

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 12-Civ-23611-Lenard/O'Sullivan

WI-LAN USA, INC.
and WI-LAN INC.,

Plaintiffs,

v.

LG ELECTRONICS, INC., and LG
ELECTRONICS U.S.A., INC.,

Defendants.

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Wi-LAN USA, Inc. and Wi-LAN Inc., by and through their attorneys, file this first amended complaint for patent infringement of United States Patent Nos. 6,359,654 and 7,034,889 (collectively "Patents-in-Suit") and allege as follows:

PARTIES

1. Plaintiff Wi-LAN USA, Inc. is a corporation formed under the laws of the State of Florida with its principal place of business at 175 S.W. 7th Street, No. 1803, Miami, Florida 33130. Plaintiff Wi-LAN Inc. is a corporation formed under the laws of the country of Canada with its principal place of business at 11 Holland Avenue, Ottawa, Ontario, Canada K1Y 4S1. Wi-LAN USA, Inc. is a wholly owned subsidiary of Wi-LAN Inc. (collectively "Wi-LAN"). Wi-LAN is a leading technology innovation and licensing business actively engaged in research, development, and licensing of new technologies.

2. Defendant LG Electronics, Inc. (“LG Electronics”) is a corporation formed under the laws of the country of Korea, with its principal place of business at LG Twin Towers 20, Yeouido-Dong, Yeongdeungpo-Gu, Seoul, South Korea 150-721.

3. Defendant LG Electronics U.S.A., Inc. (“LG Electronics USA”) is a corporation formed under the laws of the State of Delaware with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. LG Electronics USA is authorized to do business in the State of Florida and has been assigned Document No. F94000003883 by the Secretary of State.

4. LG Electronics and LG Electronics USA (collectively “LG”) acted in concert with regard to the allegations set forth in this Complaint, and therefore the conduct described herein is fairly attributable to either or both entities.

JURISDICTION AND VENUE

5. Wi-LAN brings this civil action for patent infringement pursuant to the Patent Laws of the United States, 35 U.S.C. § 1 et. seq. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, LG conducts business in this district, offers for sale and sells products in this district, and has a registered agent for service of process in the State of Florida.

CAUSE OF ACTION

The Patents

6. On March 19, 2002, United States Patent No. 6,359,654, titled “Methods and Systems for Displaying Interlaced Video on Non-Interlaced Monitors,” was duly and legally issued to Stephen G. Glennon, David A. G. Wilson, Michael J. Brunolli, and Benjamin Edwin

Felts, III (the “‘654 Patent”). A true and correct copy of the ‘654 Patent is attached as Exhibit A to this Complaint.

7. On April 25, 2006, United States Patent No. 7,034,889, titled “Signal Processing Unit and Method for a Digital TV System with an Increased Frame Rate Video Signal,” was duly and legally issued to Bernd Burchard and Ralf Schwendt (the “‘889 Patent”). A true and correct copy of the ‘889 Patent is attached as Exhibit B to this Complaint.

8. By assignment, Wi-LAN Inc. owns all right, title, and interest in and to the Patents-in-Suit, and Wi-LAN USA, Inc. is the exclusive licensee of the Patents-in-Suit with exclusive rights, including but not limited to the right to enforce the Patents-in-Suit and collect damages for past and future infringements.

Count One
(Infringement of U.S. Patent No. 6,359,654)

9. Wi-LAN incorporates herein by reference each and every allegation in the preceding paragraphs.

10. LG is making, using, offering to sell, selling and/or importing into the United States products, including but not limited to the 6200 series of flat panel televisions depicted in the attached Exhibit C, that infringe one or more claims of the ‘654 Patent.

11. LG is inducing direct infringement of the ‘654 Patent by actively instructing, assisting, and/or encouraging others to practice the inventions claimed in one or more claims of the ‘654 Patent in relation to its digital televisions, including but not limited to the 6200 series of flat panel televisions, by, among other things, continuing to include users manuals for its infringing digital televisions on LG’s website and, upon information and belief, along with the accused televisions themselves, which instructs users on using the infringing televisions in a

manner that is accused herein to infringe. Upon information and belief, the aforementioned infringing acts have been done by LG with the knowledge and intent for others to infringe the '654 Patent.

12. Upon information and belief, LG had actual knowledge of the '654 Patent at least as early as [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13. Upon information and belief, [REDACTED]
[REDACTED]. Upon information and belief, a huge company like LG with a major presence in the U.S. television market, over 80,000 employees worldwide and 2011 revenues in excess of \$48 billion

[REDACTED]
[REDACTED]

[REDACTED] – is well within the capabilities and resources of a company of its size and experience. Upon information and belief, the likelihood that [REDACTED]
[REDACTED] is even greater given that Wi-LAN was involved twice before with LG in patent infringement litigation regarding Wi-LAN's patents different than those asserted in this lawsuit.

14. Upon information and belief, LG had actual of the '654 Patent based on [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

results of which would have identified the Patents-in-Suit.

15. The infringement of the '654 Patent by LG will continue unless enjoined by this Court.

16. The infringing activities by LG have caused and will continue to cause irreparable injury to Wi-LAN for which there exists no adequate remedy at law.

Count Two
(Infringement of U.S. Patent No. 7,034,889)

17. Wi-LAN incorporates herein by reference each and every allegation in the preceding paragraphs.

18. LG is making, using, offering to sell, selling and/or importing into the United States products, including but not limited to, the 6200 series of flat panel televisions depicted in the attached Exhibit C, that infringe at least one or more claims of the '889 Patent.

19. LG is inducing direct infringement of the '889 patent by actively instructing, assisting, and/or encouraging others to practice the inventions claimed in one or more claims of the '889 Patent in relation to its digital televisions, including but not limited to the 6200 series of flat panel televisions, by, among other things, continuing to include users manuals for its infringing digital televisions on LG's website and, upon information and belief, along with the accused televisions themselves, which instructs users on using the infringing televisions in a manner that is accused herein to infringe. Upon information and belief, the aforementioned

infringing acts have been done by LG with the knowledge and intent for others to infringe the '889 Patent.

20. Upon information and belief, LG had actual knowledge of the '889 Patent at least as early as [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21. Upon information and belief, [REDACTED] [REDACTED]. Upon

information and belief, a huge company like LG with a major presence in the U.S. television market, over 80,000 employees worldwide and 2011 revenues in excess of \$48 billion

[REDACTED]

[REDACTED]

[REDACTED] – is well within the capabilities and resources of a company of its size and experience. Upon information and belief, the likelihood that [REDACTED]

[REDACTED] is even greater given that Wi-LAN was involved twice before with LG in patent infringement litigation regarding Wi-LAN's patents different than those asserted in this lawsuit.

22. Upon information and belief, LG had actual of the '889 Patent based [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

results of which would have identified the Patents-in-Suit.

23. Upon information and belief, LG had actual knowledge of the '889 Patent prior to the filing of this lawsuit because the related Korean equivalent of the '889 Patent, Publication No. 1020010089660A entitled "Signal Processing Unit for a Digital TV System" (the "Korean Publication"), was cited during prosecution of LG's Korean Patent No. 10-0774457, entitled "Apparatus and a Method for Compensating Video Signals for Outputting Motion Pictures of High Quality by Increasing Video Frames Included in Video Signals and Generating Motion Compensated Interpolation Frames of the Increased Video Frames." Upon information and belief, given LG's major presence in the U.S. television market, LG would have investigated to determine whether the Korean Publication had a U.S. patent equivalent and found the '889 Patent.

24. The infringement of the '889 Patent by LG will continue unless enjoined by this Court.

25. The infringing activities by LG have caused and will continue to cause irreparable injury to Wi-LAN for which there exists no adequate remedy at law.

DEMAND

WHEREFORE, Wi-LAN requests that judgment be entered in its favor and against LG as follows:

A. Declaring that LG has infringed the Patents-in-Suit;

B. Issuing temporary, preliminary, and permanent injunctions enjoining LG, its officers, agents, subsidiaries and employees, and those in privity or in active concert with it, from further activities that constitute infringement of the Patents-in-Suit both within the State of Florida and across the United States;

C. Ordering that an accounting be had for profits, reasonable royalties and/or other damages arising out of LG's infringement of the Patents-in-Suit, together with costs, prejudgment, and post-judgment interest; and

D. Awarding Wi-LAN such other costs and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Wi-LAN demands a trial by jury on all issues so triable.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 11, 2013, the foregoing document is being served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system:

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