

### **FACTUAL BACKGROUND**

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

32. On January 28, 1997, the United States Patent and Trademark Office ("USPTO") issued United States Patent No. 5,597,307 ("the '307 patent"), entitled Method For Starting Up A Process Automatically On Insertion Of A Storage Media Into A Host Device, to TVI, as assignee of inventors Peter M. Redford and Donald S. Stern.

33. On November 17, 2005, the USPTO commenced an ex parte reexamination proceeding for the '307 patent.

34. On January 20, 2009, the USPTO issued an Ex Parte Reexamination Certificate for

1 the '307 patent. A copy of the '307 patent and the Ex Parte Reexamination Certificate is attached  
2 hereto as Exhibit B.

3 35. TVI is the owner of the '307 patent.

4 36. On August 18, 1998, the USPTO issued United States Patent No. 5,795,156 ("the  
5 '156 patent"), entitled Host Device Equipped With Means For Starting A Process In Response To  
6 Detecting Insertion Of A Storage Media, to TVI, as assignee of inventors Peter M. Redford and  
7 Donald S. Stern.

8 37. On November 15, 2005, the USPTO commenced an ex parte reexamination  
9 proceeding for the '156 patent.

10 38. On April 8, 2008, the USPTO issued an Ex Parte Reexamination Certificate for the  
11 '156 patent. A copy of the '156 patent and the Ex Parte Reexamination Certificate is attached  
12 hereto as Exhibit C.

13 39. TVI is the owner of the '156 patent.

14 40. On June 19, 2001, the USPTO issued United States Patent No. 6,249,863 ("the  
15 '863 patent"), entitled Host Device Equipped With Means For Starting A Process In Response To  
16 Detecting Insertion Of A Storage Media, to TVI, as assignee of inventors Peter M. Redford and  
17 Donald S. Stern.

18 41. On November 4, 2005, the USPTO commenced an ex parte reexamination  
19 proceeding for the '863 patent.

20 42. On January 1, 2008, the USPTO issued an Ex Parte Reexamination Certificate for  
21 the '863 patent. A copy of the '863 patent and the Ex Parte Reexamination Certificate is attached  
22 hereto as Exhibit D.

23 43. TVI is the owner of the '863 patent.

24 44. On July 9, 2002, the USPTO issued United States Patent No. 6,418,532 ("the '532  
25 patent"), entitled Host Device Equipped With Means For Starting A Process In Response To  
26 Detecting Insertion Of A Storage Media, to TVI, as assignee of inventors Peter M. Redford and  
27 Donald S. Stern.

28 45. On November 21, 2005, the USPTO commenced an inter partes reexamination



1 proceeding for the '532 patent.

2 46. On September 30, 2008, the USPTO issued an Inter Partes Reexamination  
3 Certificate for the '532 patent. A copy of the '532 patent and the Inter Partes Reexamination  
4 Certificate is attached hereto as Exhibit E.

5 47. TVI is the owner of the '532 patent.

6 48. TVI exercises its rights under the '307, '156, '863, and '532 patents (collectively  
7 the "patents-in-suit") by granting license rights. Microsoft Corporation is a company that has  
8 taken a license to the patents-in-suit.

9 ***FACTS RELATING TO SONY'S INFRINGEMENT OF THE PATENTS-IN-SUIT***

10 49. Defendant Sony became aware of the patents-in-suit no later than October 20,  
11 2004, when TVI initiated a lawsuit captioned *TV Interactive Data Corp. v. Fujitsu, Ltd., et al.*,  
12 Case No. C 04-03367 (JSW) (N.D. Cal.) (the "OEM lawsuit"). In the OEM lawsuit, TVI alleged  
13 that Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc. infringed the  
14 patents-in-suit by making, using, selling, offering to sell, supplying, and/or causing to supplied,  
15 personal computers pre-installed with versions of Microsoft Windows™ operating system  
16 software that contain the AutoPlay feature.

17 50. TVI had originally brought its claims for patent infringement by the Windows™  
18 operating systems containing the AutoPlay feature against only Microsoft Corporation in a case  
19 captioned *TV Interactive Data Corp. v. Microsoft Corp.*, Case No. C 02-02385 (JSW) (EDL)  
20 (N.D. Cal.) (the "Microsoft lawsuit"). However, TVI brought the OEM lawsuit because  
21 Microsoft Corporation denied its liability, indicating instead that the original equipment  
22 manufacturers that pre-installed the Windows™ products were liable for any infringement of the  
23 asserted TVI patents.

24 51. TVI and Microsoft Corporation settled the Microsoft lawsuit on October 7, 2005.

25 52. TVI and Microsoft Corporation shared the Confidential Settlement and License  
26 Agreements, dated October 28, 2005 (the "Microsoft Settlement Agreement"), with designated  
27 counsel for the OEM lawsuit defendants pursuant to a February 10, 2006 confidentiality  
28 agreement.



53. TVI and the OEM lawsuit defendants, including the three Sony entities identified in Paragraph 49, agreed to dismiss the OEM lawsuit with prejudice. That agreement, however, did not grant the OEM lawsuit defendants rights to make, use, offer to sell, sell, import, or otherwise practice the asserted TVI patents beyond those rights conferred in the Microsoft Settlement Agreement.

54. In light of the settlement of the Microsoft lawsuit, TVI and the OEM lawsuit defendants stipulated to the dismissal of the OEM lawsuit. An order granting the stipulated dismissal was executed on February 16, 2006. A true and correct copy of the Stipulation for Dismissal With Prejudice and Order Thereon is attached hereto as Exhibit F.

55. Despite Sony's knowledge of the patents-in-suit and the limited scope of their protection under those patents, Sony has nevertheless elected to engage in activity that infringes one or more claims of the patents-in-suit.

56. Defendants Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc. make, use, sell, offer to sell, import, supply, and/or cause to be supplied, in or into the United States, Blu-ray player and/or DVD player devices containing the automatic playback technology disclosed and claimed in the '307, '156, '863, and '532 patents. The accused products or devices include the Sony BDP-S550 and the Sony DVPNS700H/B, and all other Blu-ray players and DVD players capable of, after initial boot-up, automatically detecting insertion of a storage medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing an application without rebooting.

57. Defendants Sony Corporation, Sony Computer Entertainment Inc., and Sony Computer Entertainment America, Inc. make, use, sell, offer to sell, import, supply, and/or cause to be supplied, in or into the United States, Blu-ray player and/or DVD player devices containing the automatic playback technology disclosed and claimed in the '307, '156, '863, and '532 patents. The accused products or devices include the Sony PS3, and all other Blu-ray players and DVD players capable of, after initial boot-up, automatically detecting insertion of a storage medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing an application without rebooting.

1           58. Sony offers to sell or sells within the United States or imports into the United  
2 States material components of TVI's patented inventions, such as software loaded onto the  
3 accused Sony devices, and/or firmware and/or hardware (e.g., chipsets) contained in the accused  
4 Sony devices. Sony knows that those material components are (1) especially made or especially  
5 adapted for use with the infringing automatic playback technology in the accused Sony devices,  
6 resulting in infringement of apparatus and/or method claims of the patents-in-suit, and (2) are not  
7 staple articles or commodities of commerce suitable for substantial non-infringing use.

8           59. Sony's customers who purchase the accused Sony devices use those devices in a  
9 manner (e.g., use the automatic playback technology with DVD and/or Blu-ray discs) that directly  
10 infringes one or more claims of the patents-in-suit.

11           60. Sony actively and knowingly induces its customers who purchase the accused  
12 Sony devices to directly infringe one or more claims of the patents-in-suit.

13           61. Sony configures the accused Sony devices to automatically run and/or utilize the  
14 automatic playback technology upon insertion of DVD and/or Blu-ray discs into the accused  
15 Sony devices by a user. Sony also, or alternatively, instructs its customers through manuals  
16 and/or other means to enable and/or use the automatic playback technology in the accused Sony  
17 devices.

18           62. At least the actions described in the preceding paragraph induce Sony's customers  
19 to directly infringe one or more claims of the patents-in-suit. Sony, furthermore, knows or should  
20 know that its actions induce actual infringement.

21           63. Sony's direct and indirect infringement of the '307, '156, '863, and '532 patents  
22 has injured TVI and will cause irreparable injury in the future unless Sony is enjoined from  
23 infringing the patents.

24           64. Sony's infringement, furthermore, is and has been willful. Sony has had  
25 knowledge of the patents-in-suit since at least October 2004 – patents that have undergone a  
26 thorough reexamination by the United States Patent and Trademark Office. Sony is aware that  
27 any protection it presently enjoys under the patents-in-suit is limited in scope, as made clear in the  
28 Stipulation for Dismissal With Prejudice and Order Thereon. (Ex. F.) Notwithstanding these

1 facts and this knowledge, Sony elected to engage in activity that infringes the patents-in-suit.  
 2 Sony did not even attempt to contact TVI to discuss acquiring a potential license for the  
 3 infringing activity. Sony acted and continues to act in the face of an objectively high likelihood  
 4 that those actions constitute and constituted infringement of the patents-in-suit. Sony is and was  
 5 aware of its infringement. At a minimum, Sony's infringement is (and was) so obvious that Sony  
 6 should know (and should have known) that its actions result in (and resulted in) infringement of  
 7 one or more claims of the patents-in-suit.

8 ***FACTS RELATING TO PHILIP'S INFRINGEMENT OF THE PATENTS-IN-SUIT***

9 65. Defendant Philips became aware of the patents-in-suit no later than October 6,  
 10 2009, when TVI initiated the Dismissed Action.

11 66. Philips makes, uses, sells, offers to sell, imports, supplies, and/or causes to be  
 12 supplied, in or into the United States, Blu-ray player and/or DVD player devices containing the  
 13 automatic playback technology disclosed and claimed in the '307, '156, '863, and '532 patents.  
 14 The accused products or devices include the Philips BDP7200, Philips DVP5900, Magnavox  
 15 MDV453, and Magnavox NB500MS9, and all other Blu-ray players and DVD players capable of,  
 16 after initial boot-up, automatically detecting insertion of a storage medium, such as a Blu-ray or  
 17 DVD disc, and automatically starting a process or executing an application without rebooting.

18 67. Philips offers to sell or sells within the United States or imports into the United  
 19 States material components of TVI's patented inventions, such as software loaded onto the  
 20 accused Philips devices, and/or firmware and/or hardware (e.g., chipsets) contained in the  
 21 accused Philips devices. Philips knows that those material components are (1) especially made or  
 22 especially adapted for use with the infringing automatic playback technology in the accused  
 23 Philips devices, resulting in infringement of apparatus and/or method claims of the patents-in-  
 24 suit, and (2) are not staple articles or commodities of commerce suitable for substantial non-  
 25 infringing use.

26 68. Philips' customers who purchase the accused Philips devices use those devices in a  
 27 manner (e.g., use the automatic playback technology with DVD and/or Blu-ray discs) that directly  
 28 infringes one or more claims of the patents-in-suit.

69. Philips actively and knowingly induces its customers who purchase the accused Philips devices to directly infringe one or more claims of the patents-in-suit.

70. Philips configures the accused Philips devices to automatically run and/or utilize the automatic playback technology upon insertion of DVD and/or Blu-ray discs into the accused Philips devices by a user. Philips also, or alternatively, instructs its customers through manuals and/or other means to enable and/or use the automatic playback technology in the accused Philips devices.

71. At least the actions described in the preceding paragraph induce Philips' customers to directly infringe one or more claims of the patents-in-suit. Philips, furthermore, knows or should know that its actions induce actual infringement.

72. Philips' direct and indirect infringement of the '307, '156, '863, and '532 patents has injured TVI and will cause irreparable injury in the future unless Philips is enjoined from infringing the patents.

#### ***FACTS RELATING TO TOSHIBA'S INFRINGEMENT OF THE PATENTS-IN-SUIT***

73. Defendant Toshiba became aware of the patents-in-suit no later than October 20, 2004, when TVI initiated the OEM lawsuit. In that lawsuit, TVI alleged that Toshiba Corporation and Toshiba America, Inc. infringed the patents-in-suit by making, using, selling, offering to sell, supplying, and/or causing to be supplied, personal computers pre-installed with versions of Microsoft Windows™ operating system software that contain the AutoPlay feature.

74. TVI had originally brought its claims for patent infringement by the Windows™ operating systems containing the AutoPlay feature against only Microsoft Corporation in the Microsoft lawsuit. However, TVI brought the OEM lawsuit because Microsoft Corporation denied its liability, indicating instead that the original equipment manufacturers that pre-installed the Windows™ products were liable for any infringement of the asserted TVI patents.

75. TVI and Microsoft Corporation settled the Microsoft lawsuit on October 7, 2005.

76. TVI and Microsoft Corporation shared the Microsoft Settlement Agreement with designated counsel for the OEM lawsuit defendants pursuant to a February 10, 2006 confidentiality agreement.

1           77. TVI and the OEM lawsuit defendants, including the two Toshiba entities identified  
2 in Paragraph 73, agreed to dismiss the OEM lawsuit with prejudice. That agreement, however,  
3 did not grant the OEM lawsuit defendants rights to make, use, offer to sell, sell, import, or  
4 otherwise practice the asserted TVI patents beyond those rights conferred in the Microsoft  
5 Settlement Agreement.

6           78. In light of the settlement of the Microsoft lawsuit, TVI and the OEM lawsuit  
7 defendants stipulated to the dismissal of the OEM lawsuit. An order granting the stipulated  
8 dismissal was executed on February 16, 2006. *See* Exhibit F.

9           79. Despite Toshiba's knowledge of the patents-in-suit and the limited scope of their  
10 protection under those patents, Toshiba has nevertheless elected to engage in activity that  
11 infringes one or more claims of the patents-in-suit.

12           80. Toshiba makes, uses, sells, offers to sell, imports, supplies, and/or causes to be  
13 supplied, in or into the United States, Blu-ray player and/or DVD player devices containing the  
14 automatic playback technology disclosed and claimed in the '307, '156, '863, and '532 patents.  
15 The accused products or devices include the Toshiba XD-E500 and the Toshiba SD-6100, and all  
16 other Blu-ray players and DVD players capable of, after initial boot-up, automatically detecting  
17 insertion of a storage medium, such as a Blu-ray or DVD disc, and automatically starting a  
18 process or executing an application without rebooting.

19           81. Toshiba's customers who purchase the accused Toshiba devices use those devices  
20 in a manner (e.g., use the automatic playback technology with DVD and/or Blu-ray discs) that  
21 directly infringes one or more claims of the patents-in-suit.

22           82. Toshiba actively and knowingly induces its customers who purchase the accused  
23 Toshiba devices to directly infringe one or more claims of the patents-in-suit.

24           83. Toshiba configures the accused Toshiba devices to automatically run and/or utilize  
25 the automatic playback technology upon insertion of DVD and/or Blu-ray discs into the accused  
26 Toshiba devices by a user. Toshiba also, or alternatively, instructs its customers through manuals  
27 and/or other means to enable and/or use the automatic playback technology in the accused  
28 Toshiba devices.

84. At least the actions described in the preceding paragraph induce Toshiba's customers to directly infringe one or more claims of the patents-in-suit. Toshiba, furthermore, knows or should know that its actions induce actual infringement.

85. Toshiba's direct and indirect infringement of the '307, '156, '863, and '532 patents has injured TVI and will cause irreparable injury in the future unless Toshiba is enjoined from infringing the patents.

86. Toshiba's infringement, furthermore, is and has been willful. Toshiba has had knowledge of the patents-in-suit since at least October 2004 – patents that have undergone a thorough reexamination by the United States Patent and Trademark Office. Toshiba is aware that any protection it presently enjoys under the patents-in-suit is limited in scope, as made clear in the Stipulation for Dismissal With Prejudice and Order Thereon (Ex. F). Notwithstanding these facts and this knowledge, Toshiba elected to engage in activity that infringes the patents-in-suit. Toshiba did not even attempt to contact TVI to discuss acquiring a potential license for the infringing activity. Toshiba acted and continues to act in the face of an objectively high likelihood that those actions constitute and constituted infringement of the patents-in-suit. Toshiba is and was aware of its infringement. At a minimum, Toshiba's infringement is (and was) so obvious that Toshiba should know (and should have known) that its actions result in (and resulted in) infringement of one or more claims of the patents-in-suit.

***FACTS RELATING TO JVC'S INFRINGEMENT OF THE PATENTS-IN-SUIT***

87. Defendant JVC became aware of the patents-in-suit no later than October 6, 2009, when TVI initiated the Dismissed Action.

88. JVC makes, uses, sells, offers to sell, imports, supplies, and/or causes to be supplied, in or into the United States, Blu-ray player and/or DVD player devices containing the automatic playback technology disclosed and claimed in the '307, '156, '863, and '532 patents. The accused products or devices include the JVC DR-MV79B and the JVC XV-BP1, and all other Blu-ray players and DVD players capable of, after initial boot-up, automatically detecting insertion of a storage medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing an application without rebooting.

89. JVC offers to sell or sells within the United States or imports into the United States material components of TVI's patented inventions, such as software loaded onto the accused JVC devices, and/or firmware and/or hardware (e.g., chipsets) contained in the accused JVC devices. JVC knows that those material components are (1) especially made or especially adapted for use with the infringing automatic playback technology in the accused JVC devices, resulting in infringement of apparatus and/or method claims of the patents-in-suit, and (2) are not staple articles or commodities of commerce suitable for substantial non-infringing use.

90. JVC's customers who purchase the accused JVC devices use those devices in a manner (e.g., use the automatic playback technology with DVD and/or Blu-ray discs) that directly infringes one or more claims of the patents-in-suit.

91. JVC actively and knowingly induces its customers who purchase the accused JVC devices to directly infringe one or more claims of the patents-in-suit.

92. JVC configures the accused JVC devices to automatically run and/or utilize the automatic playback technology upon insertion of DVD and/or Blu-ray discs into the accused JVC devices by a user. JVC also, or alternatively, instructs its customers through manuals and/or other means to enable and/or use the automatic playback technology in the accused JVC devices.

93. At least the actions described in the preceding paragraph induce JVC's customers to directly infringe one or more claims of the patents-in-suit. JVC, furthermore, knows or should know that its actions induce actual infringement.

94. JVC's direct and indirect infringement of the '307, '156, '863, and '532 patents has injured TVI and will cause irreparable injury in the future unless JVC is enjoined from infringing the patents.

### ***FACTS RELATING TO FUNAI'S INFRINGEMENT OF THE PATENTS-IN-SUIT***

95. Defendant Funai became aware of the patents-in-suit no later than October 6, 2009, when TVI initiated the Dismissed Action.

96. Funai makes, uses, sells, offers to sell, imports, supplies, and/or causes to be supplied, in or into the United States, Blu-ray player and/or DVD player devices containing the automatic playback technology disclosed and claimed in the '307, '156, '863, and '532 patents.



1 The accused products or devices include the Sylvania NB500SL9, the Sylvania DP170SL8, the  
2 Emerson LD195EM8, the Philips BDP7200, the Philips HTS5100, and all other Blu-ray players  
3 and DVD players capable of, after initial boot-up, automatically detecting insertion of a storage  
4 medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing an  
5 application without rebooting.

6 97. Funai offers to sell or sells within the United States or imports into the United  
7 States material components of TVI's patented inventions, such as software loaded onto the  
8 accused Funai devices, and/or firmware and/or hardware (e.g., chipsets) contained in the accused  
9 Funai devices. Funai knows that those material components are (1) especially made or especially  
10 adapted for use with the infringing automatic playback technology in the accused Funai devices,  
11 resulting in infringement of apparatus and/or method claims of the patents-in-suit, and (2) are not  
12 staple articles or commodities of commerce suitable for substantial non-infringing use.

13 98. Funai's customers who purchase the accused Funai devices use those devices in a  
14 manner (e.g., use the automatic playback technology with DVD and/or Blu-ray discs) that directly  
15 infringes one or more claims of the patents-in-suit.

16 99. Funai actively and knowingly induces its customers who purchase the accused  
17 Funai devices to directly infringe one or more claims of the patents-in-suit.

18 100. Funai configures the accused Funai devices to automatically run and/or utilize the  
19 automatic playback technology upon insertion of DVD and/or Blu-ray discs into the accused  
20 Funai devices by a user. Funai also, or alternatively, instructs its customers through manuals  
21 and/or other means to enable and/or use the automatic playback technology in the accused Funai  
22 devices.

23 101. At least the actions described in the preceding paragraph induce Funai's customers  
24 to directly infringe one or more claims of the patents-in-suit. Funai, furthermore, knows or  
25 should know that its actions induce actual infringement.

26 102. Funai's direct and indirect infringement of the '307, '156, '863, and '532 patents  
27 has injured TVI and will cause irreparable injury in the future unless Funai is enjoined from  
28 infringing the patents.

103. P&F's infringement, furthermore, is and has been willful. At least the filing of this action on February 2, 2010 and the action styled as *TV Interactive Data Corp. v. Sony Corp. et al.*, Case No. 5:09-cv-04755-JF (N.D. Cal.) have provided notice to P&F USA, Inc. that it infringes the patents-in-suit. Notwithstanding these facts and this knowledge, P&F elected to engage in activity that infringes the patents-in-suit. P&F did not even attempt to contact TVI to discuss acquiring a potential license for the infringing activity. P&F acted and continues to act in the face of an objectively high likelihood that those actions constitute and constituted infringement of the patents-in-suit. P&F is and was aware of its infringement. At a minimum, P&F's infringement is (and was) so obvious that P&F should know (and should have known) that its actions result in (and resulted in) infringement of one or more claims of the patents-in-suit.

#### **COUNT I — PATENT INFRINGEMENT OF THE '307 PATENT BY SONY**

104. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous paragraphs of this complaint and incorporates them herein.

105. Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc. have infringed and continue to infringe—directly, contributorily, and/or by active inducement—one or more claims of the '307 patent, by making, importing, offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United States, devices and/or systems and methods that embody or practice the inventions claimed in the '307 patent. The Sony products that embody the inventions claimed in the '307 patent include, but are not limited to, the Sony BDP-S550 and the Sony DVPNS700H/B and all other Blu-ray players and DVD players capable of, after initial boot-up, automatically detecting insertion of a storage medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing an application without rebooting.

106. Sony Corporation, Sony Computer Entertainment Inc., and Sony Computer Entertainment America, Inc. have infringed and continue to infringe—directly, contributorily, and/or by active inducement—one or more claims of the '307 patent, by making, importing, offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United States, devices and/or systems and methods that embody or practice the inventions

1 claimed in the '307 patent. The Sony products that embody the inventions claimed in the '307  
2 patent include, but are not limited to, the Sony PS3 and all other Blu-ray players and DVD  
3 players capable of, after initial boot-up, automatically detecting insertion of a storage medium,  
4 such as a Blu-ray or DVD disc, and automatically starting a process or executing an application  
5 without rebooting.

6 107. The infringement by Sony of the '307 patent has injured and continues to injure  
7 TVI, and will cause irreparable harm unless Sony is enjoined from infringing the patent.

8 108. The infringement by Sony of the '307 patent is and has been willful.

9 109. TVI has complied with the statutory requirement of giving notice of the '307  
10 patent to Sony at least by filing the Dismissed Action.

11 **COUNT II — PATENT INFRINGEMENT OF THE '156 PATENT BY SONY**

12 110. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
13 paragraphs of this complaint and incorporates them herein.

14 111. Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc. have  
15 infringed and continue to infringe—directly, contributorily, and/or by active inducement—one or  
16 more claims of the '156 patent, by making, importing, offering to sell, selling, supplying, causing  
17 to be supplied, using, and/or causing to be used, in or into the United States, devices and/or  
18 systems and methods that embody or practice the inventions claimed in the '156 patent. The  
19 Sony products that embody the inventions claimed in the '156 patent include, but are not limited  
20 to, the Sony BDP-S550 and the Sony DVPNS700H/B and all other Blu-ray players and DVD  
21 players capable of, after initial boot-up, automatically detecting insertion of a storage medium,  
22 such as a Blu-ray or DVD disc, and automatically starting a process or executing an application  
23 without rebooting.

24 112. Sony Corporation, Sony Computer Entertainment Inc., and Sony Computer  
25 Entertainment America, Inc. have infringed and continue to infringe—directly, contributorily,  
26 and/or by active inducement—one or more claims of the '156 patent, by making, importing,  
27 offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or  
28 into the United States, devices and/or systems and methods that embody or practice the inventions

1 claimed in the '156 patent. The Sony products that embody the inventions claimed in the '156  
2 patent include, but are not limited to, the Sony PS3 and all other Blu-ray players and DVD  
3 players capable of, after initial boot-up, automatically detecting insertion of a storage medium,  
4 such as a Blu-ray or DVD disc, and automatically starting a process or executing an application  
5 without rebooting.

6 113. The infringement by Sony of the '156 patent has injured and continues to injure  
7 TVI, and will cause irreparable harm unless Sony is enjoined from infringing the patent.

8 114. The infringement by Sony of the '156 patent is and has been willful.

9 115. TVI has complied with the statutory requirement of giving notice of the '156  
10 patent to Sony at least by filing the Dismissed Action.

11 **COUNT III — PATENT INFRINGEMENT OF THE '863 PATENT BY SONY**

12 116. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
13 paragraphs of this complaint and incorporates them herein.

14 117. Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc. have  
15 infringed and continue to infringe—directly, contributorily, and/or by active inducement—one or  
16 more claims of the '863 patent, by making, importing, offering to sell, selling, supplying, causing  
17 to be supplied, using, and/or causing to be used, in or into the United States, devices and/or  
18 systems and methods that embody or practice the inventions claimed in the '863 patent. The  
19 Sony products that embody the inventions claimed in the '863 patent include, but are not limited  
20 to, the Sony BDP-S550 and the Sony DVPNS700H/B and all other Blu-ray players and DVD  
21 players capable of, after initial boot-up, automatically detecting insertion of a storage medium,  
22 such as a Blu-ray or DVD disc, and automatically starting a process or executing an application  
23 without rebooting.

24 118. Sony Corporation, Sony Computer Entertainment Inc., and Sony Computer  
25 Entertainment America, Inc. have infringed and continue to infringe—directly, contributorily,  
26 and/or by active inducement—one or more claims of the '863 patent, by making, importing,  
27 offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or  
28 into the United States, devices and/or systems and methods that embody or practice the inventions

1 claimed in the '863 patent. The Sony products that embody the inventions claimed in the '863  
2 patent include, but are not limited to, the Sony PS3 and all other Blu-ray players and DVD  
3 players capable of, after initial boot-up, automatically detecting insertion of a storage medium,  
4 such as a Blu-ray or DVD disc, and automatically starting a process or executing an application  
5 without rebooting.

6 119. The infringement by Sony of the '863 patent has injured and continues to injure  
7 TVI, and will cause irreparable harm unless Sony is enjoined from infringing the patent.

8 120. The infringement by Sony of the '863 patent is and has been willful.

9 121. TVI has complied with the statutory requirement of giving notice of the '863  
10 patent to Sony at least by filing the Dismissed Action.

11 **COUNT IV — PATENT INFRINGEMENT OF THE '532 PATENT BY SONY**

12 122. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
13 paragraphs of this complaint and incorporates them herein.

14 123. Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc. have  
15 infringed and continue to infringe—directly, contributorily, and/or by active inducement—one or  
16 more claims of the '532 patent, by making, importing, offering to sell, selling, supplying, causing  
17 to be supplied, using, and/or causing to be used, in or into the United States, devices and/or  
18 systems and methods that embody or practice the inventions claimed in the '532 patent. The  
19 Sony products that embody the inventions claimed in the '532 patent include, but are not limited  
20 to, the Sony BDP-S550 and the Sony DVPNS700H/B and all other Blu-ray players and DVD  
21 players capable of, after initial boot-up, automatically detecting insertion of a storage medium,  
22 such as a Blu-ray or DVD disc, and automatically starting a process or executing an application  
23 without rebooting.

24 124. Sony Corporation, Sony Computer Entertainment Inc., and Sony Computer  
25 Entertainment America, Inc. have infringed and continue to infringe—directly, contributorily,  
26 and/or by active inducement—one or more claims of the '532 patent, by making, importing,  
27 offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or  
28 into the United States, devices and/or systems and methods that embody or practice the inventions

1 claimed in the '532 patent. The Sony products that embody the inventions claimed in the '532  
2 patent include, but are not limited to, the Sony PS3 and all other Blu-ray players and DVD  
3 players capable of, after initial boot-up, automatically detecting insertion of a storage medium,  
4 such as a Blu-ray or DVD disc, and automatically starting a process or executing an application  
5 without rebooting.

6 125. The infringement by Sony of the '532 patent has injured and continues to injure  
7 TVI, and will cause irreparable harm unless Sony is enjoined from infringing the patent.

8 126. The infringement by Sony of the '532 patent is and has been willful.

9 127. TVI has complied with the statutory requirement of giving notice of the '532  
10 patent to Sony at least by filing the Dismissed Action.

11 **COUNT V — PATENT INFRINGEMENT OF THE '307 PATENT BY PHILIPS**

12 128. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
13 paragraphs of this complaint and incorporates them herein.

14 129. Philips has infringed and continues to infringe—directly, contributorily, and/or by  
15 active inducement—one or more claims of the '307 patent, by making, importing, offering to sell,  
16 selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United  
17 States, devices and/or systems and methods that embody or practice the inventions claimed in the  
18 '307 patent. The Philips products that embody the inventions claimed in the '307 patent include,  
19 but are not limited to, the Philips BDP7200, the Philips DVP5990, the Magnavox MDV453, and  
20 the Magnavox NB500MS9 and all other Blu-ray players and DVD players capable of, after initial  
21 boot-up, automatically detecting insertion of a storage medium, such as a Blu-ray or DVD disc,  
22 and automatically starting a process or executing an application without rebooting.

23 130. The infringement by Philips of the '307 patent has injured and continues to injure  
24 TVI, and will cause irreparable harm unless Philips is enjoined from infringing the patent.

25 131. TVI has complied with the statutory requirement of giving notice of the '307  
26 patent to Philips at least by filing the Dismissed Action.

27 **COUNT VI — PATENT INFRINGEMENT OF THE '156 PATENT BY PHILIPS**

28 132. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous

1 paragraphs of this complaint and incorporates them herein.

2 133. Philips has infringed and continues to infringe—directly, contributorily, and/or by  
3 active inducement—one or more claims of the '156 patent, by making, importing, offering to sell,  
4 selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United  
5 States, devices and/or systems and methods that embody or practice the inventions claimed in the  
6 '156 patent. The Philips products that embody the inventions claimed in the '156 patent include,  
7 but are not limited to, the Philips BDP7200, the Philips DVP5990, the Magnavox MDV453, and  
8 the Magnavox NB500MS9 and all other Blu-ray players and DVD players capable of, after initial  
9 boot-up, automatically detecting insertion of a storage medium, such as a Blu-ray or DVD disc,  
10 and automatically starting a process or executing an application without rebooting.

11 134. The infringement by Philips of the '156 patent has injured and continues to injure  
12 TVI, and will cause irreparable harm unless Philips is enjoined from infringing the patent.

13 135. TVI has complied with the statutory requirement of giving notice of the '156  
14 patent to Philips at least by filing the Dismissed Action.

15 **COUNT VII— PATENT INFRINGEMENT OF THE '863 PATENT BY PHILIPS**

16 136. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
17 paragraphs of this complaint and incorporates them herein.

18 137. Philips has infringed and continues to infringe—directly, contributorily, and/or by  
19 active inducement—one or more claims of the '863 patent, by making, importing, offering to sell,  
20 selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United  
21 States, devices and/or systems and methods that embody or practice the inventions claimed in the  
22 '863 patent. The Philips products that embody the inventions claimed in the '863 patent include,  
23 but are not limited to, the Philips BDP7200, the Philips DVP5990, the Magnavox MDV453, and  
24 the Magnavox NB500MS9 and all other Blu-ray players and DVD players capable of, after initial  
25 boot-up, automatically detecting insertion of a storage medium, such as a Blu-ray or DVD disc,  
26 and automatically starting a process or executing an application without rebooting.

27 138. The infringement by Philips of the '863 patent has injured and continues to injure  
28 TVI, and will cause irreparable harm unless Philips is enjoined from infringing the patent.



139. TVI has complied with the statutory requirement of giving notice of the '863 patent to Philips at least by filing the Dismissed Action.

**COUNT VIII — PATENT INFRINGEMENT OF THE '532 PATENT BY PHILIPS**

140. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous paragraphs of this complaint and incorporates them herein.

141. Philips has infringed and continues to infringe—directly, contributorily, and/or by active inducement—one or more claims of the '532 patent, by making, importing, offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United States, devices and/or systems and methods that embody or practice the inventions claimed in the '532 patent. The Philips products that embody the inventions claimed in the '532 patent include, but are not limited to, the Philips BDP7200, the Philips DVP5990, the Magnavox MDV453, and the Magnavox NB500MS9 and all other Blu-ray players and DVD players capable of, after initial boot-up, automatically detecting insertion of a storage medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing an application without rebooting.

142. The infringement by Philips of the '532 patent has injured and continues to injure TVI, and will cause irreparable harm unless Philips is enjoined from infringing the patent.

143. TVI has complied with the statutory requirement of giving notice of the '532 patent to Philips at least by filing the Dismissed Action.

**COUNT IX — PATENT INFRINGEMENT OF THE '307 PATENT BY TOSHIBA**

144. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous paragraphs of this complaint and incorporates them herein.

145. Toshiba has infringed and continues to infringe—directly, contributorily, and/or by active inducement—one or more claims of the '307 patent, by making, importing, offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United States, devices and/or systems and methods that embody or practice the inventions claimed in the '307 patent. The Toshiba products that embody the inventions claimed in the '307 patent include, but are not limited to, the Toshiba XD-E500 and the Toshiba SD-6100 and all other Blu-ray players and DVD players capable of, after initial boot-up, automatically detecting insertion of a

1 storage medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing  
2 an application without rebooting.

3 146. The infringement by Toshiba of the '307 patent has injured and continues to injure  
4 TVI, and will cause irreparable harm unless Toshiba is enjoined from infringing the patent.

5 147. The infringement by Toshiba of the '307 patent is and has been willful.

6 148. TVI has complied with the statutory requirement of giving notice of the '307  
7 patent to Toshiba at least by filing the Dismissed Action.

8 **COUNT X — PATENT INFRINGEMENT OF THE '156 PATENT BY TOSHIBA**

9 149. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
10 paragraphs of this complaint and incorporates them herein.

11 150. Toshiba has infringed and continues to infringe—directly, contributorily, and/or by  
12 active inducement—one or more claims of the '156 patent, by making, importing, offering to sell,  
13 selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United  
14 States, devices and/or systems and methods that embody or practice the inventions claimed in the  
15 '156 patent. The Toshiba products that embody the inventions claimed in the '156 patent include,  
16 but are not limited to, the Toshiba XD-E500 and the Toshiba SD-6100 and all other Blu-ray  
17 players and DVD players capable of, after initial boot-up, automatically detecting insertion of a  
18 storage medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing  
19 an application without rebooting.

20 151. The infringement by Toshiba of the '156 patent has injured and continues to injure  
21 TVI, and will cause irreparable harm unless Toshiba is enjoined from infringing the patent.

22 152. The infringement by Toshiba of the '156 patent is and has been willful.

23 153. TVI has complied with the statutory requirement of giving notice of the '156  
24 patent to Toshiba at least by filing the Dismissed Action.

25 **COUNT XI — PATENT INFRINGEMENT OF THE '863 PATENT BY TOSHIBA**

26 154. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
27 paragraphs of this complaint and incorporates them herein.

28 155. Toshiba has infringed and continues to infringe—directly, contributorily, and/or by

1 active inducement—one or more claims of the '863 patent, by making, importing, offering to sell,  
2 selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United  
3 States, devices and/or systems and methods that embody or practice the inventions claimed in the  
4 '863 patent. The Toshiba products that embody the inventions claimed in the '863 patent include,  
5 but are not limited to, the Toshiba XD-E500 and the Toshiba SD-6100 and all other Blu-ray  
6 players and DVD players capable of, after initial boot-up, automatically detecting insertion of a  
7 storage medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing  
8 an application without rebooting.

9 156. The infringement by Toshiba of the '863 patent has injured and continues to injure  
10 TVI, and will cause irreparable harm unless Toshiba is enjoined from infringing the patent.

11 157. The infringement by Toshiba of the '863 patent is and has been willful.

12 158. TVI has complied with the statutory requirement of giving notice of the '863  
13 patent to Toshiba at least by filing the Dismissed Action.

14 **COUNT XII — PATENT INFRINGEMENT OF THE '532 PATENT BY TOSHIBA**

15 159. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
16 paragraphs of this complaint and incorporates them herein.

17 160. Toshiba has infringed and continues to infringe—directly, contributorily, and/or by  
18 active inducement—one or more claims of the '532 patent, by making, importing, offering to sell,  
19 selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United  
20 States, devices and/or systems and methods that embody or practice the inventions claimed in the  
21 '532 patent. The Toshiba products that embody the inventions claimed in the '532 patent include,  
22 but are not limited to, the Toshiba XD-E500 and the Toshiba SD-6100 and all other Blu-ray  
23 players and DVD players capable of, after initial boot-up, automatically detecting insertion of a  
24 storage medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing  
25 an application without rebooting.

26 161. The infringement by Toshiba of the '532 patent has injured and continues to injure  
27 TVI, and will cause irreparable harm unless Toshiba is enjoined from infringing the patent.

28 162. The infringement by Toshiba of the '532 patent is and has been willful.

163. TVI has complied with the statutory requirement of giving notice of the '532 patent to Toshiba at least by filing the Dismissed Action.

**COUNT XIII — PATENT INFRINGEMENT OF THE '307 PATENT BY JVC**

164. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous paragraphs of this complaint and incorporates them herein.

165. JVC has infringed and continues to infringe—directly, contributorily, and/or by active inducement—one or more claims of the '307 patent, by making, importing, offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United States, devices and/or systems and methods that embody or practice the inventions claimed in the '307 patent. The JVC products that embody the inventions claimed in the '307 patent include, but are not limited to, the JVC DR-MV79B and the JVC XV-BP1, and all other Blu-ray players and DVD players capable of, after initial boot-up, automatically detecting insertion of a storage medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing an application without rebooting.

166. The infringement by JVC of the '307 patent has injured and continues to injure TVI, and will cause irreparable harm unless JVC is enjoined from infringing the patent.

167. TVI has complied with the statutory requirement of giving notice of the '307 patent to JVC at least by filing the Dismissed Action.

**COUNT XIV — PATENT INFRINGEMENT OF THE '156 PATENT BY JVC**

168. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous paragraphs of this complaint and incorporates them herein.

169. JVC has infringed and continues to infringe—directly, contributorily, and/or by active inducement—one or more claims of the '156 patent, by making, importing, offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United States, devices and/or systems and methods that embody or practice the inventions claimed in the '156 patent. The JVC products that embody the inventions claimed in the '156 patent include, but are not limited to, the JVC DR-MV79B and the JVC XV-BP1, and all other Blu-ray players and DVD players capable of, after initial boot-up, automatically detecting insertion of a storage

1 medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing an  
2 application without rebooting.

3 170. The infringement by JVC of the '156 patent has injured and continues to injure  
4 TVI, and will cause irreparable harm unless JVC is enjoined from infringing the patent.

5 171. TVI has complied with the statutory requirement of giving notice of the '156  
6 patent to JVC at least by filing the Dismissed Action.

7 **COUNT XV — PATENT INFRINGEMENT OF THE '863 PATENT BY JVC**

8 172. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
9 paragraphs of this complaint and incorporates them herein.

10 173. JVC has infringed and continues to infringe—directly, contributorily, and/or by  
11 active inducement—one or more claims of the '863 patent, by making, importing, offering to sell,  
12 selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United  
13 States, devices and/or systems and methods that embody or practice the inventions claimed in the  
14 '863 patent. The JVC products that embody the inventions claimed in the '863 patent include,  
15 but are not limited to, the JVC DR-MV79B and the JVC XV-BP1, and all other Blu-ray players  
16 and DVD players capable of, after initial boot-up, automatically detecting insertion of a storage  
17 medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing an  
18 application without rebooting.

19 174. The infringement by JVC of the '863 patent has injured and continues to injure  
20 TVI, and will cause irreparable harm unless JVC is enjoined from infringing the patent.

21 175. TVI has complied with the statutory requirement of giving notice of the '863  
22 patent to JVC at least by filing the Dismissed Action.

23 **COUNT XVI — PATENT INFRINGEMENT OF THE '532 PATENT BY JVC**

24 176. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
25 paragraphs of this complaint and incorporates them herein.

26 177. JVC has infringed and continues to infringe—directly, contributorily, and/or by  
27 active inducement—one or more claims of the '532 patent, by making, importing, offering to sell,  
28 selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United

1 States, devices and/or systems and methods that embody or practice the inventions claimed in the  
2 '532 patent. The JVC products that embody the inventions claimed in the '532 patent include,  
3 but are not limited to, the JVC DR-MV79B and the JVC XV-BP1, and all other Blu-ray players  
4 and DVD players capable of, after initial boot-up, automatically detecting insertion of a storage  
5 medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing an  
6 application without rebooting.

7 178. The infringement by JVC of the '532 patent has injured and continues to injure  
8 TVI, and will cause irreparable harm unless JVC is enjoined from infringing the patent.

9 179. TVI has complied with the statutory requirement of giving notice of the '532  
10 patent to JVC at least by filing the Dismissed Action.

#### 11 **COUNT XVII — PATENT INFRINGEMENT OF THE '307 PATENT BY FUNAI**

12 180. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
13 paragraphs of this complaint and incorporates them herein.

14 181. Funai has infringed and continues to infringe—directly, contributorily, and/or by  
15 active inducement—one or more claims of the '307 patent, by making, importing, offering to sell,  
16 selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United  
17 States, devices and/or systems and methods that embody or practice the inventions claimed in the  
18 '307 patent. The Funai products that embody the inventions claimed in the '307 patent include,  
19 but are not limited to, the Sylvania NB500SL9, the Sylvania DP170SL8, the Emerson  
20 LD195EM8, the Philips BDP7200, the Philips HTS5100, and all other Blu-ray players and DVD  
21 players capable of, after initial boot-up, automatically detecting insertion of a storage medium,  
22 such as a Blu-ray or DVD disc, and automatically starting a process or executing an application  
23 without rebooting.

24 182. The infringement by Funai of the '307 patent has injured and continues to injure  
25 TVI, and will cause irreparable harm unless Funai is enjoined from infringing the patent.

26 183. The infringement by P&F of the '307 patent is and has been willful.

27 184. TVI has complied with the statutory requirement of giving notice of the '307  
28 patent to Funai at least by filing the Dismissed Action.

**COUNT XVIII — PATENT INFRINGEMENT OF THE '156 PATENT BY FUNAI**

185. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous paragraphs of this complaint and incorporates them herein.

186. Funai has infringed and continues to infringe—directly, contributorily, and/or by active inducement—one or more claims of the '156 patent, by making, importing, offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United States, devices and/or systems and methods that embody or practice the inventions claimed in the '156 patent. The Funai products that embody the inventions claimed in the '156 patent include, but are not limited to, the Sylvania NB500SL9, the Sylvania DP170SL8, the Emerson LD195EM8, the Philips BDP7200, the Philips HTS5100, and all other Blu-ray players and DVD players capable of, after initial boot-up, automatically detecting insertion of a storage medium, such as a Blu-ray or DVD disc, and automatically starting a process or executing an application without rebooting.

187. The infringement by Funai of the '156 patent has injured and continues to injure TVI, and will cause irreparable harm unless Funai is enjoined from infringing the patent.

188. The infringement by P&F of the '156 patent is and has been willful.

189. TVI has complied with the statutory requirement of giving notice of the '156 patent to Funai at least by filing the Dismissed Action.

**COUNT XIX — PATENT INFRINGEMENT OF THE '863 PATENT BY FUNAI**

190. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous paragraphs of this complaint and incorporates them herein.

191. Funai has infringed and continues to infringe—directly, contributorily, and/or by active inducement—one or more claims of the '863 patent, by making, importing, offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United States, devices and/or systems and methods that embody or practice the inventions claimed in the '863 patent. The Funai products that embody the inventions claimed in the '863 patent include, but are not limited to, the Sylvania NB500SL9, the Sylvania DP170SL8, the Emerson LD195EM8, the Philips BDP7200, the Philips HTS5100, and all other Blu-ray players and DVD



1 players capable of, after initial boot-up, automatically detecting insertion of a storage medium,  
2 such as a Blu-ray or DVD disc, and automatically starting a process or executing an application  
3 without rebooting.

4 192. The infringement by Funai of the '863 patent has injured and continues to injure  
5 TVI, and will cause irreparable harm unless Funai is enjoined from infringing the patent.

6 193. The infringement by P&F of the '863 patent is and has been willful.

7 194. TVI has complied with the statutory requirement of giving notice of the '863  
8 patent to Funai at least by filing the Dismissed Action.

9 **COUNT XX — PATENT INFRINGEMENT OF THE '532 PATENT BY FUNAI**

10 195. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
11 paragraphs of this complaint and incorporates them herein.

12 196. Funai has infringed and continues to infringe—directly, contributorily, and/or by  
13 active inducement—one or more claims of the '532 patent, by making, importing, offering to sell,  
14 selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United  
15 States, devices and/or systems and methods that embody or practice the inventions claimed in the  
16 '532 patent. The Funai products that embody the inventions claimed in the '532 patent include,  
17 but are not limited to, the Sylvania NB500SL9, the Sylvania DP170SL8, the Emerson  
18 LD195EM8, the Philips BDP7200, the Philips HTS5100, and all other Blu-ray players and DVD  
19 players capable of, after initial boot-up, automatically detecting insertion of a storage medium,  
20 such as a Blu-ray or DVD disc, and automatically starting a process or executing an application  
21 without rebooting.

22 197. The infringement by Funai of the '532 patent has injured and continues to injure  
23 TVI, and will cause irreparable harm unless Funai is enjoined from infringing the patent.

24 198. The infringement by P&F of the '532 patent is and has been willful.

25 199. TVI has complied with the statutory requirement of giving notice of the '532  
26 patent to Funai at least by filing the Dismissed Action.

27 **PRAYER FOR RELIEF**

28 **WHEREFORE** Plaintiff TVI prays for the following judgment and relief:

1 a. that each of the Defendants has infringed the '307, '156, '863, and/or '532 patents;

2 b. that Defendants Sony, Toshiba, and P&F have willfully infringed the '307, '156,  
3 '863, and/or '532 patents;

4 c. that Plaintiff is entitled to temporary and permanent injunctions enjoining each of  
5 the Defendants, and their agents, servants, officers, directors, employees, and persons or entities  
6 acting in concert with each of the Defendants, from infringing directly or indirectly, inducing  
7 others to infringe, and/or contributing to the infringement of the '307, '156, '863, and/or '532  
8 patents, or, in the alternative, that each of the Defendants take a compulsory license to the '307,  
9 '156, '863, and/or '532 patents;

10 d. that each of the Defendants shall account for and pay to Plaintiff the damages to  
11 which it is entitled as a consequence of Defendants' infringement of the '307, '156, '863, and/or  
12 '532 patents;

13 e. that each of the Defendants shall account for and pay to Plaintiff the damages to  
14 which it is entitled for Defendants' continued infringement following the period of infringement  
15 established by Plaintiffs at trial;

16 f. that Defendants Sony, Toshiba, and P&F shall account for and pay to Plaintiff  
17 treble damages for their willful infringement of the patents-in-suit;

18 g. that this case is exceptional under 35 U.S.C. § 285 and that TVI is entitled to its  
19 reasonable attorney fees as the prevailing party in the case;

20 h. that Plaintiff is entitled to interests and costs;

21 i. any other relief that the Court finds just and equitable.

22 **DEMAND FOR JURY TRIAL**

23 Pursuant to Fed. R. Civ. P. 38(a), Plaintiff TVI demands a jury trial on all issues so  
24 triable.

DATED: September 16, 2011

**ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**

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