

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. \_\_\_\_\_

SONY CORPORATION, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 FUJIFILM HOLDINGS CORPORATION, )  
 FUJIFILM CORPORATION, FUJIFILM )  
 HOLDINGS AMERICA CORPORATION, )  
 and FUJIFILM RECORDING MEDIA U.S.A., )  
 INC., )  
 )  
 Defendants. )

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Sony Corporation (“Sony”) hereby submits this complaint against Defendants Fujifilm Holdings Corporation, Fujifilm Corporation, Fujifilm Holdings America Corporation, and Fujifilm Recording Media U.S.A., Inc. (collectively, “Fujifilm” or “Defendants”) and alleges as follows:

**INTRODUCTION**

1. Sony brings this action against Fujifilm to seek remedies for Fujifilm’s infringement of U.S. Patents Nos. 7,016,137 (the “137 patent”); 6,345,779 (the “779 patent”); 6,896,959 (the “959 patent”); and 7,115,331 (the “331 patent”) (collectively, the “Asserted Patents”).

**PARTIES**

2. Plaintiff Sony Corporation is a corporation duly organized and existing under the laws of Japan, with a principal place of business located at 1-7-1 Konan, Minato-ku, Tokyo 108-0075, Japan.

3. Defendant Fujifilm Holdings Corporation (“FHC”) is a corporation organized and existing under the laws of Japan. On information and belief, Fujifilm Holdings Corporation’s principal place of business is 7-3 Akasaka 9-chome, Minato-ku, Tokyo 107-0052, Japan. On information and belief, FHC was formed on October 1, 2006, when Fuji Photo Film Co., Ltd., was transformed into a holding company. FHC is the ultimate parent corporation under which all Defendants operate as subsidiaries. On information and belief, in this position, FHC exerts control over the activities and processes associated with the development, manufacture and sale of Fujifilm-branded magnetic tape media.

4. Defendant Fujifilm Corporation (“FFC”) is a corporation organized and existing under the laws of Japan. Fujifilm Corporation asserts that its principal place of business is located at 7-3 Akasaka 9-chome, Minato-ku, Tokyo 107-0052, Japan. On information and belief, FFC was formed on October 1, 2006 as an operating company to administer the businesses that were previously owned by Fuji Photo Film Co., Ltd. On information and belief, FFC operates the imaging and information businesses of FHC, which includes responsibility for the design, manufacture, and sale of magnetic tape media and thereby exerts control over the activities and processes associated with these responsibilities in the United States. On information and belief, FFC is a wholly owned subsidiary of FHC.

5. Defendant Fujifilm Holdings America Corporation (“FHAC”) is a corporation organized and existing under the laws of Delaware. On information and belief, FHAC’s principal place of business is located at 200 Summit Lake Drive, Valhalla, New York 10595. On information and belief, FHAC is the holding company for U.S.-based Fujifilm corporate entities, including those companies having responsibility for the marketing and sales of magnetic tape media. On information and belief, FHAC is a wholly owned subsidiary of FFC.

6. Defendant Fujifilm Recording Media U.S.A., Inc. (“FRMU”), is a corporation organized and existing under the laws of Delaware. On information and belief, FRMU’s principal place of business is located at 45 Crosby Dr., Bedford, MA 01730-1401. On information and belief, FRMU also has offices located at 200 Summit Lake Drive, Valhalla, NY 10595 in Westchester County. On information and belief, FRMU is a wholly owned subsidiary of FHAC, which is in turn a wholly owned subsidiary of FFC. On information and belief, FRMU is the U.S.-based manufacturing, marketing and sales arm for FFC’s professional broadcast video and data tape recording facility.

7. All of the Defendants operate under and identify with the trade name, “Fujifilm.” Upon information and belief, each of the Defendants directly or indirectly imports, develops, designs, manufactures, distributes, markets, offers to sell and/or sells products and services in the United States, including in the State of Florida and in this District, and otherwise purposefully directs activities to the same. Upon information and belief, the Defendants have been and are acting in concert and are otherwise liable jointly, severally or in the alternative for a right to relief with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences related to the making, using, importing into the United States, offering for sale or selling of at least one infringing product or process.

#### **JURISDICTION AND VENUE**

8. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because this lawsuit is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101 *et seq.*

9. On information and belief, this Court has personal jurisdiction over each of the Defendants because each has committed acts of patent infringement and/or contributed to or

induced acts of patent infringement by others in the State of Florida and in this District. This Court has personal jurisdiction over each of the Defendants because each has substantial contacts and/or conducts business in the State of Florida and in this judicial district and has been infringing claims of the Asserted Patents in Florida and elsewhere. This Court has personal jurisdiction over each of the Defendants because each has committed a tortious act causing injury within Florida, namely, one or more of the acts of patent infringement alleged herein. As such, each of the Defendants has established sufficient minimum contacts with this District such that it should reasonably and fairly anticipate being called into court in this District and has purposefully directed activities at residents of this State and this District.

10. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 at least because acts amounting to or in furtherance of patent infringement have been committed in this District and/or the Defendants are subject to personal jurisdiction in this District.

### **SONY'S PATENTED TECHNOLOGY**

11. Sony has been involved in the development of magnetic tape media and products for reading from and writing to such media for over 60 years. In 1949, Sony completed its first magnetic tape recorder prototype, and less than a year later Sony launched its first magnetic recording tape—the Soni-Tape KA. Sony's first cassette tape, the C-60, debuted in 1963, and was followed in 1972 by the D-300, which was specifically designed to record computer data.

12. By the mid-1970s, Sony had brought its first Betamax magnetic tape products to market, signaling the beginning of the age of home video. Sony introduced its first metal magnetic tape in the late 1970s, which was followed in 1979 by the release of the Walkman®, one of the most influential consumer electronics products of all time. In the 1980s, Sony debuted its first metal video cassette tape for the digital VCR format. Sony also led the way in

developing magnetic floppy disk technology and introduced the digital audio tape (DAT) format, which stored information on a magnetic tape medium in digital rather than analog form.

13. Sony continued to develop its magnetic tape media products in the 1990s. For example, in 1990, Sony received an Emmy award for its metal tape technology—the first time that such an award was given for metal tape. In or around the 1996-97 time frame, Sony introduced its proprietary Advanced Intelligent Tape (“AIT”) high-speed magnetic tape data storage format, which was specifically designed for computer applications and preceded the Linear Tape-Open (“LTO”) format specification.

14. The LTO format was developed by an organization known as the LTO Consortium, which was originally formed by International Business Machines (“IBM”), Hewlett Packard (“HP”) and Seagate (now Quantum)<sup>1</sup> in 1998. Because of their stewardship role, IBM, HP, and Quantum are called the “technology provider companies” (or “TPCs”). The LTO Consortium promulgates written technical specifications (*i.e.*, standards) for the LTO magnetic tape data storage format with input from prospective tape media manufacturers.

15. In the early 2000s, Sony began introducing magnetic tape cartridge products in a number of different formats, including tapes compliant with the LTO format specification. These products started with Sony’s first LTO Ultrium generation 1 tape (the “LTX100G” product). Sony has continued to introduce LTO tape products with each successive update to the LTO format specification (*i.e.*, the LTO standard), from the first version (LTO-1) through the current and latest version, LTO-7 (the “LTX6000G” product). Sony is one of only two suppliers, along with Fujifilm, to have been certified for the sale of LTO-7 compliant tape cartridges.

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<sup>1</sup> Seagate’s magnetic tape division was spun off as Seagate Removable Storage Solutions, later renamed Certance, which was subsequently acquired by Quantum.

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