

Synchrome Drops Hitachi From Disk Drive IP Suit

By **Pete Brush**

Law360, New York (April 13, 2010) -- Synchrome Technologies Inc. has allowed defendant Hitachi America Ltd. to exit an infringement suit over optical disk drive storage patents, leaving claims pending against LG Electronics USA Inc., Samsung Electronics America Inc., Toshiba America Information Systems Inc. and Panasonic Corp. of North America.

The Las Vegas-based patent-holding company's claims against Hitachi have been dismissed without prejudice, according to a consent order filed Monday in the U.S. District Court for the Northern District of Georgia.

According to the parties' joint motion to dismiss, Hitachi has made representations that it has not made or sold the alleged infringing products less than six years prior to the filing of the suit and the motion was made "for the sole purpose of simplifying this action."

The plaintiff, however, vowed in the motion to refile claims against Hitachi should facts that support the renaming of the Japan-based company's U.S. arm come to light.

According to the suit, the remaining defendants are selling products that infringe two of its patents.

The two asserted patents, U.S. Patent Numbers 5,802,398 and 6,304,925, are both titled "Method and apparatus for allowing communication between a host computer and at least two storage devices over a single interface."

The infringing products include the defendants' optical writer disk drives for use in personal computers, according to the complaint, which was lodged in June.

Optical disc drives typically use laser light to read or write data to or from optical discs. In recent years they have largely replaced tapes and other devices in the market for larger storage projects.

The lawsuit seeks a judgment that the defendants are willfully infringing the patents, injunctive relief and damages.

When it answered the lawsuit in August, Hitachi argued that Synchrome had licensed or released one or more of its customers and that the claims in the suit were therefore barred. The answer also accused Synchrome of unreasonable delay in bringing the lawsuit, and denied infringement to boot.

In March, the defendants lodged a joint motion to compel the plaintiff to amend its infringement claims, asserting that the suit provided "little to no support for its allegations."

"Plaintiff has said that it 'has disclosed, to the extent of its present knowledge,' where it believes the infringement lies," the motion said. "That statement is belied by plaintiff's further statement that it is withholding information because 'details of our product analysis are privileged.'"

Attorneys for the parties did not immediately respond to requests for comment Tuesday.

The patents-in-suit are U.S. Patent Numbers 5,802,398 and 6,304,925.

Synchrome is represented by Watson Rounds and Bondurant Mixson & Elmore LLP.

Hitachi is represented by Dechert LLP and Sutherland Asbill & Brennan LLP.

The case is Synchrome Technology v. LG Electronics USA et al., case number 09-cv-01736, in the U.S. District Court for the Northern District of Georgia.