

## Panasonic Exits Suit Over DVD Auto Play Patents

By Leigh Kamping-Carder

*Law360, New York (April 08, 2010)* -- Panasonic Corp. has become the first defendant to settle TV Interactive Data Corp.'s suit accusing a host of electronics companies of making Blu-ray and DVD players that infringe four patents covering automatic playback technology.

Judge Jeremy Fogel of the U.S. District Court for the Northern District of California signed off Tuesday on the parties' bid to dismiss the case, citing "an agreement to settle their differences" in late March.

TVI agreed to drop all its claims against Panasonic, with each party bearing the legal costs for the action, according to a motion filed March 31.

"The terms are confidential, but we have licensed our technology to Panasonic, and I'm pleased that they're taking a license for their Blu-ray players and DVD players," said Richard Martinez, a partner at Robins Kaplan Miller & Ciresi LLP, who represents TVI.

An attorney for Panasonic did not immediately respond to a call seeking comment Thursday.

Saratoga, Calif.-based TVI sued a slew of electronics makers in February, alleging that their devices infringe its patents by automatically detecting Blu-ray discs or DVDs when turned on and by executing an application without having to reboot.

The remaining defendants in the suit include Sharp Corp., Sony Corp., Toshiba Corp., D&M Holdings Inc., Denon Electronics (USA) LLC, Funai Corp. Inc., JVC Americas Corp., LG Electronics Inc., Pioneer Corp., Royal Philips Electronics NV, Samsung Electronics Co. Ltd., Victor Co. of Japan Ltd. and Zenith Electronics LLC, as well as related affiliates.

The patents generally cover a remote control for an interactive media player that can include a printed publication, storage media or a data button, according to patent documents.

The U.S. Patent and Trademarks Office has issued re-examination certificates for all four patents-in-suit, the complaint states.

Panasonic sells a range of Blu-ray and DVD players, including its DMP-BD35 and DVD-S54 models, that take advantage of TVI's patented automatic playback technology, the plaintiff claims.

“Panasonic actively and knowingly induces its customers who purchase the accused Panasonic devices to directly infringe one or more claims of the patents-in-suit,” the complaint said.

TVI initially filed the complaint in October, but after a question arose regarding its rights to two of the patents, the company dropped its complaint “out of an abundance of caution” and to avoid the hassle and cost of motion practice challenging its standing to bring the action, the suit states.

The patent holder realized that a document assigning the rights of a separate patent to ZillionTV Corp. could appear to also assign the rights to the '863 and '532 patents, according to the complaint.

In late January, Zillion and TVI signed a document clarifying the extent of their earlier agreement, paving the way for TVI to refile its suit against the electronics makers on Feb. 2.

Microsoft Corp. has already licensed the patents-in-suit for its Windows PCs and Xbox360 products, according to Martinez. The two companies were embroiled in litigation over the four patents, but settled just before a trial was set to start in October 2005.

TVI has asked for a judgment in its favor, as well as an injunction halting the allegedly infringing activity or forcing the defendants to take a compulsory license. The plaintiff is also seeking damages, attorneys' fees, court costs and interest.

The patent holder has singled out Sony and Toshiba as having willfully infringed the disputed patents, asking for treble damages against them.

The patents-in-suit are U.S. Patent Numbers 5,597,307; 5,795,156; 6,249,863; and 6,418,532.

TVI is represented by Robins Kaplan Miller & Ciresi LLP.

Panasonic is represented by McDermott Will & Emery LLP.

The case is TV Interactive Data Corp. v. Sony Corp. et al., case number 5:10-cv-00475, in the U.S. District Court for the Northern District of California.