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BY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

K TECH TELECOMMUNICATIONS, INC., a Delaware corporation,

Plaintiff,

vs.

BLONDER TONGUE LABORATORIES, INC., a Delaware corporation; R.L. DRAKE HOLDINGS, LLC, a Delaware limited liability company; R.L. DRAKE, LLC, a Delaware limited liability company,

Defendants.

Case No. CV12-05316 RGK (RZx)

FIRST AMENDED COMPLAINT INFRINGEMENT OF UNITED STATES PATENT NOS. 6,785,903; 7,487,533; 7,761,893; AND 7,984,469.

DEMAND FOR JURY TRIAL

1. Plaintiff K Tech Telecommunications, Inc. ("K Tech"), a Delaware corporation, for its complaint, and demanding trial by jury under Rule 38, Fed. R. Civ. P., and Local Rule 38-1, alleges that Defendants Blonder Tongue Laboratories, Inc. ("BT"), a Delaware corporation, R.L. Drake Holdings, LLC ("Drake"), a Delaware corporation, and R.L. DRAKE, LLC ("Drake LLC"), a Delaware limited liability company are infringing at least claim 24 of U.S. Patent 6,785,903 (the "'903 patent"); claim 13 of U.S. Patent 7,487,533 (the "'533 patent"); claims 1 and 9 of U.S. Patent 7,761,893 (the "'893 patent"); and claims 1, 5, 9, 12, and 15 of U.S.

Patent 7,984,469 (the "'469 patent") (collectively "the K Tech patents"), by making, selling, and offering to sell, in this judicial district, systems for modifying a major channel number, a minor channel number, and/or a carrier frequency to identify a television program that infringe the K Tech patents.

2. This is a civil action for patent infringement and arises under, among other things, the United States Patent Laws, 35 U. S. C. section 10, et seq. Jurisdiction is therefore based upon 28 U. S. C. sections 1331 and 1338(a), providing for federal question jurisdiction of patent infringement actions and exclusive jurisdiction of patent infringement actions in the U. S. district courts.

3. Plaintiff K Tech is informed and believes, and thereon alleges, that venue in this court is proper under 28 U. S. C. section 1391 (c) and section 1400 (b) because the acts of patent infringement alleged herein took place, at least in part, within this judicial district.

4. Plaintiff K Tech is a Delaware corporation, and has its principal place of business in Chatsworth, California.

5. Defendant BT is a Delaware corporation, and has its principal place of business in Old Bridge, New Jersey. Defendant Drake is a Delaware limited liability company, and has its principal place of business in Franklin, Ohio. Defendant Drake LLC is a Delaware limited liability company.

6. On August 31, 2004, the U. S. Patent and Trademark Office duly and lawfully issued the '903 patent under the title *Digital Television Translator with PSIP Update*. A true and correct copy of the '903 patent is attached hereto as **Exhibit A**. On February 3, 2009, the U. S. Patent and Trademark Office duly and lawfully issued the '533 patent under the title *Digital Television Translator with PSIP Update*. A true and correct copy of the '533 patent is attached hereto as **Exhibit B**. On July 20, 2010, the U.S. Patent and Trademark Office duly and lawfully issued the '893 patent under the title *Digital Television Translator with PSIP Update*. A true and correct copy of the '893 patent is attached hereto as

Exhibit C. On July 19, 2011, the U.S. Patent and Trademark Office duly and lawfully issued the '469 patent under the title *Digital Television Translator with PSIP Update*. A true and correct copy of the '469 patent is attached hereto as **Exhibit D**.

7. BT has infringed the K Tech patents by making, selling, and offering to sell, in this judicial district, systems for modifying a major channel number, a minor channel number, and/or a carrier frequency to identify a television program covered by one or more of the claims in the K Tech patents in this judicial district and elsewhere in the United States. Specifically, BT's manufacture and sale, in this judicial district and elsewhere in the United States, of its DQMx-01, DQMx-02, DQMx-03, DQMx-04, DQMx-10, DQMx-11, DQMx-12, DQMx-13, DQMx-20, DQMx-21, DQMx-22, DQMx-30, DQMx-31, DQMx-40, and MUX-2D-QAM products ("the BT products") infringe one or more claims of the K Tech patents.

8. Drake has infringed the K Tech patents by making, selling, and offering to sell, in this judicial district, systems for modifying a major channel number, a minor channel number, and/or a carrier frequency to identify a television program covered by one or more of the claims in the K Tech patents in this judicial district and elsewhere in the United States. Specifically, Drake's manufacture and sale, in this judicial district and elsewhere in the United States, of its MQM6000L, MQM10000, DQT1000, and MEQ1000 products ("the Drake products") infringe one or more claims of the K Tech patents.

9. Drake LLC has infringed the K Tech patents by making, selling, and offering to sell, in this judicial district, systems for modifying a major channel number, a minor channel number, and/or a carrier frequency to identify a television program covered by one or more of the claims in the K Tech patents in this judicial district and elsewhere in the United States. Specifically, Drake's manufacture and sale, in this judicial district and elsewhere in the United States, of its MQM6000L,

MQM10000, DQT1000, and MEQ1000 products ("the Drake products") infringe one or more claims of the K Tech patents.

10. The United States Congress mandated that June 12, 2009 would be the last day for full-power television stations in the U.S. to broadcast with analog signals. Since June 12, 2009, full-power television stations, such as CBS, ABC, NBC and FOX television networks, can only transmit digital television signals. Digital television signals carry multiple television programs over each, individual signal. Full-power television stations, such as CBS, ABC, NBC and FOX television networks, identify the individual television programs carried over a single digital television signal transmitted over the air using a major channel number, a minor channel number, and/or a carrier frequency. Under FCC rules, all digital television signals in the U.S. must follow ATSC specifications. These specifications require that a digital television signal be transmitted over-the-air and follow Program System Information Protocol ("PSIP") specifications. The PSIP specifications redefine a television program contained in the signal to be identified in a table called the Virtual Channel Table ("VCT") with a major channel number, a minor channel number, and a carrier frequency. The K Tech patents identify systems and methods for modifying a major channel number, a minor channel number, and/or a carrier frequency to identify a television program. The BT products, the Drake products, and the Drake LLC products include the elements of the claims in the K Tech patents, and therefore infringe the K Tech patents. On information and belief, this infringement will continue unless enjoined by this court.

11. According to BT's website (http:// http://www.blondertongue.com/shop-by-department/digital-catv/multiplexers/), the BT products are capable of automatically re-mapping minor channel numbers, meaning that the unit modifies the minor channel number of the PSIP table, as claimed by the K Tech patents. The MUX-2D-QAM model is also capable of "PSIP

re-assignment," meaning that the PSIP table is updated, as claimed by the K Tech patents. A print-out of the BT products is attached hereto as **Exhibit E.**

12. According to Drake's website (http:// http://www.rldrake.com/catv-digital.php), the MQM6000L unit takes in a digital transport stream through ASI input, multiplexes the digital television signal contained in the digital transport stream, and generates a QAM modulated RF signal, as claimed by the K Tech patents. The MQM1000 and DQT1000 units take in ATSC digital television transport streams as inputs, and the inputs are processed and multiplexed. The resulting signal is modulated into QAM and converted to an RF output, and the unit supports ATSC PSIP and performs the "major channel number pass through or remarkable is selectable when multiplexing," as claimed by the K Tech patents. The MEQ1000 unit can accept any two modules of ASI digital transport stream signals or RF ATSC over-the-air digital television signal inputs, multiplexing the digital television signal contained in the digital transport stream, and generating a QAM modulated RF signal, as claimed by the K Tech patents. The MEQ1000 can also process PSIP information from such sources and re-write tables containing combined PSIP information, and can be set to generate MGT and VCT tables, as claimed by the K Tech patents. Descriptions of the Drake products from Drake's website are attached hereto as **Exhibit F.**

13. On information and belief, until at least February 2012, Drake LLC was making, selling, offering to sell the products listed in paragraph 12.

13. The BT, Drake, and Drake LLC products identified above perform the functions as identified below. As claimed in the '903 patent:

> Claim 24: A method of translating a digital television signal, comprising the steps of: receiving a first digital television signal and generating a digital transport stream from the first digital television signal, the digital transport stream including original PSIP data having RX channel data; updating the original PSIP data in the digital transport stream by replacing the RX channel data with TX channel data; and converting the digital transport stream having the updated PSIP data into a second digital

> television signal, wherein the RX channel data is associated with the first digital television signal and includes at least one of a major channel number, a minor channel number, and a carrier frequency, and the TX channel data is associated with the second digital television signal and includes at least one of an updated major channel number, an updated minor channel number, and an updated carrier frequency;

As claimed in the '533 patent:

> Claim 19: A system for translating, comprising a demultiplexor, the demultiplexor separating a first program information table from video data and audio data contained in a first digital transport stream, the first program information table containing one or more attributes for a virtual channel of a digital television signal carried in the first digital transport stream; a program information update unit, the program information update unit replacing the first program information table with a second program information table, the second program information table including one or more new attributes for the virtual channel of the digital television signal carried in the first digital transport stream; a multiplexor, the multiplexor combining the second program information table with the separated video and audio data to form a second digital transport stream.

As claimed in the '893 patent:

> Claim 1: A program information update module, comprising: a demultiplexor, the demultiplexor separating a first program information table from video data and audio data contained in a first digital transport stream, the first program information table containing one or more attributes for a virtual channel of a digital television signal carried in the first digital transport stream; a program information update unit, the program information update unit modifying the first program information table to form a second program information table, the second program information table including one or more new attributes for the virtual channel of the digital television signal carried in the first digital transport stream; and a multiplexor, the multiplexor combining the second program information table with the separated video and audio data to form a second digital

> transport stream, wherein the second digital transport stream contains the one or more updated attributes for the virtual channel.

As claimed in the '469 patent:

> Claim 5: A method of translating, comprising: receiving an ATSC digital television signal over cable; converting the ATSC digital television signal into a first digital transport stream, the first digital transport stream containing video and audio data of a program and a program information table, the program information table having a major channel number and a minor channel number; generating a new program information table containing a new channel number, the new channel number identifying the program represented by the major channel number and the minor channel number; and combining the video and audio data with the new program information table.

The units produced and sold by BT, Drake, and Drake LLC as identified above perform above procedures, as claimed in as claimed in the K Tech patents, to modify PSIP tables, as indicated on their product brochures and their web sites.

14. According to a February 2, 2012 press release, BT completed the acquisition of "substantially all of the assets" of Drake in February 2012. A copy of that press release is attached hereto as **Exhibit G**.

15. BT's, Drake's, and Drake LLC's infringement of the K Tech patents has damaged K Tech in an unknown amount. These damages continue to grow as BT's, Drake's, and Drake LLC's infringement continues. Under Section 284 of Title 35 of the United States Code, K Tech seeks damages adequate to compensate for this infringement in an amount no less than a reasonable royalty, together with interest and costs affixed by the Court.

16. BT's, Drake's, and Drake LLC's continuing infringement of the K Tech patents has caused and continues to cause irreparable harm to K Tech, including impairing the value of the K Tech patents in an amount yet to be

determined. Pursuant to Section 283 of Title 35 of the United States Code, K Tech seeks a preliminary and a permanent injunction against further infringement of the K Tech patents.

PRAYER FOR RELIEF

WHEREFORE, K Tech prays for the following relief from this court against Defendants BT, Drake, and Drake LLC:

1. An order, pursuant to 35 U.S.C. Sections 154(d) and 271, declaring that BT, Drake, and Drake LLC have infringed one or more claims of the K Tech patents;

2. A preliminary and a permanent injunction against BT, Drake, and Drake LLC, prohibiting BT, Drake, and Drake LLC from further infringement of the K Tech patents;

3. An award of the actual damages K Tech has suffered by reason of the infringement charged in this Complaint, in an amount not less than a reasonable royalty on BT, Drake, and Drake LLC's sales of the products charged with infringing the K Tech patents;

4. An award to Plaintiff K Tech of its costs of suit herein; and

5. Such other and further relief as the Court may deem just and proper.

Dated: August 27, 2012

Respectfully submitted,

WAGNER, ANDERSON & BRIGHT, PC

By: Patrick F. Bright

Patrick F. Bright

Attorneys for Plaintiff

K TECH TELECOMMUNICATIONS, INC.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, and Local Rule 38-1, Plaintiff K Tech does hereby demand trial by jury against all Defendants on each and every issue and claim as to which it is entitled to trial by jury under Rule 38(a) of the Federal Rules of Civil Procedure.

Dated: August 27, 2012

Respectfully submitted,

WAGNER, ANDERSON & BRIGHT, PC

By: _____
Patrick F. Bright

Attorneys for Plaintiff

K TECH TELECOMMUNICATIONS, INC.