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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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E-filing

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

BZ

FUNAI ELECTRIC COMPANY, LTD.,

Plaintiff,

vs.

DAEWOO ELECTRONICS CORPORATION, DAEWOO ELECTRONICS COMPANY, LTD., DAEWOO ELECTRONICS AMERICA INC., DAEWOO ELECTRONICS CORPORATION OF AMERICA, INC., DAEWOO INTERNATIONAL CORPORATION, DAEWOO INTERNATIONAL (AMERICA) CORPORATION, and DAEWOO ELECTRIC MOTOR INDUSTRIES LTD.,

Defendants.

C 04 1830

Civil Action No.

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL

Plaintiff, FUNAI ELECTRIC COMPANY, LTD. ("FUNAI"), alleges as follows:

THE PARTIES

1. Plaintiff FUNAI is a corporation existing under the laws of Japan, with a principal place of business located at 7-1, 7-chome, Nakagaito, Daito, Osaka 574-0013, Japan.

2. Defendant DAEWOO ELECTRONICS CORPORATION ("DECORP") is a corporation existing under the laws of South Korea with a principal place of business at 686 Ahyeon-dong Mapo-gu, Seoul, Korea.

3. On information and belief, defendant DAEWOO ELECTRONICS COMPANY, LTD. ("DECO") is a corporation existing under the laws of South Korea. On information and belief, DECO had a principal place of business at the address of DECORP until October 31, 2002.

4. DAEWOO ELECTRONICS AMERICA INC. ("DEAI") is a corporation existing under the laws of the state of Florida with a principal place of business at 120 Chubb Avenue, Lyndhurst, New Jersey 07071. DEAI went by the name of Daewoo Electronics Central America Inc. until it changed its name approximately November 15, 2002.

5. DAEWOO ELECTRONICS CORPORATION OF AMERICA ("DECA") is a corporation existing under the laws of the state of California with a principal place of business at the address of DEAI.

6. On information and belief, defendant DAEWOO INTERNATIONAL CORPORATION ("DIC") (formerly Daewoo Corporation) is a corporation existing under the laws of South Korea with a principal place of business at 541 Namdaemunno 5-ga, Chung-ku, Seoul, South Korea.

7. On information and belief, defendant DAEWOO INTERNATIONAL (AMERICA) CORPORATION ("DIAC") is corporation existing under the laws of the state of New York with a principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey, 07660-2105. As to DIAC, FUNAI seeks relief in this action only on claims not validly barred by any plan of reorganization or injunction in connection therewith.

8. On information and belief, defendant DAEWOO ELECTRIC MOTOR INDUSTRIES LTD. ("DEMI") is a corporation existing under the laws of South Korea with a

principal place of business in 988-1 Changduk Dong, Kwangsan-kuk, Kwanju 506-251, South Korea. On information and belief, DEMI is or was a subsidiary of DECO.

JURISDICTION AND VENUE

9. This is an action for patent infringement arising under 35 U.S.C. §§ 271 and 281.

10. This Court has subject matter jurisdiction over this matter based on 28 U.S.C. §§ 1331 and 1338(a).

11. On information and belief, Defendants, and each of them, imported or imports into the United States, solicited or solicits sales, and sold or sells video-cassette players or video-cassette recorders (collectively, "VCRs") and combination VCR products ("Combos") such as television-VCRs ("TVCRs") and digital video disk player-VCRs ("DVD-VCRs") (collectively, "VCR Products") in the United States, including within the Northern District of California, and Defendants have conspired with one another to make such sales, and/or Defendants conspired with one another in connection with such importation, solicitation and sale. Accordingly, Defendants have purposefully availed themselves of jurisdiction by committing and continuing to commit acts of patent infringement in this Judicial District, the State of California, and elsewhere in the United States.

12. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b), in that Defendants reside in this district.

INTRADISTRICT ASSIGNMENT

13. As this action involves claims for patent infringement, pursuant to Civil Local Rule 3-2(c), it is in a category of cases that the Clerk of the Court is to assign to a Courthouse on a district-wide basis.

FUNAI'S ASSERTED PATENTS-IN-SUIT

14. On September 29, 1998, United States Patent No. 5,815,218 (the "'218 Patent") disclosing and claiming an invention entitled "Circuit device including RF converter, tuner and IF amplifier," was duly and legally issued. A true and correct copy of the '218 Patent is attached hereto as **Exhibit A**.

15. FUNAI remains the owner by assignment of the entire right, title, and interest in the '218 Patent, including, *inter alia*, the right to sue for past and present infringement of the '218 Patent.

16. On November 16, 1999, United States Patent No. 5,987,209 (the "'209 Patent") disclosing and claiming an invention entitled "Video signal receiver in which a reference signal is shared by a PLL circuit which sets the output frequency of a local RF-IF oscillator and by the chrominance signal generator," was duly and legally issued. A true and correct copy of the '209 Patent is attached hereto as **Exhibit B**.

17. FUNAI remains the owner by assignment of the entire right, title, and interest in the '209 Patent, including, *inter alia*, the right to sue for past and present infringement of the '209 Patent.

18. On May 16, 2000, United States Patent No. 6,064,538 (the "'538 Patent") disclosing and claiming an invention entitled "Biasing/erasing oscillation circuit for magnetic tape recording apparatus," was duly and legally issued. A true and correct copy of the '538 Patent is attached hereto as **Exhibit C**.

19. FUNAI remains the owner by assignment of the entire right, title, and interest in the '538 Patent, including, *inter alia*, the right to sue for past and present infringement of the '538 Patent.

20. On February 1, 2000, United States Patent No. 6,021,018 (the "'018 Patent") disclosing and claiming an invention entitled "Loading mechanism for a video cassette," was duly and legally issued. A true and correct copy of the '018 Patent is attached hereto as **Exhibit D**.

21. FUNAI remains the owner by assignment of the entire right, title, and interest in the '018 Patent, including, *inter alia*, the right to sue for past and present infringement of the '018 Patent.

22. On July 16, 2002, United States Patent No. 6,421,210 (the "'210 Patent") disclosing and claiming an invention entitled "Mechanism for preventing propagation of driving motor noise and vibration on a tape deck, and tape deck having the same," was duly and legally issued. A true and correct copy of the '210 Patent is attached hereto as **Exhibit E**.

23. FUNAI remains the owner by assignment of the entire right, title, and interest in the '210 Patent, including, *inter alia*, the right to sue for past and present infringement of the '210 Patent.

24. On July 16, 2002, United States Patent No. RE37,332 (the "'332 Patent") disclosing and claiming an invention entitled "Image display device having TV and video devices," was duly and legally issued. A true and correct copy of the '332 Patent is attached hereto as **Exhibit F**.

25. FUNAI remains the owner by assignment of the entire right, title, and interest in the '332 Patent, including, *inter alia*, the right to sue for past and present infringement of the '332 Patent.

First Claim For Relief

INFRINGEMENT OF U.S. PATENT NO. 5,815,218

26. FUNAI incorporates by this reference paragraphs 1 through 25 above, as though fully set forth herein.

27. On information and belief, Defendants have directly infringed, contributorily infringed, and/or actively induced infringement of the '218 Patent by making, using, importing, offering for sale, and/or selling in the United States VCR Products covered by one or more claims of the '218 Patent.

28. On information and belief, Defendants' infringement of the '218 Patent has been and continues to be deliberate and willful, and such infringement will continue unless Defendants are enjoined by this Court.

29. As a consequence of Defendants' infringement complained of herein, FUNAI has been damaged and will continue to sustain damages by such acts in an amount to be determined at trial and will continue to suffer irreparable loss and injury.

Second Claim For Relief

INFRINGEMENT OF U.S. PATENT NO. 5,987,209

30. FUNAI incorporates by this reference paragraphs 1 through 25 above, as though fully set forth herein.

31. On information and belief, Defendants have directly infringed, contributorily infringed, and/or actively induced infringement of the '209 Patent by making, using, importing, offering for sale, and/or selling in the United States VCR Products covered by one or more claims of the '209 Patent.

32. On information and belief, Defendants' infringement of the '209 Patent has been and continues to be deliberate and willful, and such infringement will continue unless Defendants are enjoined by this Court.

33. As a consequence of Defendants' infringement complained of herein, FUNAI has been damaged and will continue to sustain damages by such acts in an amount to be determined at trial and will continue to suffer irreparable loss and injury.

Third Claim For Relief

INFRINGEMENT OF U.S. PATENT NO. 6,064,538

34. FUNAI incorporates by this reference paragraphs 1 through 25 above, as though fully set forth herein.

35. On information and belief, Defendants have directly infringed, contributorily infringed, and/or actively induced infringement of the '538 Patent by making, using, importing, offering for sale, and/or selling in the United States VCR Products covered by one or more claims of the '538 Patent.

36. On information and belief, Defendants' infringement of the '538 Patent has been and continues to be deliberate and willful, and such infringement will continue unless Defendants are enjoined by this Court.

37. As a consequence of Defendants' infringement complained of herein, FUNAI has been damaged and will continue to sustain damages by such acts in an amount to be determined at trial and will continue to suffer irreparable loss and injury.

Fourth Claim For Relief

INFRINGEMENT OF U.S. PATENT NO. 6,021,018

38. FUNAI incorporates by this reference paragraphs 1 through 25 above, as though fully set forth herein.

39. On information and belief, Defendants have directly infringed, contributorily infringed, and/or actively induced infringement of the '018 Patent by making, using, importing, offering for sale, and/or selling in the United States VCR Products covered by one or more claims of the '018 Patent.

40. On information and belief, Defendants' infringement of the '018 Patent has been and continues to be deliberate and willful, and such infringement will continue unless Defendants are enjoined by this Court.

41. As a consequence of Defendants' infringement complained of herein, FUNAI has been damaged and will continue to sustain damages by such acts in an amount to be determined at trial and will continue to suffer irreparable loss and injury.

Fifth Claim For Relief

INFRINGEMENT OF U.S. PATENT NO. 6,421,210

42. FUNAI incorporates by this reference paragraphs 1 through 25 above, as though fully set forth herein.

43. On information and belief, Defendants have directly infringed, contributorily infringed, and/or actively induced infringement of the '210 Patent by making, using, importing, offering for sale, and/or selling in the United States VCR Products covered by one or more claims of the '210 Patent.

44. On information and belief, Defendants' infringement of the '210 Patent has been and continues to be deliberate and willful, and such infringement will continue unless Defendants are enjoined by this Court.

45. As a consequence of Defendants' infringement complained of herein, FUNAI has been damaged and will continue to sustain damages by such acts in an amount to be determined at trial and will continue to suffer irreparable loss and injury.

Sixth Claim For Relief

INFRINGEMENT OF U.S. PATENT NO. RE37,332

46. FUNAI incorporates by this reference paragraphs 1 through 25 above, as though fully set forth herein.

47. On information and belief, Defendants have directly infringed, contributorily infringed, and/or actively induced infringement of the '332 Patent by making, using, importing, offering for sale, and/or selling in the United States VCR Products covered by one or more claims of the '332 Patent.

48. On information and belief, Defendants' infringement of the '332 Patent has been and continues to be deliberate and willful, and such infringement will continue unless Defendants are enjoined by this Court.

49. As a consequence of Defendants' infringement complained of herein, FUNAI has been damaged and will continue to sustain damages by such acts in an amount to be determined at trial and will continue to suffer irreparable loss and injury.

PRAYER FOR JUDGMENT AND RELIEF

WHEREFORE, FUNAI requests judgment as follows:

(1) Pursuant to 35 U.S.C. § 271, a determination that Defendants and those in privity with Defendants have directly infringed, contributorily infringed, and/or actively induced infringement of claims of the '218 Patent, the '209 Patent, the '538 Patent, the '018 Patent, the '210 Patent and the '332 Patent by making, using, importing, offering for sale, and/or selling in the United States infringing VCR Products;

(2) Pursuant to 35 U.S.C. § 283, an order that Defendants and those in privity with Defendants be enjoined from infringing the '218 Patent, the '209 Patent, the '538 Patent, the '018 Patent, the '210 Patent and the '332 Patent through the manufacture, use, import, offer for sale, and/or sale of infringing VCR Products;

(3) Pursuant to 35 U.S.C. § 284, an award of damages adequate to compensate FUNAI for infringement of the '218 Patent, the '209 Patent, the '538 Patent, the '018 Patent, the '210 Patent and the '332 Patent, but in no event less than a reasonable royalty, together with prejudgment interest, costs and disbursements as fixed by the Court;

(4) Pursuant to 35 U.S.C. § 287, an award of damages adequate to compensate FUNAI for infringement of the '218 Patent, the '209 Patent, the '538 Patent, the '018 Patent, the '210 Patent and the '332 Patent;

(5) Pursuant to 35 U.S.C. § 284, an award increasing damages up to three times the amount found or assessed for infringement of the '218 Patent, the '209 Patent, the '538 Patent, the '018 Patent, the '210 Patent and the '332 Patent by Defendants due to the willful and deliberate nature of the infringement;

(6) Pursuant to 35 U.S.C. § 285, a determination that this is an exceptional case and an assessment of reasonable attorneys' fees; and

(7) Such other and further relief as the Court deems equitable and just.

Dated: May 7, 2004.

PILLSBURY WINTHROP LLP

By _____

Attorneys for Plaintiff,
FUNAI ELECTRIC COMPANY, LTD.

JURY DEMAND

Plaintiff FUNAI demands a jury trial for all claims as provided for in Rule 38 of the Federal Rules of Civil Procedure.

Dated: May 7, 2004.

PILLSBURY WINTHROP LLP

By _____

Attorneys for Plaintiff,
FUNAI ELECTRIC COMPANY, LTD.