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 15 SANDISK CORPORATION

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

18 SANDISK CORPORATION
 19 Plaintiff,
 20 v.
 21 MOBILE MEDIA IDEAS LLC,
 22 Defendant.

23 **CV 11-00597 JCS**
 24 Case No.

25 **COMPLAINT FOR DECLARATORY
 26 JUDGMENT OF PATENT NON-
 27 INFRINGEMENT, PATENT
 28 INVALIDITY, AND/OR PATENT
 UNENFORCEABILITY**

DEMAND FOR JURY TRIAL

Plaintiff SanDisk Corporation ("SanDisk") hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for a declaratory judgment of non-infringement, invalidity, and unenforceability of United States Patent Nos. 6,427,078 (the "078 Patent"); 5,812,954 (the "954 Patent"); 5,490,170 (the "170 Patent"); 5,557,541 (the "541 Patent"); 5,841,979 (the "979 Patent"); 5,914,941 (the "941 Patent"); 6,002,390 (the "390 Patent"); 6,125,143 (the "143 Patent"); 6,385,386 (the "386 Patent"); 6,393,430 (the "430 Patent"); 6,441,828 (the "828 Patent"); 6,446,080 (the "080 Patent"); 6,549,942 (the "942 Patent"); 6,975,732 (the

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

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1 “732 Patent”); 7,190,971 (the “971 Patent”); 7,313,647 (the “647 Patent”); 7,349,012 (the
2 “012 Patent”); 6,725,155 (the “155 Patent”); 7,111,069 (the “069 Patent”); (collectively, the
3 “Mobile Media Patents”).

4 **PARTIES**

5 2. Plaintiff SanDisk is a corporation organized and existing under the laws of
6 Delaware, and has its headquarters and principal place of business in Milpitas, California.
7 SanDisk is engaged in the business of, among other things, designing manufacturing, and selling
8 digital media players.

9 3. On information and belief, Defendant Mobile Media Ideas LLC (“Mobile Media”) is a Delaware limited liability company with its principal place of business in Chevy Chase,
10 Maryland.
11

12 **JURISDICTION AND VENUE**

13 4. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et. seq.*,
14 and under the patent laws of the United States, Title 35 of the United States Code. This Court
15 has jurisdiction over this action pursuant to 35 U.S.C. §§ 271, *et. seq.*, and 28 U.S.C. §§ 1331,
16 1338, and 2201-2202.

17 5. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b) because a
18 substantial part of the events giving rise to the claims at issue occurred in this District.

19 6. This Court has personal jurisdiction over Mobile Media by virtue of the business
20 activities it conducts within the State of California and within this District, resulting in sufficient
21 minimum contacts with this forum.

22 **INTRADISTRICT ASSIGNMENT**

23 7. This case is an Intellectual Property Action under Civil Local Rule 3-2(c) and,
24 pursuant to Civil Local Rule 3-5(b), shall be assigned on a district-wide basis.

25 **MOBILE MEDIA’S PATENTS**

26 8. U.S. Patent No. 6,427,078, which is entitled “Device for Personal
27 Communications, Data Collection and Data Processing, and a Circuit Card,” issued on June 30,
28 2002.

1 9. U.S. Patent No. 5,812,954, which is entitled "Mobile Telephone Power Key Lock
2 Function," issued on September 22, 1998.

3 10. U.S. Patent No. 5,490,170, which is entitled "Coding Apparatus for Digital
4 Signal," issued on February 6, 1996.

5 11. U.S. Patent No. 5,557,541, which is entitled "Apparatus for Distributing
6 Subscription and On-Demand Audio Programming," issued on September 17, 1996.

7 12. U.S. Patent No. 5,841,979, which is entitled "Enhanced Delivery of Audio Data,"
8 issued on November 24, 1998.

9 13. U.S. Patent No. 5,914,941, which is entitled "Portable Information
10 Storage/Playback Apparatus Having a Data Interface," issued on June 29, 1999.

11 14. U.S. Patent No. 6,002,390, which is entitled "Text Input Device and Method,"
12 issued on December 14, 1999.

13 15. U.S. Patent No. 6,125,143, which is entitled "Picture Encoding Device and
14 Method Thereof, Picture Decoding Device and Method Thereof, and Recording Medium,"
15 issued on September 26, 2000

16 16. U.S. Patent No. 6,385,386, which is entitled "Recording/Playback Apparatus,
17 Recording/Playback Method and recording Medium," issued on May 7, 2002.

18 17. U.S. Patent No. 6,393,430, which is entitled "Method and System for
19 Automatically Recording Music Data Files by Using the Hard Drive of a Personal Computer as
20 an Intermediate Storage Medium," issued May 21, 2002

21 18. U.S. Patent No. 6,441,828, which is entitled "Image Display Apparatus," issued
22 on August 27, 2002.

23 19. U.S. Patent No. 6,446,080, which is entitled "Method for Creating, Modifying,
24 and Playing a Custom Playlist, Saved as a Virtual CD, to be Played by a Digital Audio/Visual
25 Actuator Device," issued on September 3, 2002.

26 20. U.S. Patent No. 6,549,942, which is entitled "Enhanced Delivery of Audio Data
27 for Portable Playback," issued on April 15, 2003.

28

1 21. U.S. Patent No. 6,975,732, which is entitled "Audio Signal Reproducing
2 Apparatus," issued on December 13, 2005.

3 22. U.S. Patent No. 7,190,971, which is entitled "Information Processing Apparatus
4 and Method, Information Processing System, and Transmission Medium," issued on March 13,
5 2007.

6 23. U.S. Patent No. 7,313,647, which is entitled "Storage and Reproduction
7 Apparatus," issued on December 25, 2007.

8 24. U.S. Patent No. 7,349,012, which is entitled "Imaging Apparatus With Higher
9 and Lower Resolution Converters and a Compression Unit to Compress Decreased Resolution
10 Image Data," issued on March 25, 2008.

11 25. U.S. Patent No. 6,725,155, which is entitled "Method and Apparatus for
12 Information Processing, and Medium for Information Processing," issued on April 20, 2004.

13 26. U.S. Patent No. 7,111,069, which is entitled "Information Processing Apparatus
14 and Method, and Program Storage Medium," issued on September 19, 2006.

15 27. The patents described in paragraphs 8-26 above are hereafter referred to as the
16 Mobile Media Patents. Mobile Media asserts that it has an ownership interest in, including but
17 not limited to, the right to license the Mobile Media Patents.

18 **MOBILE MEDIA'S ASSERTION OF THE MOBILE MEDIA PATENTS**

19 28. On April 16, 2010, Mobile Media contacted SanDisk to initiate patent license
20 negotiations for several of SanDisk's digital media players. Mobile Media claimed that several
21 of SanDisk's digital media players infringed the Mobile Media Patents, and offered a license to
22 SanDisk. Mobile Media offered to meet with SanDisk at SanDisk's headquarters to discuss
23 licensing the Mobile Media Patents. Since April 2010, Mobile Media has contacted SanDisk
24 several times, accusing SanDisk and its customers of infringing the Mobile Media Patents and
25 asking SanDisk to discuss licensing the Mobile Media Patents, and offering to meet with
26 SanDisk at its headquarters..

27 29. SanDisk has informed Mobile Media that it does not believe that it is required to
28 license the Mobile Media Patents.

COUNT I

**(Declaratory Judgment of Invalidity, Unenforceability, and/or
Non-infringement of the Mobile Media Patents)**

1
2
3 30. SanDisk re-alleges and incorporates by reference Paragraphs 1 through 29 as if
4 fully set forth herein.

5 31. Mobile Media has stated that certain of SanDisk's products infringe the Mobile
6 Media Patents and that SanDisk is required to license the Mobile Media Patents.

7 32. SanDisk contends that it is not required to license the Mobile Media Patents
8 because SanDisk has not infringed and does not infringe, either directly or indirectly, any valid
9 and enforceable claim of the Mobile Media Patents.

10 33. As a result of the acts described in the foregoing paragraphs, there exists a
11 substantial controversy of sufficient immediacy and reality to warrant the issuance of a
12 declaratory judgment.

13 34. An actual and justiciable controversy exists between SanDisk and Mobile Media
14 as to whether the Mobile Media Patents are infringed by SanDisk. A judicial declaration is
15 necessary and appropriate so that SanDisk may ascertain its rights regarding the Mobile Media
16 Patents.

17 35. An actual and justiciable controversy exists between SanDisk and Mobile Media
18 as to whether the Mobile Media Patents are valid. A judicial declaration is necessary and
19 appropriate so that SanDisk may ascertain its rights regarding the Mobile Media Patents.

20 36. An actual and justiciable controversy exists between SanDisk and Mobile Media
21 as to whether the Mobile Media Patents are enforceable. A judicial declaration is necessary and
22 appropriate so that SanDisk may ascertain its rights regarding the Mobile Media Patents.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, SanDisk respectfully requests that judgment be entered in its favor and
25 prays that the court grant the following relief:

26 A. A declaration that the SanDisk's products have not infringed and do not infringe,
27 either directly or indirectly, any valid and enforceable claim of the Mobile Media Patents;

28 B. A declaration that the claims of the Mobile Media Patents are invalid;

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