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NORTHERN DISTRICT OF CALIFORNIA
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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

Innovus Prime LLC Plaintiff v. **(1) Mitsubishi Electric Corporation** **(2) Mitsubishi Electric Visual Solutions America** **(3) Mitsubishi Digital Electronics America, Inc** Defendants	Civil Action No. CV12 0751 **COMPLAINT FOR PATENT INFRINGEMENT** **DEMAND FOR JURY TRIAL**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Innovus Prime LLC ("Plaintiff Innovus Prime"), hereby alleges for its Complaint against Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, and Mitsubishi Digital Electronics America, Inc, on personal knowledge as to their own actions and on information and belief as to the actions of others, as follows:

NATURE OF THE CASE

This is an action arising under the Patent Laws and Statutes of the United States in which Plaintiff seeks to recover for patent infringement, and for any and all damages and costs flowing there from.

THE PARTIES

1. Plaintiff Innovus Prime is a Nevada limited liability company with a principal place of business at 900 Lafayette Street, Suite 708, Santa Clara, CA 95050.

2. On information and belief, Defendant Mitsubishi Electric Corporation is a corporation organized and existing under the laws of Japan with its principal place of business located at Tokyo Building, 2-7-3 Marunouchi Chiyoda-ku, Tokyo 100-8310 Japan. On information and belief, Defendant Mitsubishi Electric Corporation is a nonresident of California who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Defendant Mitsubishi Electric Corporation resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). This proceeding arises, in part, out of business done in this state. Defendant Mitsubishi Electric Corporation may be served with process in Japan pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, Article 1, November 15, 1965 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S. Treaty 1969). Defendant Mitsubishi Electric Corporation regularly conducts and transacts business in California, throughout the United States, and within the Northern District of California, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

3. On information and belief, Defendant Mitsubishi Electric Visual Solutions America Inc is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 9351 Jeronimo Rd., Irvine, CA 92618. On information and belief, this Defendant is a wholly owned subsidiary of Defendant Mitsubishi Electric Corporation. Defendant Mitsubishi Electric Visual Solutions America Inc has appointed the Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle, DE, 19801, as its agent for service of process. Defendant Mitsubishi Electric Visual Solutions America Inc regularly conducts and transacts business in California, throughout the United States, and within the Northern District of California, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

4. On information and belief, Defendant Mitsubishi Digital Electronics America, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 9351 Jeronimo Rd., Irvine, CA 92618. On information and belief, this Defendant is a wholly owned subsidiary of Defendant Mitsubishi Electric Corporation. Defendant Mitsubishi Digital Electronics America, Inc. Defendant Mitsubishi Digital Electronics America, Inc. has appointed the Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle, DE, 19801, as its agent for service of process. Defendant Mitsubishi Digital Electronics America, Inc. regularly conducts and transacts business in California, throughout the United States, and within the Northern District of California, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units. Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America Inc., Mitsubishi Digital Electronics America, Inc. will be referred to herein individually and collectively as "Mitsubishi Defendants."

JURISDICTION AND VENUE

5. This is an action under the Patent Laws of the United States, Title 35 of the United States Codes, namely, 35 U.S.C. §§ 1 et seq. including 35 U.S.C. §§ 271 and 281, *et seq*, because Mitsubishi Defendants committed acts of patent infringement within the United States and this judicial district. Accordingly, this Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and/or 1400 (b) because Mitsubishi Defendants are subject to personal jurisdiction in this District and/or have committed acts within this District giving rise to this action. At a bare minimum, each of the Mitsubishi Defendants has delivered infringing products into the stream of commerce with the expectation that they will be purchased and used by consumers in California, including consumers in the Northern District of California.

7. Plaintiff Innovus Prime has a place of business in this District.

PLAINTIFF'S PATENT

8. On January 18, 1994, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 5,280,350 ("the '350 Patent"), entitled "Method and Apparatus for Processing a Picture Signal to Increase the Number of Displayed Television Lines Using Motion Vector Compensated Values." A copy of the '350 Patent is attached to this Complaint as Appendix A.

9. By reason of an assignment, Plaintiff Innovus Prime owns all rights, title and interest in the '350 Patent. The '350 Patent concerns *inter alia* embodiments for a method for processing a picture signal to obtain a picture signal having improved properties.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 5,280,350

10. Plaintiff Innovus Prime repeats and incorporates by reference each of the allegations contained in Paragraphs 1 through 9 above, and further alleges as follows:

11. On information and belief, without a license or permission from Plaintiff Innovus Prime, Mitsubishi Defendants infringed one or more claims of the '350 Patent in the State of California, in this judicial district, and elsewhere in the United States by having imported, made, used, sold or offered for sale claimed embodiments of the invention(s) that embody and/or practiced the invention(s) for processing a picture signal to obtain a picture signal having improved properties. On information and belief, Mitsubishi Defendants' infringement of one or more claims of the '350 Patent occurred individually, or while acting in concert and/or through the same or series of transactions. Mitsubishi Defendants are thus liable for infringement of the '350 Patent pursuant to 35 U.S.C. § 271 literally and/or under the doctrine of equivalents. Without limitation, several examples of Mitsubishi Defendants' infringing products include the products listed on Exhibit I which is attached hereto. The infringing products further include projectors including model HC9000D. Mitsubishi Defendants' infringement of the '350 Patent has caused substantial damage to Plaintiff Innovus Prime.

12. To the extent that facts learned in discovery show that Mitsubishi Defendants' infringement of the '350 Patent had been willful, Plaintiff Innovus Prime reserves the right to request such a finding at time of trial.

13. As a result of these Mitsubishi Defendants' infringement of the '350 Patent, Plaintiff Innovus Prime has suffered monetary damages in an amount not yet determined.

DEMAND FOR JURY TRIAL

Pursuant to Fed.R.Civ.P. 38, Plaintiff Innovus Prime requests a trial by jury on all issues allowable by law.

CERTIFICATION OF INTERESTED PARTIES OR PERSONS

Pursuant to Civil L.R. 3-16, the undersigned certifies that the following listed person, association of persons, firms, partnerships, corporations (including parent corporations) or other entities (i) have a financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have a non-financial interest in that subject matter or in a party that could be substantially affected by the outcome of the proceeding:

Innovus Prime LLC

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Innovus Prime prays for the following relief:

A. For decree and judgment against Mitsubishi Defendants and all in privity with Mitsubishi Defendants that the '350 Patent is valid and enforceable;

B. For decree and judgment against Mitsubishi Defendants and all in privity with Mitsubishi Defendants that the '350 Patent had been infringed by Mitsubishi Defendants and that Mitsubishi Defendants are liable as patent infringers;

C. For decree and judgment against Mitsubishi Defendants and all in privity with Mitsubishi Defendants requiring Mitsubishi Defendants to pay Plaintiff Innovus Prime its damages, costs, expenses, and prejudgment and post-judgment interest for Mitsubishi Defendants' infringement of the '350 Patent under 35 U.S.C. § 271 and 28 U.S.C. § 1961;

D. For such other and further relief which should appear just and equitable to this Court.

Dated: February 8, 2012.

Respectfully submitted,

By: _____

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