

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MULTI-FORMAT, INC.,)	
)	
Plaintiff,)	CIVIL ACTION NO. _____
)	
v.)	
)	
MOTOROLA MOBILITY, INC.;)	JURY TRIAL DEMANDED
TIVO, INC.; HEWLETT-PACKARD)	
COMPANY; and DELL, INC.,)	
)	
Defendants.)	
_____)	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

In this action for patent infringement, Plaintiff Multi-Format, Inc. ("Multi-Format") complains of Motorola Mobility, Inc. ("Motorola"), TiVo, Inc. ("TiVo"), Hewlett-Packard Company ("HP"), and Dell, Inc. ("Dell") (collectively, "Defendants") as follows:

JURISDICTION AND VENUE

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code § 1 *et seq.* This Court has exclusive original jurisdiction over the subject matter of this Complaint under 28 U.S.C. §§ 1331 and 1338(a).

2. Venue is proper under 28 U.S.C. §§ 1391 and 1400(b) because Defendants are subject to personal jurisdiction, do business in this judicial district, and have committed acts of infringement in this judicial district.

PARTIES

3. Multi-Format, Inc. is a New Jersey corporation with its principal place of business at 100 Industrial Avenue, Little Ferry, NJ 07643.

4. Motorola Mobility, Inc. ("Motorola") is a Delaware corporation with a principal place of business at 600 N. U.S. Highway 45 Libertyville, Illinois 60048. Motorola is authorized to do business in the State of Illinois and has appointed CT Corporation System at 208 S. LaSalle Street, Suite 814, Chicago, Illinois 60604 as its registered agent.

5. TiVo, Inc. ("TiVo") is a Delaware corporation with a principal place of business at 2160 Gold Street, Alviso, California 95002. TiVo is authorized to do business in the State of Illinois and has appointed Illinois Corporation Service at 801 Adlai Stevenson Drive, Springfield, Illinois 62703 as its registered agent. TiVo designs, develops, offers for sale, and sells nationwide, including substantial business in this judicial district, products that are covered by independent method claim 20 of U.S. Patent No. RE 38,079 E, including digital video recorders such as TiVo Premiere and TiVo Premiere XL.

6. Hewlett-Packard Company ("HP") is a Delaware corporation having a principal place of business at 3000 Hanover Street, Palo Alto, California 94304. HP designs, develops, offers for sale, and sells nationwide, including substantial business in this judicial district, products that are covered by independent method claim 20 of U.S. Patent No. RE 38,079 E, including smartphones and tablets such as the TouchPad Wi-Fi 32GB, the TouchPad Wi-Fi 16GB, the , the Veer, the Pre 2, and the Pre 2 GSM.

7. Dell, Inc. ("Dell") is a Delaware corporation having a principal place of business at One Dell Way, Round Rock, Texas 78682. Dell designs, develops, offers for sale, and sells nationwide, including substantial business in this judicial district, products that are covered by independent method claim 20 of U.S. Patent No. RE 38,079 E, including smartphones and tablets such as the Streak 5, the Streak 7, the Venue Android, and the Venue Pro.

INFRINGEMENT OF U.S. PATENT NO. RE 38,079 E

8. Multi-Format owns all right, title, and interest in and has standing to sue for damages for any past, present and future infringement of U.S. Patent No. RE 38,079 E entitled “Multi-Format Audio/Video Production System” (“the ‘079 Patent”). The ‘079 Patent reissued on April 15, 2003. A true and correct copy of the ‘079 Patent is attached as Exhibit A.

9. Upon information and belief, Motorola has made, used, offered for sale, and/or imported products which process video programs in accordance with the inventive aspects of the ‘079 Patent, including, but not limited to smartphones such as the Droid X, the Droid 3, the Droid X2, the XPRT, the Titanium, the Atrix 4gG, the CLIQ 2, the Droid 2 Global, the Droid Pro, the BRAVO, the DEFY, the Milestone X, tablets such as the XOOM, and digital video recorders such as the Motorola DCH6416 (“the Motorola Devices”). These acts by Motorola have directly infringed at least independent method claim 20 of the ‘079 Patent within the meaning of 35 U.S.C. §271(a).

10. Upon information and belief, Motorola has also committed, and unless ceased upon filing of this Complaint, will continue to commit acts that constitute, with its knowledge of the ‘079 Patent, knowing and intentional inducement of infringement of at least independent method claim 20 of the ‘079 Patent by others within the meaning of 35 U.S.C. §271(b) through, among other things, its acts of providing video processing capabilities in accordance with the inventive aspects of the ‘079 Patent through at least the Motorola Devices, and demonstrating and instructing users of the Motorola Devices how to utilize the video processing capabilities through, for example, user guides or manuals. Motorola has committed and will continue to commit, these acts with knowledge of the ‘079 Patent and with knowledge of infringement of these patents through the use of the Motorola Devices by Motorola and other users. Motorola

has had this knowledge since, at the latest, July 28, 2011, when Multi-Format filed this Complaint. Users of the Motorola Devices, in turn, who have used such products directly infringe at least independent method claim 20 of the '079 Patent within the meaning of 35 U.S.C. §271(a) through the use and operation of the Motorola Devices.

11. Motorola's direct infringement of and/or inducement to infringe the '079 Patent has injured Multi-Format, and Multi-Format is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

12. Upon information and belief, TiVo has made, used, offered for sale, and/or imported products which process video programs in accordance with the inventive aspects of the '079 Patent, including, but not limited to digital video recorders such as TiVo Premiere and TiVo Premiere XL ("the TiVo Devices"). These acts by TiVo have directly infringed at least independent method claim 20 of the '079 Patent within the meaning of 35 U.S.C. §271(a).

13. Upon information and belief, TiVo has also committed, and unless ceased upon filing of this Complaint, will continue to commit acts that constitute, with its knowledge of the '079 Patent, knowing and intentional inducement of infringement of at least independent method claim 20 of the '079 Patent by others within the meaning of 35 U.S.C. §271(b) through, among other things, its acts of providing video processing capabilities in accordance with the inventive aspects of the '079 Patent through at least the TiVo Devices, and demonstrating and instructing users of the TiVo Devices how to utilize the video processing capabilities through, for example, user guides or manuals. TiVo has committed and will continue to commit, these acts with knowledge of the '079 Patent and with knowledge of infringement of these patents through the use of the TiVo Devices by TiVo and other users. TiVo has had this knowledge since, at the latest, July 28, 2011, when Multi-Format filed this Complaint. Users of the TiVo Devices, in

turn, who have used such products directly infringe at least independent method claim 20 of the '079 Patent within the meaning of 35 U.S.C. §271(a) through the use and operation of the TiVo Devices.

14. TiVo's direct infringement of and/or inducement to infringe the '079 Patent has injured Multi-Format, and Multi-Format is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

15. Upon information and belief, HP has made, used, offered for sale, and/or imported products which process video programs in accordance with the inventive aspects of the '079 Patent, including, but not limited to smartphones and tablets such as the TouchPad Wi-Fi 32GB, the TouchPad Wi-Fi 16GB, the Veer, the Pre 2, and the Pre 2 GSM ("the HP Devices"). These acts by HP have directly infringed at least independent method claim 20 of the '079 Patent within the meaning of 35 U.S.C. §271(a).

16. Upon information and belief, HP has also committed, and unless ceased upon filing of this Complaint, will continue to commit acts that constitute, with its knowledge of the '079 Patent, knowing and intentional inducement of infringement of at least independent method claim 20 of the '079 Patent by others within the meaning of 35 U.S.C. §271(b) through, among other things, its acts of providing video processing capabilities in accordance with the inventive aspects of the '079 Patent through at least the HP Devices, and demonstrating and instructing users of the HP Devices how to utilize the video processing capabilities through, for example, user guides or manuals. HP has committed and will continue to commit, these acts with knowledge of the '079 Patent and with knowledge of infringement of these patents through the use of the HP Devices by HP and other users. HP has had this knowledge since, at the latest, July 28, 2011, when Multi-Format filed this Complaint. Users of the HP Devices, in turn, who

have used such products directly infringe at least independent method claim 20 of the '079 Patent within the meaning of 35 U.S.C. §271(a) through the use and operation of the HP Devices.

17. HP's direct infringement of and/or inducement to infringe the '079 Patent has injured Multi-Format, and Multi-Format is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

18. Upon information and belief, Dell has made, used, offered for sale, and/or imported products which process video programs in accordance with the inventive aspects of the '079 Patent, including, but not limited to smartphones and tablets such as the Streak 5, the Streak 7, the Venue Android, and the Venue Pro ("the Dell Devices"). These acts by Dell have directly infringed at least independent method claim 20 of the '079 Patent within the meaning of 35 U.S.C. §271(a).

19. Upon information and belief, Dell has also committed, and unless ceased upon filing of this Complaint, will continue to commit acts that constitute, with its knowledge of the '079 Patent, knowing and intentional inducement of infringement of at least independent method claim 20 of the '079 Patent by others within the meaning of 35 U.S.C. §271(b) through, among other things, its acts of providing video processing capabilities in accordance with the inventive aspects of the '079 Patent through at least the Dell Devices, and demonstrating and instructing users of the Dell Devices how to utilize the video processing capabilities through, for example, user guides or manuals. Dell has committed and will continue to commit, these acts with knowledge of the '079 Patent and with knowledge of infringement of these patents through the use of the Dell Devices by Dell and other users. Dell has had this knowledge since, at the latest, July 28, 2011, when Multi-Format filed this Complaint. Users of the Dell Devices, in turn, who

have used such products directly infringe at least independent method claim 20 of the '079 Patent within the meaning of 35 U.S.C. §271(a) through the use and operation of the Dell Devices.

20. Dell's direct infringement of and/or inducement to infringe the '079 Patent has injured Multi-Format, and Multi-Format is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

RELIEF SOUGHT

WHEREFORE, Multi-Format respectfully requests this Court enter judgment against each Defendant, and against their subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, as follows:

- A. The entry of final judgment in favor of Multi-Format.
- B. An award to Multi-Format of such damages as it shall prove at trial against Defendants Motorola, TiVo, HP and Dell that is adequate to compensate for their infringement of the '079 Patent, said damages to be no less than a reasonable royalty, together with prejudgment interest from the date infringement of the '079 Patent began;
- C. A determination that this case is exceptional pursuant to 35 U.S.C. § 285 and an award to Multi-Format of the costs of this action and its reasonable attorneys' fees; and
- D. Such other relief as Multi-Format is entitled to recover under any applicable law and as this Court and/or a jury may determine to be proper and just.

JURY DEMAND

Multi-Format hereby demands a trial by jury on all issues triable to a jury in this case.

Dated: July 28, 2011

Respectfully submitted,

/s/ Paul K. Vickrey

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