

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

**BLACK HILLS MEDIA, LLC**

*Plaintiff,*

v.

**PIONEER CORPORATION; PIONEER  
ELECTRONICS (USA) INC.**

*Defendant.*

Civil Action No. 1:12-cv-00634

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Black Hills Media, LLC (“Black Hills” or “Plaintiff”), for its First Amended Complaint against Pioneer Corporation and Pioneer Electronics (USA) Inc. (“Defendants”), states and alleges as follows:

**THE PARTIES**

1. Plaintiff Black Hills Media, LLC, is a Delaware limited liability company having its principal place of business at 1000 N. West St., Suite 1200, Wilmington, Delaware 19801.
2. Upon information and belief, Defendant Pioneer Corporation is a Japanese corporation with its principal place of business at 1-1 Shin-ogura, Saiwai-ku, Kawasaki-shi, Kanagawa 212-0031, Japan.
3. Upon information and belief, Defendant Pioneer Electronics (USA) Inc. is a Delaware corporation with its principal place of business at 2265 E. 220<sup>th</sup> Street, Long Beach, California 90810.

**JURISDICTION AND VENUE**

4. This is an action for patent infringement under the patent laws of the United

States, Title 35, United States Code, specifically §§ 271 and 281-285. This Court has subject matter jurisdiction under Title 28 United States Code §§ 1331 and 1338(a).

5. Personal jurisdiction over Defendants comports with the United States Constitution and 10 Del. C. § 3104 of the Delaware Code because Defendants have committed and continue to commit acts of patent infringement in this district as alleged in this Complaint and additionally, at least one Defendant is a citizen of this state.

6. Venue is properly within the district under Title 28 United States Code §§ 1391(b) and (c) and 1400(b).

### **BACKGROUND**

7. Black Hills owns all of the rights and interests in United States Patent Nos. 8,045,952 (“the ‘952 Patent”); 8,050,652 (“the ‘652 Patent”); 6,985,694 (“the ‘694 Patent”); 6,108,686 (“the ‘686 Patent”); 8,230,099 (“the ‘099 Patent”); and 8,214,873 (“the ‘873 Patent”) (collectively, the “Patents in Suit”).

8. The ‘952 Patent entitled “Method and Device for Obtaining Playlist Content Over a Network” was duly and legally issued by the United States Patent and Trademark Office on October 25, 2011, after full and fair examination. A copy of the ‘952 Patent is attached as Exhibit A.

9. The ‘652 Patent entitled “Method and Device for an Internet Radio Capable of Obtaining a Playlist Content From a Content Server” was duly and legally issued by the United States Patent and Trademark Office on November 1, 2011, after full and fair examination. A copy of the ‘652 Patent is attached as Exhibit B.

10. The ‘694 Patent entitled “Method and System for Providing an Audio Element Cache in a Customized Personal Radio Broadcast” was duly and legally issued by the United

States Patent and Trademark Office on January 10, 2006, after full and fair examination. A copy of the '694 Patent is attached as Exhibit C.

11. The '686 Patent entitled "Agent-Based On-Line Information Retrieval and Viewing System" was duly and legally issued by the United States Patent and Trademark Office on August 22, 2000. A copy of the '686 Patent is attached as Exhibit D.

12. The '099 Patent entitled "System and Method for Sharing Playlists" was duly and legally issued by the United States Patent and Trademark Office on July 24, 2012. A copy of the '099 Patent is attached as Exhibit E.

13. The '873 Patent entitled "Method, System, and Computer-Readable Medium for Employing a First Device to Direct a Networked Audio Device to Render a Playlist" was duly and legally issued by the United States Patent and Trademark Office on July 3, 2012. A copy of the '873 Patent is attached as Exhibit F.

14. Defendants sell and distribute, including upon information and belief within the District of Delaware, at least the following AV receivers, AV receivers-Elite line, networked Blu-ray players, and home theater systems: VSX-1122-K, VSX-1121-K, VSX-1022-K, VSX-1021-K, VSX-822-K, VSX-920-K, VSX-921-K, VSX-60, VSX-53, VSX-52, VSX-51, VSX-50, VSX-42, SC-68, SC-67, SC-65, SC-63, SC-61, SC-57, SC-55, BDP-430, BDP-330, BDP-140, BDP-53FD, BDP-43FD, BDP-33FD, BDP-52FD, BDP-41FD, BDP-31FD, BDP-150, SC-1222-K, SC-1522-K, HTZ-BD32, and HTZ-BD51 (the "accused products").

## COUNT I

### INFRINGEMENT OF THE '952 PATENT

15. Plaintiff incorporates each of the preceding paragraphs 1 - 14 as if fully set forth herein.

16. Defendants are directly or indirectly infringing at least claim 9 of the '952 Patent literally, or under the doctrine of equivalents, by importing into the United States, and/or making, using, selling, or offering for sale in the United States, including the District of Delaware, products embodying the patented inventions claimed in the '952 Patent without authority, including but not limited to the products identified in preceding paragraph 14, or by contributing to or inducing infringement of the '952 Patent by a third party.

17. Upon information and belief, after becoming aware of the '952 Patent and their infringement thereof, Defendants are knowingly inducing third party infringement of the '952 Patent.

18. Defendants' inducement of infringement of the '952 Patent includes, but is not limited to, actively encouraging and instructing third parties to use Defendants' products in ways that infringe the '952 Patent. Defendants ship the accused products with pre-loaded streaming services (including Internet subscription services) and/or provide detailed instructions to third parties on how to download streaming services to the accused products.

19. Examples of such instructions can be found in the following link to the Defendants' website and the attached Exhibit G:

- <http://www.pioneerelectronics.com/PUSA/Home/AV-Receivers/Elite+Receivers/SC-57>. (See the "Overview" and "Specifications" tabs. Under the "Specifications" tab, expand "Handheld and Internet.")
- <http://itunes.apple.com/us/app/icontrolv2/id418081365?mt=8>
- <http://itunes.apple.com/us/app/icontrolv2012/id499185618?mt=8>

20. Defendants knew or should have known that their encouragement and instructions to third parties results in infringement of the '952 Patent. Defendants are thus liable for inducing

infringement of the '952 Patent pursuant to 35 U.S.C. 271(b).

21. Upon information and belief, since the filing of the First Complaint in which the '952 Patent was included Defendants have willfully infringed, directly and/or indirectly, the '952 Patent by having deliberately engaged in their infringing conduct in knowing disregard of the '952 Patent and have acted objectively and subjectively reckless in implementing technology in their products that they knew or should have reasonably known would infringe the '952 Patent.

22. The infringement by the Defendants of the '952 Patent has injured Black Hills and will cause Black Hills added irreparable injury and damage in the future unless Defendants are enjoined from infringing the '952 Patent.

## COUNT II

### INFRINGEMENT OF THE '652 PATENT

23. Plaintiff incorporates each of the preceding paragraphs 1 - 22 as if fully set forth herein.

24. Defendants are directly or indirectly infringing at least claims 1, 21, 42, and 63 of the '652 Patent literally, or under the doctrine of equivalents, by importing into the United States, and/or making, using, selling, or offering for sale in the United States, including the District of Delaware, products embodying the patented inventions claimed in the '652 Patent without authority, including but not limited to the products identified in preceding paragraph 14, or by contributing to or inducing infringement of the '652 Patent by a third party.

25. Upon information and belief, after becoming aware of the '652 Patent and their infringement thereof, Defendants are knowingly inducing third party infringement of the '652 Patent.

26. Defendants' inducement of infringement of the '652 Patent includes, but is not

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