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ATTORNEYS FOR PLAINTIFF TRANS VIDEO ELECTRONICS, LTD.
 [Additional Counsel for Plaintiff appears on Signature Page]

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLUMBIA**

TRANS VIDEO ELECTRONICS, LTD.,
 4115 Wisconsin Ave., NW, Suite 208
 Washington, DC 20016
 an Indiana Corporation, and

Plaintiff,

v.

APPLE, INC.
 a California Corporation.

Defendant.

Case No. _____

COMPLAINT FOR PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

**PLAINTIFF TRANS VIDEO ELECTRONICS, LTD.'s
 COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Trans Video Electronics, Ltd. ("Trans Video"), by and for their Complaint against defendant Apple, Inc. ("Apple") allege as follows:

NATURE OF THE CASE

1. This is an action for patent infringement arising under the patent laws of the United States. Trans Video holds the rights in U.S. Patent No. 5,991,801 ("the '801 patent") and U.S. Patent No. 5,594,936 ("the '936 patent"). The United States patent laws grant the holder of a patent

1 the right to exclude infringers from making, using, selling or importing the invention claimed in a
2 patent, and to recover damages for the infringer's violations of these rights, and to recover treble
3 damages where the infringer willingly infringed the patent. Trans Video is suing Apple for
4 infringing its patents, and doing so willfully. Trans Video seeks to recover damages from Apple,
5 including treble damages for willful infringement, as well as injunctive relief to end Apple's further
6 infringement.
7

8 **THE PARTIES**

9 2. Plaintiff Trans Video is a corporation incorporated under the laws of the State of
10 Indiana and has its principal place of business at 4115 Wisconsin Ave., NW, Suite 208, Washington,
11 DC 20016.

12 3. Upon information and belief, Defendant Apple, Inc. is a corporation organized under
13 the laws of the State of California with its principal place of business at 1 Infinite Loop, Cupertino,
14 California 95014. Apple does business in the District of Columbia.
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16 4. The entity referred to above in paragraph 3 is hereinafter referred to as "Apple"
17 and/or "Defendant."
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19 **JURISDICTION AND VENUE**

20 5. This is an action for patent infringement arising under the patent laws of the United
21 States of America, more specifically under 35 U.S.C. § 100, *et seq.* Subject matter jurisdiction is
22 proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

23 6. Personal jurisdiction and venue are proper in this judicial district pursuant to
24 28 U.S.C. §§ 1391 and 1400 because, upon information and belief, Defendant, directly or through
25 intermediaries, transacts business in this judicial district, including making, using, operating,
26 distributing, offering for sale or license, selling or licensing, and marketing, supporting and
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1 advertising of its products and services in the United States and the District of Columbia. Defendant
2 has sufficient contacts with this judicial district to subject itself to the jurisdiction of this Court.

3 **COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 5,991,801**

4 7. Trans Video incorporates by reference the allegations set forth in the preceding
5 paragraphs.
6

7 8. On November 23, 1999, the '801 patent was duly and legally issued. A Re-
8 examination certificate issued on April 5, 2011. A true and correct copy of the '801 patent is
9 attached hereto as Exhibit A. A true and correct copy of the re-examination certificate is attached as
10 Exhibit B. Trans Video is the assignee and the owner of all right, title and interest in and to the
11 '801 patent. The '801 patent is entitled to a presumption of validity.

12 9. On information and belief, Apple has been, and currently is directly, literally and/or
13 upon information and belief, jointly, equivalently, and/or indirectly infringing (by way of inducing
14 infringement by others, and/or contributing to the infringement by others) the '801 patent in the
15 District of Columbia, in this judicial district, and elsewhere in the United States by, among other
16 things, making, using, operating, distributing, offering for sale or license, selling or licensing, and
17 marketing, supporting and advertising certain of its products and services, including the iTunes
18 Store, the Apple TV, the iPad, the iPhone and the iPod Touch for video distribution, including
19 downloading, streaming and/or storing, that embody and/or practice the inventions claimed in the
20 '801 patent. Apple is thus liable to Trans Video for infringement of the '801 patent pursuant to 35
21 U.S.C. § 271.
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24 10. Apple actively and knowingly has infringed and is infringing the '801 patent with
25 knowledge of Trans Video's patent rights and without reasonable basis for believing that Apple's
26 conduct is lawful. Apple has also induced and contributed to the infringement of the '801 patent by
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1 purchasers, licensees, and users of the iTunes Store, the Apple TV, the iPad, the iPhone and the iPod
2 Touch products and services.

3 11. On information and belief, Apple's infringement of the '801 patent has been and is
4 willful and will continue unless enjoined by this Court. Apple has been, or should have been, on
5 notice of the '801 patent and its infringement, and has not ceased its infringing activities.
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7 12. Trans Video has suffered irreparable harm by Apple's acts of infringement of the
8 '801 patent, and will continue to suffer harm unless and until Apple's acts of infringement are
9 enjoined and restrained by order of this Court.

10 13. As a result of Apple's acts of infringement, Trans Video has suffered and will
11 continue to suffer damages in an amount to be proven at trial.
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13 **COUNT 2: INFRINGEMENT OF U.S. PATENT NO. 5,594,936**

14 14. Trans Video incorporates by reference the allegations set forth in the preceding
15 paragraphs.

16 15. On January 14, 1997, the '936 patent was duly and legally issued. A true and correct
17 copy of the '936 patent is attached hereto as Exhibit C. Trans Video is the assignee and the owner of
18 all right, title and interest in and to the '936 patent. The '936 patent is entitled to a presumption of
19 validity.
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21 16. On information and belief, Apple has been, and currently is directly, literally and/or
22 upon information and belief, jointly, equivalently, and/or indirectly infringing (by way of inducing
23 infringement by others, and/or contributing to the infringement by others) the '936 patent in the
24 District of Columbia, in this judicial district, and elsewhere in the United States by, among other
25 things, making, using, operating, distributing, offering for sale or license, selling or licensing, and
26 marketing, supporting and advertising certain of its products and services, including the iTunes
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1 Store, the Apple TV, the iPad, the iPhone and the iPod Touch for video distribution, including
2 downloading, streaming and/or storing, that embody and/or practice the inventions claimed in the
3 '936 patent. Apple is thus liable to Trans Video for infringement of the '936 patent pursuant to 35
4 U.S.C. § 271.

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6 17. Apple actively and knowingly has infringed and is infringing the '936 patent with
7 knowledge of Trans Video's patent rights and without reasonable basis for believing that Apple's
8 conduct is lawful. Apple has also induced and contributed to the infringement of the '936 patent by
9 purchasers, licensees, and users of the iTunes Store, the Apple TV, the iPad, the iPhone and the iPod
10 Touch products and services.

11 18. On information and belief, Apple's infringement of the '936 patent has been and is
12 willful and will continue unless enjoined by this Court. Apple has been, or should have been, on
13 notice of the '936 patent and its infringement, and has not ceased its infringing activities.

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15 19. Trans Video has suffered irreparable harm by Apple's acts of infringement of the
16 '936 patent, and will continue to suffer harm unless and until Apple's acts of infringement are
17 enjoined and restrained by order of this Court.

18 20. As a result of Apple's acts of infringement, Trans Video has suffered and will
19 continue to suffer damages in an amount to be proven at trial.

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21 **PRAYER FOR RELIEF**

22 WHEREFORE, Trans Video requests this Court enter judgment as follows:

23 A. That Apple has infringed, directly and/or through acts of contributory
24 infringement, and/or to have induced infringement under 35 U.S.C. § 271 of the '801 patent and the
25 '936 patent;

26 B. That such infringement has been willful;
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1 C. That Apple accounts for and pays to Trans Video all damages pursuant to
2 35 U.S.C. § 284 to adequately compensate Trans Video for Apple's direct, contributory and/or
3 inducement of infringement of the '801 patent and the '936 patent;

4 D. That Trans Video receives enhanced damages, in the form of treble damages,
5 pursuant to 35 U.S.C. § 284;

6 E. That this is an exceptional case under 35 U.S.C. § 285;

7 F. That Apple pays Trans Video all of Trans Video's reasonable attorneys' fees
8 and expenses, including for all appeals, pursuant to 35 U.S.C. § 285;

9 G. That Trans Video be granted pre-judgment and post-judgment interest in
10 accordance with 35 U.S.C. § 284 on the damages caused to it by reason of Apple's infringement of
11 the '801 patent and the '936 patent, including pre-judgment and post-judgment interest on any
12 enhanced damages or attorneys' fees award;

13 H. That costs be awarded in accordance with 35 U.S.C. § 284 to Trans Video;

14 I. That Apple, its officers, agents, employees, representatives, successors and
15 assigns, and those acting in privity or in concert with any of them, be preliminarily and permanently
16 enjoined under 35 U.S.C. § 283 from infringing in any manner the '801 patent and the '936 patent;
17 and
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19 J. That Trans Video be granted such other and further relief as the Court may
20 deem just and proper under the circumstances.
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2 **DEMAND FOR JURY TRIAL**

3 Trans Video hereby demands a trial by jury on all issues so triable in this action.

4 Dated: March 15, 2012

LOCKE LORD LLP

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7 By: 

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