IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

APPLE COMPUTER, INC., Plaintiff, v. CREATIVE TECHNOLOGY LTD. and CREATIVE LABS, INC., Defendants.	)	CASE NO. 9:06-CV-0114-RHC **JURY TRIAL DEMANDED**

PLAINTIFF APPLE COMPUTER, INC.'S FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

THE PARTIES

1. Plaintiff Apple Computer, Inc. ("Apple") is a corporation organized under the laws of the State of California, having its principal place of business at One Infinite Loop, Cupertino, California 95014. Apple manufactures and then sells computer hardware and software under various brand names, portable digital media players under the brand name iPod, and associated software under the brand name iTunes, including in and around Lufkin, Texas and elsewhere in the Eastern District of Texas. Apple owns numerous patents in various countries around the world, including the United States, that relate to these products and components, as well as other areas of technology. Apple sells, distributes, advertises and offers for sale a wide variety of its products, including products covered by one or more of the patents-in-suit, in Lufkin and throughout this District, and has for some time.

2. Upon information and belief, Defendant Creative Technology Ltd. is a corporation organized and existing under the laws of the country of Singapore, having its principal place of

Sony Corp., et al., v. Creative Technology Ltd., IPR2016-01407
EXHIBIT
Creative-2023

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business at 31 International Business Park, Creative Resources, Singapore 609921. Upon information and belief, Defendant Creative Labs, Inc. is a corporation organized and existing under the laws of the state of California, having its principal place of business at 1901 McCarthy Boulevard, Milpitas, California 95035. Defendants Creative Technology Ltd. and Creative Labs, Inc. will hereafter be referred to collectively as "Creative." On information and belief, Creative develops and tests, and then sells, advertises, markets and distributes personal digital entertainment products and products for personal computers, including portable media devices and components thereof, including in and around Lufkin, TX and in the Eastern District of Texas.

JURISDICTION

3. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq*. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

4. This Court has personal jurisdiction over Creative because Creative has established minimum contacts with the forum and the exercise of jurisdiction over Creative would not offend traditional notions of fair play and substantial justice. On information and belief, Creative has voluntarily conducted business and solicited customers in the State of Texas, including in Lufkin, as well as elsewhere throughout the Eastern District of Texas. On information and belief, Creative sells, advertises, markets and distributes infringing personal digital entertainment products and infringing products for personal computers in and around Lufkin and throughout the Eastern District of Texas.

5. Creative has committed and continues to commit acts of patent infringement in Lufkin, the Eastern District of Texas, elsewhere in the State of Texas and in the United States.

VENUE

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and/or 1400 because Creative is subject to personal jurisdiction in the Eastern District of Texas. On information and belief, Creative has voluntarily conducted business and sold infringing products and/or products

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that perform infringing processes in Lufkin and throughout the Eastern District of Texas, including selling, advertising, marketing and distributing infringing personal digital entertainment products and infringing products for personal computers in and around Lufkin, Texas and in the Eastern District of Texas.

7. Creative has committed and continues to commit acts of patent infringement in Lufkin and throughout the Eastern District of Texas.

OVERVIEW OF CREATIVE'S INFRINGEMENT

8. Creative has infringed and continues to infringe at least five Apple patents that cover important aspects of personal computers, personal digital entertainment products, and related software including (1) a patent that covers the editing of portable media device data on a personal computer; (2) a patent directed to the creation and representation by icons of a file organization structure on a computer system; (3) a patent involving unique methods and apparatuses for displaying condensed data sets on a computer; (4) a patent generally directed to various embodiments of a media device having a touch pad; and (5) a patent generally directed to methods for reconfiguring a computer system to accommodate changes in a display environment.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,157,363

9. United States Patent No. 6,157,363 ("'363 patent"), entitled "Methods and Apparatus for Displaying Data," was duly and legally issued on December 5, 2000 to Dominic P. Haine. Apple owns and has full rights to sue and recover damages for infringement of the '363 patent. A copy of the '363 patent is attached hereto as Exhibit 1.

10. The '363 patent is valid and enforceable.

11. Creative has infringed, and is still infringing, one or more claims of the '363 patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that infringe one or more of the claims of the '363 patent.

12. Creative has also contributed to and/or induced, and continues to contribute to and/or induce, the infringement of one or more claims of the '363 patent, in at least this State and District.

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13. On information and belief, Creative's infringement of one or more claims of the '363 patent has taken place, and continues to take place, with full knowledge of the '363 patent and has been, and continues to be, willful, deliberate, and intentional.

14. Creative's infringement of one or more claims of the '363 patent has injured Apple, and Apple is entitled to recover damages adequate to compensate it for Creative's infringement, which in no event can be less than a reasonable royalty.

15. Creative has caused Apple substantial damage and irreparable injury by its infringement of one or more claims of the '363 patent, and Apple will continue to suffer damage and irreparable injury unless and until the infringement by Creative is enjoined by this Court.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 5,640,566

16. United States Patent No. 5,640,566 ("'566 patent"), entitled "Method of Forming an Editor," was duly and legally issued on June 17, 1997 to Kenneth E. Victor, et al. Apple owns and has full rights to sue and recover damages for infringement of the '566 patent. A copy of the '566 patent is attached hereto as Exhibit 2.

17. The '566 patent is valid and enforceable.

18. Creative has infringed, and is still infringing, one or more claims of the '566 patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that infringe one or more of the claims of the '566 patent.

19. Creative has also contributed to and/or induced, and continues to contribute to and/or induce, the infringement of one or more claims of the '566 patent, in at least this State and District.

20. On information and belief, Creative's infringement of one or more claims of the '566 patent has taken place, and continues to take place, with full knowledge of the '566 patent and has been, and continues to be, willful, deliberate, and intentional.

21. Creative's infringement of one or more claims of the '566 patent has injured Apple, and Apple is entitled to recover damages adequate to compensate it for Creative's infringement, which in no event can be less than a reasonable royalty.

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22. Creative has caused Apple substantial damage and irreparable injury by its infringement of one or more claims of the '566 patent, and Apple will continue to suffer damage and irreparable injury unless and until the infringement by Creative is enjoined by this Court.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 5,504,852

23. United States Patent No. 5,504,852 ("'852 patent"), entitled "Method for Creating a Collection of Aliases Representing Computer System Files," was duly and legally issued on April 2, 1996 to John Thompson-Rohrlich. Apple owns and has full rights to sue and recover damages for infringement of the '852 patent. A copy of the '852 patent is attached hereto as Exhibit 3.

24. The '852 patent is valid and enforceable.

25. Creative has infringed, and is still infringing, one or more claims of the '852 patent in at least this State and District by making, using, offering to sell, selling, and/or importing products that infringe one or more of the claims of the '852 patent.

26. Creative has also contributed to and/or induced, and continues to contribute to and/or induce, the infringement of one or more claims of the '852 patent, in at least this State and District.

27. On information and belief, Creative's infringement of one or more claims of the '852 patent has taken place, and continues to take place, with full knowledge of the '852 patent and has been, and continues to be, willful, deliberate, and intentional.

28. Creative's infringement of one or more claims of the '852 patent has injured Apple, and Apple is entitled to recover damages adequate to compensate it for Creative's infringement, which in no event can be less than a reasonable royalty.

29. Creative has caused Apple substantial damage and irreparable injury by its infringement of one or more claims of the '852 patent, and Apple will continue to suffer damage and irreparable injury unless and until the infringement by Creative is enjoined by this Court.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 7,046,230

30. United States Patent No. 7,046,230 ("'230 patent"), entitled "Touch Pad

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