

Samsung, HTC, Others Sued Over Music Playlist Patent

By **Megan Leonhardt**

Law360, New York (September 13, 2011, 2:08 PM ET) -- Personal Audio LLC on Friday hit Samsung Electronics Co. Ltd., HTC Corp. and three other major cellphone makers with a suit in Texas federal court, claiming their devices contain music players that infringe a patent for playlist technology.

Following in the footsteps of a similar case filed against Apple Inc., Personal Audio's complaint targets Samsung, HTC, Research In Motion Corp., Motorola Mobility Corp. and LG Electronics Inc., alleging the companies' cellphones contain infringing audio players that can receive or download navigable playlists.

Ronald J. Schutz, counsel for Personal Audio, told Law360 on Monday that the company's recent case against Apple over its allegedly infringing iPod and iPhone devices proved the playlist patent-in-suit could withstand attack and was enforceable.

The patent infringement case against Apple wrapped up in August after Personal Audio was awarded a favorable \$12.1 million judgment.

"We have demonstrated that we are willing to take the case to trial, but we are in the process of reaching out to the defendants to see if they are interested in an early resolution, which may include acquisition of the patents," Schutz said.

The patent-in-suit is U.S. Patent Number 6,199,076, titled "Audio Program Player Including A Dynamic Program Selection Controller," which covers the playlist technology used in music software that allows users to play back songs in a selected order.

"Personal Audio has been injured and has been caused significant financial damage as a direct and proximate result of [the defendants'] infringement of the '076 patent," the complaint said.

Personal Audio's complaint claims smartphones, including Samsung's Continuum, RIM's BlackBerry Tour 9630, Motorola's Droid 2 Global, HTC's Droid Incredible 2 and LG's Revolution infringe the '076 patent.

Specifically, all of the smartphones included in the suit contain music applications that operate by listening to the music through a playlist, allowing users to skip to the next song or go back to previous files at will, according to the suit.

The phones also have preinstalled media storage cards that allow users to store and listen to music files, which Personal Audio claims infringes its patented playlist technology, the complaint says.

Personal Audio claims the smartphones' infringement caused the company irreparable harm.

The suit seeks damages, attorneys' fees and a permanent injunction barring the defendants from producing, selling or importing devices that infringe Personal Audio's patented technology.

Personal Audio also seeks, if permanent injunction is not granted, an award encompassing future infringement such as royalties or a license agreement.

The suit comes just weeks after a judge issued a final judgment in Personal Audio's suit filed in 2009 against Apple Inc. over the tech giant's alleged infringement of the '076 patent.

In July , a jury awarded Personal Audio an \$8 million award plus interest for Apple's allegedly infringing iPod and iPhone devices.

The patent-in-suit is U.S. Patent Number 6,199,076.

HTC and Motorola declined to comment, and Samsung, RIM and LG did not not immediately respond to requests for comment Monday.

Personal Audio is represented by Ronald J. Schutz, Annie Huang, Cyrus A. Morton, Daniel R. Burgess, David Allen Prange, Jacob M. Holdreith and Patrick M. Arenz of Robins Kaplan Miller & Ciresi LLP and Lawrence Louis Germer and Charles W. Goehring Jr. of Germer & Gertz LLP.

Counsel information for the defendants was not immediately available.

The case is Personal Audio LLC v. Samsung Electronics Co. Ltd. et al., case number 1:11-cv-00432, in the U.S. District Court for the Eastern District of Texas.

--Editing by Lindsay Naylor.

All Content © 2003-2011, Portfolio Media, Inc.