

THE UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

APOGEE, INC.  
1405 Pioneer Street  
Brea, CA 92821,

Plaintiff,

vs.

DIGITAL CONTENT PROTECTION, L.L.C.  
3855 SW 153rd Drive  
Beaverton, OR 97006; and

WARNER BROS. ENTERTAINMENT INC.,  
4000 Warner Blvd.  
Burbank, CA 91522

Defendants.

Civil Action No.: 1:13-cv-01909-EGS

**FIRST AMENDED COMPLAINT  
FOR DECLARATORY RELIEF**

Plaintiff alleges:

1. Plaintiff APOGEE, INC. is and was at all times mentioned herein, a corporation incorporated under the laws of California with its principal place of business in California.

2. Defendant DIGITAL CONTENT PROTECTION, L.L.C. (DCP) is a corporation incorporated under the laws of the State of Delaware. DCP is wholly owned

1 by Intel Corporation. Intel Corporation is an American multinational semiconductor chip  
2 maker corporation headquartered in Santa Clara, California. Intel's stocks trade on the  
3 NASDAQ stock exchange and in 2012 it had reported revenues in excess of \$53 billion.  
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5 3. Defendant WARNER BROS. ENTERTAINMENT INC. (Warner Bros.) is a  
6 corporation incorporated under the laws of the State of Delaware. Warner Bros. owns  
7 copyrights in various works that are transmitted using HDCP technology. Warner Bros. is  
8 a world-famous entertainment company and a global leader in the creation, production,  
9 distribution, licensing, and marketing of all forms of creative content, including movies,  
10 television, and video games. owns the copyrights to an extensive library of Home  
11 Entertainment Products: more than 6,650 feature films, 50,000 television titles, and  
12 14,000 animated titles, including over 1,500 classic animated shorts. Its catalog includes  
13 the hugely popular *Harry Potter* and *Lord of the Rings* movie series, cartoon megabrands  
14 like *Looney Tunes* and *Scooby-Doo*, and movie classics like the *Wizard of Oz*. In 2013,  
15 Warner Bros. had reported revenues in excess of \$12 billion.  
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20 4. This action arises under a federal statute, 17 U.S.C. § 1201 et seq., known as  
21 "Digital Millennium Copyright Act."  
22

23 5. Plaintiff offers to public the following devices (collectively "Devices"):

- 24 a. KanexPro HDMI to Component Converter with Audio ("Device A")  
25  
26 b. KanexPro HDMI to Composite Converter ("Device B")  
27  
28 c. KanexPro HDMI to VGA with Audio Converter ("Device C")

1 d. Kanex ATVPRO AirPlay Mirroring for VGA Projector (“Device D”)

2 6. HDMI (High-Definition Multimedia Interface) is a compact audio/video  
3 interface for transferring uncompressed video data and compressed/uncompressed digital  
4 audio data from a HDMI-compliant device ("the source device") to a compatible  
5 computer monitor, video projector, digital television, or digital audio device. HDMI is a  
6 digital replacement for existing analog video standards.  
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9 7. Device A converts the HDMI input signal from a device like iPad into  
10 component signal with R+L audio. Device A’s typical use is for legacy home-theater  
11 equipment that need the transformation from HDMI sources.  
12

13 8. Device B is engineered to transform HDMI signals into analog composite  
14 video with R/L audio. It allows a user to connect a High Definition source such as Apple  
15 TV, Blu-ray players or, PC and game consoles to an analog CRT TV or an old projector  
16 that does not have HDMI port.  
17  
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19 9. Device C connects a High Definition source such as Apple TV®, DVD and  
20 Blu-ray players or, PC and game consoles to a VGA enabled display with 2-channel  
21 stereo audio. Its main feature is that it converts HDMI signals into VGA with stereo  
22 audio.  
23

24 10. Device D allows a VGA projector to use Apple Airplay mirroring from an  
25 iPad to Apple TV.  
26

27 11. DCP is the exclusive licensor of a proprietary technology for high bandwidth  
28

1 digital content protection (HDCP), which enables protected interoperable video  
2 connections between digital products such as settop boxes, video disc players, and  
3 displays in home entertainment systems. HDCP is widely licensed to makers of such  
4 digital products.  
5

6 12. Plaintiff is informed and believes that DCP licenses its HDCP technologies  
7 to persons or entities located in this Court's judicial district. The basis for Plaintiff's  
8 belief is that DCP, which is owned by another mega-company, Intel, licenses HDCP to  
9 nearly 400 leading companies in the digital entertainment value chain. According to  
10 DCP, HDCP is widely embraced by consumer electronics manufacturers, who must  
11 obtain a license for a fee from DCP to implement the HDCP specification pursuant to the  
12 HDCP License Agreement. Based on the foregoing, Plaintiff believes, on information and  
13 belief, that DCP licenses HDCP to entities or persons located in this Court's judicial  
14 district.  
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19 13. The HDCP technology does not require any authentication process such a  
20 password.  
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22 14. On May 20, 2013, Defendants sent a letter to Plaintiff alleging that  
23 Plaintiff's Devices violate the Digital Millenium Copyright Act ("DMCA"), 17 U.S.C. §  
24 1201 et seq.  
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26 15. Defendants have also sent letters to Plaintiff's vendors and business partners  
27 threatening them with violation of the DMCA for selling Plaintiff's product.  
28

1 16. Plaintiff denies that the Devices violate the DMCA.

2 17. An actual controversy has arisen between the parties regarding whether  
3 Plaintiff's offering the Devices for sale violates the DMCA.  
4

5 WHEREFORE, Plaintiff prays judgment against Defendants as follows:

- 6 1. For a declaration of plaintiff's rights and liabilities under the DMCA by  
7 offering the Devices for sale;  
8
- 9 2. For cost of suit incurred herein, including attorney fees;  
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- 11 3. For such other and further relief as the court may deem proper.

12 Dated: September 2, 2014

JAFARI LAW GROUP, INC.

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15  
16 /s/David Jafari

17 David V. Jafari, California Bar  
18 #207881, D.C. Bar # 481024  
19 JAFARI LAW GROUP, INC.  
20 120 Vantis Drive, Suite 430  
21 Aliso Viejo, California, 92656  
22 Telephone: (949) 362-0100  
23 Facsimile: (949) 362-0101  
24 djafari@jafarilawgroup.com

25  
26  
27  
28 Attorney for Plaintiff  
APOGEE, INC.