

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BLACK HILLS MEDIA, LLC

Plaintiff,

v.

**LOGITECH INTERNATIONAL SA;
LOGITECH INC.; and LOGITECH, LLC**

Defendant.

Civil Action No. 1:12-cv-00636

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Black Hills Media, LLC (“Black Hills” or “Plaintiff”), for its First Amended Complaint against Logitech International SA; Logitech Inc.; and Logitech, LLC (collectively, “Defendants”), states and alleges as follows:

THE PARTIES

1. Plaintiff Black Hills Media, LLC, is a Delaware limited liability company having its principal place of business at 1000 N. West St., Suite 1200, Wilmington, Delaware 19801.
2. Upon information and belief, Defendant Logitech International SA is a Swiss corporation with its principal place of business at 7600 Gateway Blvd., Newark, California 94560.
3. Upon information and belief, Defendant Logitech Inc. is a California corporation with its principal place of business at 6505 Kaiser Drive, Fremont, California 94555 and/or 7600 Gate Blvd., Newark, California 94560.
4. Upon information and belief, Defendant Logitech, LLC is a Delaware corporation with its principal place of business at 7600 Gateway Blvd., Newark, California 94560.

JURISDICTION AND VENUE

5. This is an action for patent infringement under the patent laws of the United States, Title 35, United States Code, specifically §§ 271 and 281-285. This Court has subject matter jurisdiction under Title 28 United States Code §§ 1331 and 1338(a).

6. Personal jurisdiction over Defendants comports with the United States Constitution and 10 Del. C. § 3104 of the Delaware Code because Defendants have committed and continue to commit acts of patent infringement in this district as alleged in this Complaint and additionally, at least one Defendant is a citizen of this state.

7. Venue is properly within the district under Title 28 United States Code §§ 1391(b) and (c) and 1400(b).

BACKGROUND

8. Black Hills owns all of the rights and interests in United States Patent Nos. 8,045,952 (“the ‘952 Patent”); 8,050,652 (“the ‘652 Patent”); 6,985,694 (“the ‘694 Patent”); 6,108,686 (“the ‘686 Patent”); 8,230,099 (“the ‘099 Patent”); and 8,214,873 (“the ‘873 Patent”) (collectively, the “Patents in Suit”).

9. The ‘952 Patent entitled “Method and Device for Obtaining Playlist Content Over a Network” was duly and legally issued by the United States Patent and Trademark Office on October 25, 2011, after full and fair examination. A copy of the ‘952 Patent is attached as Exhibit A.

10. The ‘652 Patent entitled “Method and Device for an Internet Radio Capable of Obtaining a Playlist Content From a Content Server” was duly and legally issued by the United States Patent and Trademark Office on November 1, 2011, after full and fair examination. A copy of the ‘652 Patent is attached as Exhibit B.

11. The '694 Patent entitled "Method and System for Providing an Audio Element Cache in a Customized Personal Radio Broadcast" was duly and legally issued by the United States Patent and Trademark Office on January 10, 2006, after full and fair examination. A copy of the '694 Patent is attached as Exhibit C.

12. The '686 Patent entitled "Agent-Based On-Line Information Retrieval and Viewing System" was duly and legally issued by the United States Patent and Trademark Office on August 22, 2000. A copy of the '686 Patent is attached as Exhibit D.

13. The '099 Patent entitled "System and Method for Sharing Playlists" was duly and legally issued by the United States Patent and Trademark Office on July 24, 2012. A copy of the '099 Patent is attached as Exhibit E.

14. The '873 Patent entitled "Method, System, and Computer-Readable Medium for Employing a First Device to Direct a Networked Audio Device to Render a Playlist" was duly and legally issued by the United States Patent and Trademark Office on July 3, 2012. A copy of the '873 Patent is attached as Exhibit F.

15. Defendants sell and distribute, including upon information and belief within the District of Delaware, at least the following networked audio devices: Squeezebox Radio model number X-R0001; Squeezebox Duet model numbers C-RL65, C-RL66, and C-RM66; Squeezebox Boom model number X-RB2; Squeezebox Transporter SE model number C-RJ63; Revue, UE Smart Radio, and Squeezebox Touch (the "accused products").

COUNT I

INFRINGEMENT OF THE '952 PATENT

16. Plaintiff incorporates each of the preceding paragraphs 1 - 15 as if fully set forth herein.

17. Defendants are directly or indirectly infringing at least claim 9 of the '952 Patent literally, or under the doctrine of equivalents, by importing into the United States, and/or making, using, selling, or offering for sale in the United States, including the District of Delaware, products embodying the patented inventions claimed in the '952 Patent without authority, including but not limited to the products identified in preceding paragraph 15, or by contributing to or inducing infringement of the '952 Patent by a third party.

18. Upon information and belief, after becoming aware of the '952 Patent and their infringement thereof, Defendants are knowingly inducing third party infringement of the '952 Patent.

19. Defendants' inducement of infringement of the '952 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in ways that infringe the '952 Patent. Defendants ship the accused products with pre-loaded streaming services (including Internet music subscription services) and/or provide detailed instructions to third parties on how to download streaming services to the accused products.

20. Examples of such instructions can be found in the following link to the Defendants' website and the attached Exhibit G:

- <http://www.logitech.com/en-us/70/6432?WT.ac=psE|5570>
- <http://ue.logitech.com/en-us/wireless-speakers>
- <http://itunes.apple.com/us/app/logitech-squeezebox-controller/id431302899?mt=8>.

21. Defendants knew or should have known that their encouragement and instructions to third parties results in infringement of the '952 Patent. Defendants are thus liable for inducing infringement of the '952 Patent pursuant to 35 U.S.C. 271(b).

22. Upon information and belief, since the filing of the First Complaint in which the

'952 Patent was included, Defendants have willfully infringed, directly and/or indirectly, the '952 Patent by having deliberately engaged in their infringing conduct in knowing disregard of the '952 Patent and have acted objectively and subjectively reckless in implementing technology in their products that they knew or should have reasonably known would infringe the '952 Patent.

23. The infringement by the Defendants of the '952 Patent has injured Black Hills and will cause Black Hills added irreparable injury and damage in the future unless Defendants are enjoined from infringing the '952 Patent.

COUNT II

INFRINGEMENT OF THE '652 PATENT

24. Plaintiff incorporates each of the preceding paragraphs 1 - 23 as if fully set forth herein.

25. Defendants are directly or indirectly infringing at least claims 1, 21, 42, and 63 of the '652 Patent literally, or under the doctrine of equivalents, by importing into the United States, and/or making, using, selling, or offering for sale in the United States, including the District of Delaware, products embodying the patented inventions claimed in the '652 Patent without authority, including but not limited to the products identified in preceding paragraph 15, or by contributing to or inducing infringement of the '652 Patent by a third party.

26. Upon information and belief, after becoming aware of the '652 Patent and their infringement thereof, Defendants are knowingly inducing third party infringement of the '652 Patent.

27. Defendants' inducement of infringement of the '652 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in ways

that infringe the '652 Patent. Defendants ship the accused products with pre-loaded streaming services (including Internet music subscription services) and/or provide detailed instructions to third parties on how to download streaming services to the accused products.

28. Examples of such instructions can be found in the following link to the Defendants' website and the attached Exhibit G:

- <http://www.logitech.com/en-us/70/6432?WT.ac=psE|5570>
- <http://ue.logitech.com/en-us/wireless-speakers>
- <http://itunes.apple.com/us/app/logitech-squeezebox-controller/id431302899?mt=8>.

29. Defendants knew or should have known that their encouragement and instructions to third parties results in infringement of the '652 Patent. Defendants are thus liable for inducing infringement of the '652 Patent pursuant to 35 U.S.C. 271(b).

30. Upon information and belief, since the filing of the First Complaint in which the '652 Patent was included, Defendants have willfully infringed, directly and/or indirectly, the '652 Patent by having deliberately engaged in their infringing conduct in knowing disregard of the '652 Patent and have acted objectively and subjectively reckless in implementing technology in their products that they knew or should have reasonably known would infringe the '652 Patent.

31. The infringement by the Defendants of the '652 Patent has injured Black Hills and will cause Black Hills added irreparable injury and damage in the future unless Defendants are enjoined from infringing the '652 Patent.

COUNT III

INFRINGEMENT OF THE '694 PATENT

32. Plaintiff incorporates each of the preceding paragraphs 1 - 31 as if fully set forth

herein.

33. Defendants are directly or indirectly infringing at least claim 1 of the '694 Patent literally, or under the doctrine of equivalents, by importing into the United States, and/or making, using, selling, or offering for sale in the United States, including the District of Delaware, products embodying the patented inventions claimed in the '694 Patent without authority, including but not limited to the products identified in preceding paragraph 15, or by contributing to or inducing infringement of the '694 Patent by a third party.

34. Upon information and belief, after becoming aware of the '694 Patent and their infringement thereof, Defendants are knowingly inducing third party infringement of the '694 Patent.

35. Defendants' inducement of infringement of the '694 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in ways that infringe the '694 Patent. Defendants ship the accused products with pre-loaded streaming services (including Internet music subscription services) and/or provide detailed instructions to third parties on how to download streaming services to the accused products.

36. Examples of such instructions can be found in the following link to the Defendants' website and the attached Exhibit G:

- <http://www.logitech.com/en-us/70/6432?WT.ac=psE|5570>
- <http://ue.logitech.com/en-us/wireless-speakers>
- <http://itunes.apple.com/us/app/logitech-squeezebox-controller/id431302899?mt=8>.

37. Defendants knew or should have known that their encouragement and instructions to third parties results in infringement of the '694 Patent. Defendants are thus liable for inducing infringement of the '694 Patent pursuant to 35 U.S.C. 271(b).

38. Upon information and belief, since the filing of the First Complaint in which the '694 Patent was included Defendants have willfully infringed, directly and/or indirectly, the '694 Patent by having deliberately engaged in their infringing conduct in knowing disregard of the '694 Patent and have acted objectively and subjectively reckless in implementing technology in their products that they knew or should have reasonably known would infringe the '694 Patent.

39. The infringement by the Defendants of the '694 Patent has injured Black Hills and will cause Black Hills added irreparable injury and damage in the future unless Defendants are enjoined from infringing the '694 Patent.

COUNT IV

INFRINGEMENT OF THE '686 PATENT

40. Plaintiff incorporates each of the preceding paragraphs 1 - 39 as if fully set forth herein.

41. Defendants are directly or indirectly infringing at least claims 1, 20, and 29 of the '686 Patent literally, or under the doctrine of equivalents, by importing into the United States, and/or making, using, selling, or offering for sale in the United States, including the District of Delaware, products embodying the patented inventions claimed in the '686 Patent without authority, including but not limited to the products identified in preceding paragraph 15, or by contributing to or inducing infringement of the '686 Patent by a third party.

42. At least upon the filing of this First Amended Complaint, Defendants are aware of the '686 Patent and their infringement, including third party infringement, thereof.

43. Defendants' inducement of infringement of the '686 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in ways that infringe the '686 Patent. Defendants ship the accused products with pre-loaded streaming

services (including Internet music subscription services) and/or provide detailed instructions to third parties on how to download streaming services to the accused products.

44. Examples of such instructions can be found in the following link to the Defendants' website and the attached Exhibit G:

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- <http://ue.logitech.com/en-us/wireless-speakers>
- <http://itunes.apple.com/us/app/logitech-squeezebox-controller/id431302899?mt=8>.

45. Defendants knew or should have known that their encouragement and instructions to third parties results in infringement of the '686 Patent. Defendants are thus liable for inducing infringement of the '686 Patent pursuant to 35 U.S.C. 271(b).

46. Upon information and belief, with the filing of this First Amended Complaint, Defendants have learned about the '686 Patent and are willfully infringing, directly and/or indirectly, the '686 Patent by deliberately engaging in their infringing conduct in knowing disregard of the '686 Patent and are acting objectively and subjectively reckless in implementing technology in their products that they knew or should have reasonably known would infringe the '686 Patent.

47. The infringement by the Defendants of the '686 Patent has injured Black Hills and will cause Black Hills added irreparable injury and damage in the future unless Defendants are enjoined from infringing the '686 Patent.

COUNT V

INFRINGEMENT OF THE '099 PATENT

48. Plaintiff incorporates each of the preceding paragraphs 1 - 47 as if fully set forth herein.

49. Defendants are directly or indirectly infringing at least claims 11 and 12 of the '099 Patent literally, or under the doctrine of equivalents, by importing into the United States, and/or making, using, selling, or offering for sale in the United States, including the District of Delaware, products embodying the patented inventions claimed in the '099 Patent without authority, including but not limited to the products identified in preceding paragraph 15, or by contributing to or inducing infringement of the '099 Patent by a third party.

50. At least upon the filing of this First Amended Complaint, Defendants are aware of the '099 Patent and their infringement, including third party infringement, thereof.

51. Defendants' inducement of infringement of the '099 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in ways that infringe the '099 Patent. Defendants ship the accused products with pre-loaded streaming services (including Internet music subscription services) and/or provide detailed instructions to third parties on how to download streaming services to the accused products.

52. Examples of such instructions can be found in the following link to the Defendants' website and the attached Exhibit G:

- <http://www.logitech.com/en-us/70/6432?WT.ac=psE|5570>
- <http://ue.logitech.com/en-us/wireless-speakers>
- <http://itunes.apple.com/us/app/logitech-squeezebox-controller/id431302899?mt=8>.

53. Defendants knew or should have known that their encouragement and instructions to third parties results in infringement of the '099 Patent. Defendants are thus liable for inducing infringement of the '099 Patent pursuant to 35 U.S.C. 271(b).

54. Upon information and belief, with the filing of this First Amended Complaint, Defendants have learned about the '099 Patent and are willfully infringing, directly and/or

indirectly, the '099 Patent by deliberately engaging in their infringing conduct in knowing disregard of the '099 Patent and are acting objectively and subjectively reckless in implementing technology in their products that they knew or should have reasonably known would infringe the '099 Patent.

55. The infringement by the Defendants of the '099 Patent has injured Black Hills and will cause Black Hills added irreparable injury and damage in the future unless Defendants are enjoined from infringing the '099 Patent.

COUNT VI

INFRINGEMENT OF THE '873 PATENT

56. Plaintiff incorporates each of the preceding paragraphs 1 - 55 as if fully set forth herein.

57. Defendants are directly or indirectly infringing at least claim 1 of the '873 Patent literally, or under the doctrine of equivalents, by importing into the United States, and/or making, using, selling, or offering for sale in the United States, including the District of Delaware, products embodying the patented inventions claimed in the '873 Patent without authority, including but not limited to the products identified in preceding paragraph 15, or by contributing to or inducing infringement of the '873 Patent by a third party.

58. At least upon the filing of this First Amended Complaint, Defendants are aware of the '873 Patent and their infringement, including third party infringement, thereof.

59. Defendants' inducement of infringement of the '873 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in ways that infringe the '873 Patent. Defendants ship the accused products with pre-loaded streaming services (including Internet music subscription services) and/or provide detailed instructions to

third parties on how to download streaming services to the accused products.

60. Examples of such instructions can be found in the following link to the Defendants' website and the attached Exhibit G:

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- <http://ue.logitech.com/en-us/wireless-speakers>
- <http://itunes.apple.com/us/app/logitech-squeezebox-controller/id431302899?mt=8>.

61. Defendants knew or should have known that their encouragement and instructions to third parties results in infringement of the '873 Patent. Defendants are thus liable for inducing infringement of the '873 Patent pursuant to 35 U.S.C. 271(b).

62. Upon information and belief, with the filing of this First Amended Complaint, Defendants have learned about the '873 Patent and are willfully infringing, directly and/or indirectly, the '873 Patent by deliberately engaging in their infringing conduct in knowing disregard of the '873 Patent and are acting objectively and subjectively reckless in implementing technology in their products that they knew or should have reasonably known would infringe the '873 Patent.

63. The infringement by the Defendants of the '873 Patent has injured Black Hills and will cause Black Hills added irreparable injury and damage in the future unless Defendants are enjoined from infringing the '873 Patent.

DEMANDS FOR RELIEF

WHEREFORE, Black Hills respectfully requests that judgment be entered in its favor and against Defendants as follows:

a. That Defendants have directly and/or indirectly infringed the '952, '652, '694, '686, '099, and '873 Patents;

b. That Defendants' direct and/or indirect infringement of the '952, '652, '694, '686, '099, and '873 Patents has been willful;

c. That Defendants and their respective agents, servants, officers, directors, employees, and all persons acting in concert with them, directly or indirectly, be temporarily and permanently enjoined from infringement of the '952, '652, '694, '686, '099, and '873 Patents;

d. That Defendants be ordered to account for and pay to Black Hills the damages to which Black Hills is entitled as a consequence of the infringement of the '952, '652, '694, '686, '099, and '873 Patents, together with pre-judgment interest and costs;

e. That a post-judgment equitable accounting of damages be ordered for the period of infringement of the '952, '652, '694, '686, '099, and '873 Patents;

f. That all other damages permitted by Title 35 United States Code § 284, including increased damages up to three times the amount of compensatory damages found be awarded;

g. That Black Hills be awarded its costs and attorneys' fees; and

h. That Black Hills be awarded such other and further relief as the Court may deem just and equitable.

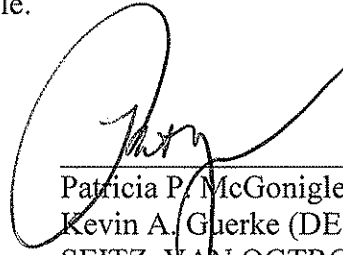
DEMAND FOR TRIAL BY JURY

Black Hills respectfully demands a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure on any and all issues so triable.

Dated: September 12, 2012

Of Counsel:

R. Terrance Rader
Glenn E. Forbis
RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue
Bloomfield Hills, MI 48304
Tel: (248) 594-0600
Fax: (248) 594-0610



Patricia P. McGonigle (DE 3126)
Kevin A. Guerke (DE 4096)
SEITZ, VAN OGTROP & GREEN, P.A.
222 Delaware Avenue, Suite 1500
P. O. Box 68
Wilmington, DE 19899
(302) 888-0600
pmcgonigle@svglaw.com
kguerke@svglaw.com