

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HITACHI CONSUMER ELECTRONICS CO.,
LTD., and HITACHI ADVANCED DIGITAL,
INC.

Plaintiff,

v.

TOP VICTORY ELECTRONICS (TAIWAN)
CO. LTD., TPV INT'L (USA), INC.,
ENVISION PERIPHERALS, INC., TOP
VICTORY ELECTRONICS (FUJIAN) CO.
LTD., TPV ELECTRONICS (FUJIAN) CO.
LTD., TPV TECHNOLOGY LTD., and VIZIO,
INC.,

Defendants;

and

VIZIO, INC.,

Counterclaim-Plaintiff,

v.

HITACHI, LTD., HITACHI CONSUMER
ELECTRONICS CO., LTD., HITACHI
ADVANCED DIGITAL, INC., HITACHI
AMERICA, LTD., and HITACHI HOME
ELECTRONICS (AMERICA), INC.

Counterclaim-Defendants,

CIVIL ACTION NO. 2:10-CV-260-JRG

JURY

FIRST AMENDED COMPLAINT

Plaintiffs Hitachi Consumer Electronics Co., Ltd. (“HCE”) and Hitachi Advanced Digital, Inc. (“HAD”) (collectively, “Plaintiffs”), by way of this First Amended Complaint

against Defendants Top Victory Electronics (Taiwan) Co. Ltd., TPV Int'l (USA), Inc., Envision Peripherals, Inc., Top Victory Electronics (Fujian) Co. Ltd., TPV Electronics (Fujian) Co. Ltd., TPV Technology Ltd., (collectively, "TPV") and Vizio, Inc. ("Vizio"), hereby allege as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 101, *et seq.*

THE PARTIES

2. Plaintiff Hitachi Consumer Electronics Co. Ltd. ("HCE") is a corporation organized under the laws of Japan with its principal place of business at 2-1, Otemachi 2-chome Chiyoda-ku Tokyo, Japan. HCE is a wholly-owned subsidiary of Hitachi, Ltd. (Tokyo, Japan).

3. Plaintiff Hitachi Advanced Digital, Inc. ("HAD") is a corporation organized under the laws of Japan with its principal place of business at 292, Yoshidacho, Totsuka-Ku, Yokohama, Kanagawa, Japan. HAD is a wholly-owned subsidiary of Hitachi, Ltd. (Tokyo, Japan).

4. On information and belief, Defendant Top Victory Electronics (Taiwan) Co. Ltd. is a corporation organized under the laws of Taiwan with its principal place of business at 10F, No. 230, Liancheng Road, Zhonghe City, Taipei County, Taiwan.

5. On information and belief, Defendant TPV Int'l (USA), Inc. is a corporation organized under the laws of California with its principal place of business at 3737 Executive Center Drive, Suite 261, Austin, Texas 78731, and with a registered agent at 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201.

6. On information and belief, Defendant Envision Peripherals, Inc. is a corporation organized under the laws of California with its principal place of business at 47490 Seabridge Drive, Fremont, California 94538, and with a registered agent at 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201.

7. On information and belief, Defendant Top Victory Electronics (Fujian) Co. Ltd. is a corporation organized under the laws of the People's Republic of China with its principal place of business at Shangzheng Yuanhong Road, Fuqing City, Fujian Province, China.

8. On information and belief, Defendant TPV Electronics (Fujian) Co. Ltd. is a corporation organized under the laws of the People's Republic of China with its principal place of business at Shangzheng Yuanhong Road, Fuqing City, Fujian Province, China.

9. On information and belief, TPV Technology Ltd. is a corporation organized under the laws of Bermuda with its principal place of business at Suite 1023, Ocean Centre, Harbour City, Kowloon, Hong Kong.

10. On information and belief, the companies identified in paragraphs 4-9 above (collectively, "TPV") are an interrelated group of companies that together comprise one of the world's largest manufacturers of televisions. TPV is a leading importer and seller of televisions in the United States.

11. On information and belief, Vizio, Inc. is a corporation organized under the laws of California with its principal place of business at 39 Tesla, Irvine, California 92618, and with a registered agent at 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201. Vizio is a leading seller of televisions in the United States.

12. Hitachi America Ltd. (“HAL”) is a corporation organized under the laws of New York with its principal place of business at 50 Prospect Avenue, Tarrytown, NY 10591. HAL is a wholly-owned subsidiary of Hitachi, Ltd. (Tokyo, Japan). HAL markets and sells ATSC-compatible televisions that practice the Patents-in-Suit in the United States. HAL and Hitachi, Ltd. have been and continue to be harmed by Defendants’ infringement of the patents-in-suit.

JURISDICTION AND VENUE

13. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. In this lawsuit, Plaintiffs allege infringement of U.S. Patent Nos. 5,502,497, 5,534,934, 6,037,995, 6,388,713, 6,549,243, 7,012,769, 7,286,310, 6,144,412, 7,889,281, and 8,009,375 (the “Patents-in-Suit”). This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), (d) and 1400(b).

14. TPV designs, manufactures and assembles televisions. TPV imports, offers to sell, and sells those televisions in the United States, including in the State of Texas generally and this judicial district in particular. In addition, TPV has created a well-established distribution chain for its televisions, and that distribution chain delivers those products into the United States, including the State of Texas generally and this judicial district in particular. Furthermore, TPV knows, expects, and intends that by selling televisions designed for use in the U.S. market, some of those products will be sold in the State of Texas, including in this judicial district.

15. Vizio designs and specifies televisions for sale and use in the United States. Vizio imports, offers for sale, and sells televisions in the United States, including in the State of Texas generally and this judicial district in particular. Vizio has created a well-established distribution

chain for its televisions, and that distribution chain delivers those products into the United States, including the State of Texas generally and this judicial district in particular. Furthermore, Vizio knows, expects, and intends that by selling televisions designed for use in the U.S. market, some of those products will be sold in the State of Texas, including in this judicial district.

16. The six TPV defendants identified in paragraphs 4-9 above operate as a unitary business venture and are jointly and severally liable for patent infringement relating to the televisions made, imported, offered for sale, sold, or used in the United States by any one of them. Plaintiffs' right to relief against each of these six defendants arises out of the same transaction, occurrence, or series of transactions or occurrences relating to the importing, offering for sale, and sale of the same accused television units in the United States. Additionally, questions of fact common to all six of these defendants will arise in this action, including whether these same television units infringe the asserted patents. Therefore, joinder of these TPV defendants is proper.

17. In addition, TPV manufactures and imports into the United States and sells certain accused televisions to Vizio. In turn, Vizio offers to sell and sells these same accused televisions in the United States under its own brand name. These televisions include, but are not limited to, Vizio models: E320VA, E420VT, M220VA, and VA26LHDTV10T. TPV and Vizio are jointly and severally liable for patent infringement relating to at least these accused televisions. Further, on information and belief, TPV has contractually indemnified and agreed to defend Vizio against claims of patent infringement, such as those alleged herein, brought against Vizio for TPV supplied televisions. Moreover, HCE's right to relief arises out of the same transaction, occurrence, or series of transactions or occurrences relating to the importing, offering for sale,

and selling of the same accused television units in the United States by the Defendants. In addition, questions of fact common to all Defendants will arise in the action. These questions include whether these same televisions, imported and sold by TPV and then sold by Vizio, infringe the asserted patents. Therefore, joinder of these Defendants is proper.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,502,497

18. Plaintiffs repeat and reallege the allegations of the preceding paragraphs as if set forth herein.

19. On March 26, 1996, U.S. Patent No. 5,502,497 (“the ’497 Patent) entitled TELEVISION BROADCASTING METHOD AND SYSTEM ENABLING PICTURE BROADCASTING FROM THE TRANSMITTING EQUIPMENT TO THE RECEIVING EQUIPMENT USING ALTERNATIVE BROADCASTING SYSTEM STANDARDS, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’497 Patent is attached as Exhibit A to this Complaint.

20. HCE is the assignee and owner of the right, title, and interest in and to the ’497 Patent, including the right to assert all causes of action arising under said patent, the right to recover damages for past, present, or future infringement of the patent, and the right to any other remedies for infringement of the patent.

21. TPV has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the ’497 Patent by importing, offering to sell, and selling Advanced Television Systems Committee (ATSC) compatible televisions that embody or practice the claimed inventions. In addition, Vizio, TPV’s customer, directly infringes the ’497 Patent by offering to sell and selling, among other things, TPV-supplied televisions in the United

States. Further, end users in the United States directly infringe the '497 Patent by using their TPV-manufactured televisions. TPV, with knowledge of the '497 Patent, has and does possess the specific intent to encourage Vizio and end users to directly infringe the '497 Patent. TPV is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

22. Vizio has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '497 Patent by importing, offering to sell, and selling ATSC-compatible televisions, including both TPV and non-TPV supplied units, that embody or practice the claimed inventions. Further, end users in the United States directly infringe the '497 Patent by using their Vizio televisions. Vizio, with knowledge of the '497 Patent, has and does possess the specific intent to encourage end users to directly infringe the '497 Patent. Vizio is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

23. On information and belief, Defendants have continued to infringe the '497 Patent despite being on notice of the patent, and their infringement of the patent, since before the filing of the original complaint on July 22, 2010.

24. On information and belief, Defendants' acts of infringement as set out in the previous paragraphs have been and continue to be deliberate, willful, and in reckless disregard of HCE's patent rights.

25. HCE has been damaged by Defendants' infringing activities. On information and belief, Defendants will continue their infringing activities, and thus continue to damage HCE, unless enjoined by this Court. HCE has no adequate remedy at law.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 5,534,934

26. Plaintiffs repeat and reallege the allegations of the preceding paragraphs as if set forth herein.

27. On July 9, 1996, U.S. Patent No. 5,534,934 (“the ’934 Patent”) entitled TELEVISION RECEIVER CAPABLE OF ENLARGING AND COMPRESSING IMAGE, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’934 Patent is attached as Exhibit B to this Complaint.

28. HCE is the assignee and owner of the right, title, and interest in and to the ’934 Patent, including the right to assert all causes of action arising under said patent, the right to recover damages for past, present, or future infringement of the patent, and the right to any other remedies for infringement of the patent.

29. TPV has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the ’934 Patent by importing, offering to sell, and selling ATSC-compatible televisions that embody or practice the claimed inventions. In addition, Vizio, TPV’s customer, directly infringes the ’934 Patent by offering to sell and selling, among other things, TPV-supplied televisions in the United States. Further, end users in the United States directly infringe the ’934 Patent by using their TPV-manufactured televisions. TPV, with knowledge of the ’934 Patent, has and does possess the specific intent to encourage Vizio and end users to directly infringe the ’934 Patent. TPV is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

30. Vizio has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the ’934 Patent by importing, offering to sell, and selling ATSC-compatible televisions, including both TPV and non-TPV supplied units, that

embody or practice the claimed inventions. Further, end users in the United States directly infringe the '934 Patent by using their Vizio televisions. Vizio, with knowledge of the '934 Patent, has and does possess the specific intent to encourage end users to directly infringe the '934 Patent. Vizio is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

31. On information and belief, Defendants have continued to infringe the '934 Patent despite being on notice of the patent, and their infringement of the patent, since before the filing of the original complaint.

32. On information and belief, Defendants' acts of infringement as set out in the previous paragraphs have been and continue to be deliberate, willful, and in reckless disregard of HCE's patent rights.

33. HCE has been damaged by Defendants' infringing activities. On information and belief, Defendants will continue their infringing activities, and thus continue to damage HCE, unless enjoined by this Court. HCE has no adequate remedy at law.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 6,037,995

34. Plaintiffs repeat and reallege the allegations of the preceding paragraphs as if set forth herein.

35. On March 14, 2000, U.S. Patent No. 6,037,995 (the '995 Patent") entitled BROADCASTING AND COMMUNICATION RECEIVER APPARATUS, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '995 Patent is attached as Exhibit C to this Complaint.

36. HCE is the assignee and owner of the right, title, and interest in and to the '995 Patent, including the right to assert all causes of action arising under said patent, the right to

recover damages for past, present, or future infringement of the patent, and the right to any other remedies for infringement of the patent.

37. TPV has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '995 Patent by importing, offering to sell, and selling ATSC-compatible televisions that embody or practice the claimed inventions. In addition, Vizio, TPV's customer, directly infringes the '995 Patent by offering to sell and selling, among other things, TPV-supplied televisions in the United States. Further, end users in the United States directly infringe the '995 Patent by using their TPV-manufactured televisions. TPV, with knowledge of the '995 Patent, has and does possess the specific intent to encourage Vizio and end users to directly infringe the '995 Patent. TPV is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

38. Vizio has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '995 Patent by importing, offering to sell, and selling ATSC-compatible televisions, including both TPV and non-TPV supplied units, that embody or practice the claimed inventions. Further, end users in the United States directly infringe the '995 Patent by using their Vizio televisions. Vizio, with knowledge of the '995 Patent, has and does possess the specific intent to encourage end users to directly infringe the '995 Patent. Vizio is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

39. On information and belief, Defendants have continued to infringe the '995 Patent despite being on notice of the patent, and their infringement of the patent, since before the filing of the original complaint.

40. On information and belief, Defendants' acts of infringement as set out in the previous paragraphs have been and continue to be deliberate, willful, and in reckless disregard of HCE's patent rights.

41. HCE has been damaged by Defendants' infringing activities. On information and belief, Defendants will continue their infringing activities, and thus continue to damage HCE, unless enjoined by this Court. HCE has no adequate remedy at law.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 6,388,713

42. Plaintiffs repeat and reallege the allegations of the preceding paragraphs as if set forth herein.

43. On January 28, 2003, U.S. Patent No. 6,388,713 ("the '713 Patent"), entitled IMAGE DISPLAY APPARATUS, AND METHOD TO PREVENT OR LIMIT USER ADJUSTMENT OF DISPLAYED IMAGE QUALITY, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '713 Patent is attached as Exhibit D to this Complaint.

44. HCE is the assignee and co-owner of the right, title, and interest in and to the '713 Patent, including the right to assert all causes of action arising under said patent, the right to recover damages for past, present, or future infringement of the patent, and the right to any other remedies for infringement of the patent.

45. HAD is the assignee and co-owner of the right, title, and interest in and to the '713 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

46. TPV has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '713 Patent by importing, offering to sell, and selling ATSC-compatible televisions that embody or practice the claimed inventions. In addition, Vizio, TPV's customer, directly infringes the '713 Patent by offering to sell and selling, among other things, TPV-supplied televisions in the United States. Further, end users in the United States directly infringe the '713 Patent by using their TPV-manufactured televisions. TPV, with knowledge of the '713 Patent, has and does possess the specific intent to encourage Vizio and end users to directly infringe the '713 Patent. TPV is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

47. Vizio has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '713 Patent by importing, offering to sell, and selling ATSC-compatible televisions, including both TPV and non-TPV supplied units, that embody or practice the claimed inventions. Further, end users in the United States directly infringe the '713 Patent by using their Vizio televisions. Vizio, with knowledge of the '713 Patent, has and does possess the specific intent to encourage end users to directly infringe the '713 Patent. Vizio is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

48. On information and belief, Defendants have continued to infringe the '713 Patent despite being on notice of the patent, and their infringement of the patent, since before the filing of the original complaint.

49. On information and belief, Defendants' acts of infringement as set out in the previous paragraphs have been and continue to be deliberate, willful, and in reckless disregard of Plaintiffs' patent rights.

50. Plaintiffs have been damaged by Defendants' infringing activities. On information and belief, Defendants will continue their infringing activities, and thus continue to damage Plaintiffs, unless enjoined by this Court. Plaintiffs have no adequate remedy at law.

COUNT V – INFRINGEMENT OF U.S. PATENT NO. 6,549,243

51. Plaintiffs repeat and reallege the allegations of the preceding paragraphs as if set forth herein.

52. On April 15, 2003, U.S. Patent No. 6,549,243 ("the '243 Patent"), entitled DIGITAL BROADCAST RECEIVER UNIT, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '243 Patent is attached as Exhibit E to this Complaint.

53. HCE is the assignee and owner of the right, title, and interest in and to the '243 Patent, including the right to assert all causes of action arising under said patent, the right to recover damages for past, present, or future infringement of the patent, and the right to any other remedies for infringement of the patent.

54. TPV has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '243 Patent by importing, offering to sell, and selling ATSC-compatible televisions that embody or practice the claimed inventions. In addition, Vizio, TPV's customer, directly infringes the '243 Patent by offering to sell and selling, among other things, TPV-supplied televisions in the United States. Further, end users in the United States directly infringe the '243 Patent by using their TPV-manufactured televisions. TPV, with knowledge of the '243 Patent, has and does possess the specific intent to encourage Vizio and

end users to directly infringe the '243 Patent. TPV is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

55. Vizio has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '243 Patent by importing, offering to sell, and selling ATSC-compatible televisions, including both TPV and non-TPV supplied units, that embody or practice the claimed inventions. Further, end users in the United States directly infringe the '243 Patent by using their Vizio televisions. Vizio, with knowledge of the '243 Patent, has and does possess the specific intent to encourage end users to directly infringe the '243 Patent. Vizio is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

56. On information and belief, Defendants have continued to infringe the '243 Patent despite being on notice of the patent, and their infringement of the patent, since before the filing of the original complaint.

57. On information and belief, Defendants' acts of infringement as set out in the previous paragraphs have been and continue to be deliberate, willful, and in reckless disregard of HCE's patent rights.

58. HCE has been damaged by Defendants' infringing activities. On information and belief, Defendants will continue their infringing activities, and thus continue to damage HCE, unless enjoined by this Court. HCE has no adequate remedy at law.

COUNT VI – INFRINGEMENT OF U.S. PATENT NO. 7,012,769

59. Plaintiffs repeat and reallege the allegations of the preceding paragraphs as if set forth herein.

60. On March 14, 2006, U.S. Patent No. 7,012,769 (“the ’769 Patent”) entitled DIGITAL INFORMATION RECORDING/REPRODUCING APPARATUS, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’769 Patent is attached as Exhibit F to this Complaint.

61. HCE is the assignee and owner of the right, title, and interest in and to the ’769 Patent, including the right to assert all causes of action arising under said patent, the right to recover damages for past, present, or future infringement of the patent, and the right to any other remedies for infringement of the patent.

62. TPV has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the ’769 Patent by importing, offering to sell, and selling ATSC-compatible televisions that embody or practice the claimed inventions. In addition, Vizio, TPV’s customer, directly infringes the ’769 Patent by offering to sell and selling, among other things, TPV-supplied televisions in the United States. Further, end users in the United States directly infringe the ’769 Patent by using their TPV-manufactured televisions. TPV, with knowledge of the ’769 Patent, has and does possess the specific intent to encourage Vizio and end users to directly infringe the ’769 Patent. TPV is therefore liable to HCE under at least 35 U.S.C. §§271(a) and (b).

63. Vizio has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the ’769 Patent by importing, offering to sell, and selling ATSC-compatible televisions, including both TPV and non-TPV supplied units, that embody or practice the claimed inventions. Further, end users in the United States directly infringe the ’769 Patent by using their Vizio televisions. Vizio, with knowledge of the ’769

Patent, has and does possess the specific intent to encourage end users to directly infringe the '769 Patent. Vizio is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

64. On information and belief, Defendants have continued to infringe the '769 Patent despite being on notice of the patent, and their infringement of the patent, since before the filing of the original complaint.

65. On information and belief, Defendants' acts of infringement as set out in the previous paragraphs have been and continue to be deliberate, willful, and in reckless disregard of HCE's patent rights.

66. HCE has been damaged by Defendants' infringing activities. On information and belief, Defendants will continue their infringing activities, and thus continue to damage HCE, unless enjoined by this Court. HCE has no adequate remedy at law.

COUNT VII – INFRINGEMENT OF U.S. PATENT NO. 7,286,310

67. Plaintiffs repeat and reallege the allegations of the preceding paragraphs as if set forth herein.

68. On October 23, 2007, U.S. Patent No. 7,286,310 ("the '310 Patent") entitled APPARATUS FOR RECEIVING COMPRESSED DIGITAL INFORMATION, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '310 Patent is attached as Exhibit G to this Complaint.

69. HCE is the assignee and owner of the right, title, and interest in and to the '310 Patent, including the right to assert all causes of action arising under said patent, the right to recover damages for past, present, or future infringement of the patent, and the right to any other remedies for infringement of the patent.

70. TPV has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '310 Patent by importing, offering to sell, and selling ATSC-compatible televisions that embody or practice the claimed inventions. In addition, Vizio, TPV's customer, directly infringes the '310 Patent by offering to sell and selling, among other things, TPV-supplied televisions in the United States. Further, end users in the United States directly infringe the '310 Patent by using their TPV-manufactured televisions. TPV, with knowledge of the '310 Patent, has and does possess the specific intent to encourage Vizio and end users to directly infringe the '310 Patent. TPV is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

71. Vizio has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '310 Patent by importing, offering to sell, and selling ATSC-compatible televisions, including both TPV and non-TPV supplied units, that embody or practice the claimed inventions. Further, end users in the United States directly infringe the '310 Patent by using their Vizio televisions. Vizio, with knowledge of the '310 Patent, has and does possess the specific intent to encourage end users to directly infringe the '310 Patent. Vizio is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

72. On information and belief, Defendants have continued to infringe the '310 Patent despite being on notice of the patent, and their infringement of the patent, since before the filing of the original complaint.

73. On information and belief, Defendants' acts of infringement as set out in the previous paragraphs have been and continue to be deliberate, willful, and in reckless disregard of HCE's patent rights.

74. HCE has been damaged by Defendants' infringing activities. On information and belief, Defendants will continue its infringing activities, and thus continue to damage HCE, unless enjoined by this Court. HCE has no adequate remedy at law.

COUNT VIII –INFRINGEMENT OF U.S. PATENT NO. 6,144,412

75. Plaintiffs repeat and reallege the allegations of the preceding paragraphs as if set forth within.

76. On November 7, 2000, United States Letters Patent No. 6,144,412 ("the '412 Patent"), entitled METHOD AND CIRCUIT FOR SIGNAL PROCESSING OF FORMAT CONVERSION OF PICTURE SIGNAL, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '412 Patent is attached as Exhibit H to this Complaint.

77. HCE is the assignee and owner of the right, title, and interest in and to the '412 Patent, including the right to assert all causes of action arising under said patent, the right to recover damages for past, present, or future infringement of the patent, and the right to any other remedies for infringement of the patent.

78. TPV has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '412 Patent by importing, offering to sell, and selling ATSC-compatible televisions that embody or practice the claimed inventions. In addition, Vizio, TPV's customer, directly infringes the '412 Patent by offering to sell and selling, among other things, TPV-supplied televisions in the United States. Further, end users in the United States directly infringe the '412 Patent by using their TPV-manufactured televisions. TPV, with knowledge of the '412 Patent, has and does possess the specific intent to encourage Vizio and

end users to directly infringe the '412 Patent. TPV is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

79. Vizio has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '412 Patent by importing, offering to sell, and selling ATSC-compatible televisions, including both TPV and non-TPV supplied units, that embody or practice the claimed inventions. Further, end users in the United States directly infringe the '412 Patent by using their Vizio televisions. Vizio, with knowledge of the '412 Patent, has and does possess the specific intent to encourage end users to directly infringe the '412 Patent. Vizio is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

80. On information and belief, Defendants have continued to infringe the '412 Patent despite being on notice of the patent, and their infringement of the patent, since before the filing of the original complaint.

81. On information and belief, Defendants' acts of infringement as set out in the previous paragraphs have been and continue to be deliberate, willful, and in reckless disregard of HCE's patent rights.

82. HCE has been damaged by Defendants' infringing activities. On information and belief, Defendants will continue their infringing activities, and thus continue to damage HCE, unless enjoined by this Court. HCE has no adequate remedy at law.

COUNT IX – INFRINGEMENT OF U.S. PATENT NO. 7,889,281 B2

83. Plaintiff repeats and realleges the allegations of the preceding paragraphs as if set forth herein.

84. On February 15, 2011, U.S. Patent No. 7,889,281 B2 (“the ’281 Patent) entitled “DIGITAL BROADCAST RECEIVER UNIT,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’281 Patent is attached as Exhibit I to this Complaint.

85. HCE is the assignee and owner of the right, title, and interest in and to the ’281 Patent, including the right to assert all causes of action arising under said patent, the right to recover damages for past, present, or future infringement of the patent, and the right to any other remedies for infringement of the patent.

86. TPV has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the ’281 Patent by importing, offering to sell, and selling ATSC-compatible televisions that embody or practice the claimed inventions. In addition, Vizio, TPV’s customer, directly infringes the ’281 Patent by offering to sell and selling, among other things, TPV-supplied televisions in the United States. Further, end users in the United States directly infringe the ’281 Patent by using their TPV-manufactured televisions. TPV, with knowledge of the ’281 Patent, has and does possess the specific intent to encourage Vizio and end users to directly infringe the ’281 Patent. TPV is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

87. Vizio has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the ’281 Patent by importing, offering to sell, and selling ATSC-compatible televisions, including both TPV and non-TPV supplied units, that embody or practice the claimed inventions. Further, end users in the United States directly infringe the ’281 Patent by using their Vizio televisions. Vizio, with knowledge of the ’281

Patent, has and does possess the specific intent to encourage end users to directly infringe the '281 Patent. Vizio is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

88. On information and belief, TPV and Vizio have been aware of the existence of the '281 Patent since before the filing of this First Amended Complaint. On information and belief, Defendants became aware of the '281 Patent through their due diligence in preparing their defenses to Plaintiffs' infringement counts in the original complaint. In the alternative, Defendants became aware of the '281 patent upon the filing of civil case no. 2:12-cv-00268-JRG in the United States District Court for the Eastern District of Texas, filed on May 3, 2012. Defendants' acts of infringement have been and continue to be deliberate and willful.

89. HCE has been damaged by Defendants' infringing activities. On information and belief, Defendants will continue their infringing activities, and thus continue to damage HCE, unless enjoined by this Court. HCE has no adequate remedy at law.

COUNT X – INFRINGEMENT OF U.S. PATENT NO. 8,009,375 B2

90. Plaintiff repeats and realleges the allegations of the preceding paragraphs as if set forth herein.

91. On August 30, 2011, U.S. Patent No. 8,009,375 B2 ("the '375 Patent") entitled "APPARATUS AND METHOD FOR RECEIVING AND RECORDING DIGITAL INFORMATION," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '375 Patent is attached hereto as Exhibit J to this Complaint.

92. HCE is the assignee and owner of the right, title, and interest in and to the '375 Patent, including the right to assert all causes of action arising under said patent, the right to

recover damages for past, present, or future infringement of the patent, and the right to any other remedies for infringement of the patent.

93. TPV has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '375 Patent by importing, offering to sell, and selling ATSC-compatible televisions that embody or practice the claimed inventions. In addition, Vizio, TPV's customer, directly infringes the '375 Patent by offering to sell and selling, among other things, TPV-supplied televisions in the United States. Further, end users in the United States directly infringe the '375 Patent by using their TPV-manufactured televisions. TPV, with knowledge of the '375 Patent, has and does possess the specific intent to encourage Vizio and end users to directly infringe the '375 Patent. TPV is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

94. Vizio has been directly infringing and continues to directly infringe, either literally or under the doctrine of equivalents, the '375 Patent by importing, offering to sell, and selling ATSC-compatible televisions, including both TPV and non-TPV supplied units, that embody or practice the claimed inventions. Further, end users in the United States directly infringe the '375 Patent by using their Vizio televisions. Vizio, with knowledge of the '375 Patent, has and does possess the specific intent to encourage end users to directly infringe the '375 Patent. Vizio is therefore liable to HCE under at least 35 U.S.C. §§ 271(a) and (b).

95. On information and belief, TPV and Vizio have been aware of the existence of the '375 Patent since before the filing of this First Amended Complaint. On information and belief, Defendants became aware of the '375 Patent through their due diligence in preparing their defenses to Plaintiffs' infringement counts in the original complaint. In the alternative,

Defendants became aware of the '375 patent upon the filing of civil case no. 2:12-cv-00268-JRG in the United States District Court for the Eastern District of Texas, filed on May 3, 2012.

Defendants' acts of infringement have been and continue to be deliberate and willful.

96. HCE has been damaged by Defendants' infringing activities. On information and belief, Defendants will continue its infringing activities, and thus continue to damage HCE, unless enjoined by this Court. HCE has no adequate remedy at law.

JURY DEMAND

97. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully demand judgment for themselves and against Defendants TPV and Vizio as follows:

- a. That this Court adjudge that Defendant Vizio has infringed each of the '497, '934, '995, '713, '243, '769, '310, '412, '281 and '375 Patents;
- b. That this Court adjudge that Vizio's infringement of the '497, '934, '995, '713, '243, '769, '310, '412, '281 and '375 Patents has been willful;
- c. That this Court adjudge that Defendant TPV has infringed each of the '497, '934, '995, '713, '243, '769, '310, '412, '281 and '375 Patents;
- d. That this Court adjudge that TPV's infringement of the '497, '934, '995, '713, '243, '769, '310, '412, '281 and '375 Patents has been willful;

e. That this Court issue an injunction, enjoining Defendants Vizio and TPV and their officers, agents, servants and employees, privies, and all persons in active concert or participation with it, from further infringement of said patents;

f. That this Court ascertain and award Plaintiffs damages sufficient to compensate them for the above infringement, including but not limited to infringement occurring before the filing of this lawsuit, and that the damages so ascertained be trebled as appropriate and awarded to Plaintiffs with any applicable pre-judgment and post-judgment interest;

g. That this Court find this case to be exceptional and award Plaintiffs their attorneys fees, costs and expenses in this action; and

h. That this Court award Plaintiffs such other relief as the Court may deem just and proper.

DATED: June 5, 2012

Respectfully submitted,

/s/ Jeffrey B. Plies

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who have consented to electronic service, Local Rule CV-5(a)(3)(A), on June 5, 2012.

/s/ Jeffrey B. Plies

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