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Richard W. Wieking
Clerk, U.S. District Court
Northern District of California
San Jose

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CV 10-5168 Case No.

BZ

INTEGRATED DEVICE
TECHNOLOGY, INC.,

Plaintiff,

v.

PHISON ELECTRONICS CORP.,

Defendant.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

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7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11
 12 INTEGRATED DEVICE
 TECHNOLOGY, INC.,

13 Plaintiff,

14 v.

15 PHISON ELECTRONICS CORP.,

16 Defendant.

Case No.

COMPLAINT FOR PATENT
 INFRINGEMENT

DEMAND FOR JURY TRIAL

1 Plaintiff Integrated Device Technology, Inc. (“IDT”) alleges as follows for its Complaint
2 against Defendant Phison Electronics Corp. (“Phison”):

3 **PARTIES**

4 1. IDT is a corporation organized under the laws of the State of Delaware with its
5 principal place of business at 6024 Silver Creek Valley Road, San Jose, California, 95138.

6 2. IDT is informed and believes, and on that basis alleges, that Phison is a
7 corporation organized under the laws of the Taiwan with its principal place of business at No. 1,
8 Qun Yi Road, Jhunan, Miaoli, Taiwan 350.

9 **JURISDICTION AND VENUE**

10 3. This is an action for patent infringement arising under the patent laws of the
11 United States, Title 35 of the United States Code, including but not limited to 35 U.S.C. § 271.

12 4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
13 §§ 1331 and 1338(a).

14 5. This court has personal jurisdiction over Phison because Phison has committed and
15 continues to commit acts of infringement in this district.

16 6. On information and belief, Phison derives substantive revenue from the sale of
17 infringing products distributed within this district, and/or expects or should reasonably expect its
18 actions to have consequences within this district, and derives substantial revenue from interstate
19 and international commerce.

20 7. Phison’s website states that its product portfolio “enables us to penetrate the
21 markets in North America, Europe, Japan, China, Taiwan and elsewhere in the world.” Phison,
22 About Us, <http://www.phison.com/English/About.asp?ID=10> (last visited Nov. 11, 2010).

23 8. In a recent annual report, Phison reported more than \$100 million in sales in North
24 America and South America in 2009.

25 9. On information and belief, Phison has customers in this district.

26 10. Phison’s products are offered for sale and sold in this district.

27 11. In 2009 Phison submitted a declaration in a patent action in the Western District of
28 Wisconsin stating that Phison has two sales representatives in the State of California. *See*

1 Declaration of Ellis Lee at ¶ 8, Docket No. 166, Case No. 07-cv-00605, *SanDisk Corp v. Phison*
2 *Elec. Corp., et al.* (W.D. Wis. Nov. 26, 2009).

3 12. Venue is proper in this district under 28 U.S.C. §§ 1391(b)–(c) and 1400(b).

4 **INTRADISTRICT ASSIGNMENT**

5 13. Plaintiff IDT is located in the San Jose Division and, therefore, assignment to the
6 San Jose Division is proper and appropriate.

7 14. This is an Intellectual Property Action to be assigned on a district-wide basis
8 pursuant to Civil Local Rule 3-2(c).

9 **BACKGROUND**

10 15. IDT is headquartered in San Jose, California and combines analog and digital
11 technology to develop system-level innovations that optimize customers' applications and enrich
12 the end-user experience. IDT's analog and system expertise provides application-optimized,
13 mixed-signal solutions for the communications, computing, and consumer markets, and IDT's
14 innovations are incorporated in, for example, timing, serial switching, and interface devices.

15 16. In January 2010, IDT acquired Mobius Microsystems, Inc. ("Mobius"), a
16 semiconductor company headquartered in Sunnyvale, California. Mobius was a leading
17 innovator in all-silicon oscillator technology that enabled high-accuracy crystal oscillator
18 replacements.

19 17. This case involves four Asserted Patents: United States Patent Nos. 7,248,124
20 ("the '124 Patent"), titled *Frequency Calibration For A Monolithic Clock Generator And*
21 *Timing/Frequency Reference*; 7,456,699 ("the '699 Patent"), titled *Frequency Controller For A*
22 *Monolithic Clock Generator And Timing/Frequency Reference*; 7,548,125 ("the '125 Patent"),
23 titled *Frequency Calibration For A Monolithic Clock Generator And Timing/Frequency*
24 *Reference*; 7,548,132 ("the '132 Patent"), titled *Monolithic Clock Generator And*
25 *Timing/Frequency Reference*.

26 18. The Asserted Patents were originally assigned to Mobius and are now assigned to
27 IDT.

28 19. The Asserted Patents relate to the generation of clock signals.

1 States, and/or importing devices and/or components that constitute a material part of the invention
2 claimed in the '124 Patent, that are known by Phison to be especially made or adapted for use in
3 infringement of the '124 Patent, and that are not staple articles or commodities suitable for
4 substantial, noninfringing use, including but not limited to the Phison USB controller Part No.
5 PS2251-50F.

6 28. Phison has knowledge of the '124 Patent no later than September 2, 2010.

7 29. As a direct and proximate result of Phison's infringement of the '124 Patent, IDT
8 has been and continues to be damaged in an amount to be proven at trial.

9 30. By reason of the above acts, Phison has caused, is causing, and unless enjoined
10 and restrained by this Court, will continue to cause IDT irreparable injury for which there is no
11 adequate remedy at law.

12 31. Phison's infringement of the '124 Patent is, has been, and continues to be
13 committed with full knowledge of IDT's rights under the '124 Patent, and in willful, wanton, and
14 deliberate disregard thereof, rendering this an exceptional case under 35 U.S.C. § 285 and
15 entitling IDT to recover enhanced damages and attorneys' fees.

16 **COUNT 2 - Infringement of the '699 Patent**

17 32. IDT hereby restates and realleges the allegations set forth in paragraphs 1 through
18 31 above and incorporates them by reference.

19 33. On November 25, 2008, the '699 Patent was duly and legally issued by the
20 USPTO. A true and correct copy of the '699 Patent is attached as Exhibit B.

21 34. IDT is the owner the owner of all right, title, and interest of the '699 Patent.

22 35. Phison has been and is infringing the '699 Patent in this district by selling, offering
23 for sale, and/or importing devices with clock generation circuitry that infringe one or more claims
24 of the '699 Patent, including but not limited to the Phison USB controller Part No. PS2251-50F.

25 36. Phison has induced, and continues to induce, others to infringe the '699 Patent in
26 this district by taking active steps to encourage and facilitate direct infringement by others with
27 knowledge of that infringement, such as, upon information and belief, by contracting for the
28

1 distribution of infringing devices and by marketing the infringing devices, including but not
2 limited to the Phison USB controller Part No. PS2251-50F.

3 37. Phison has contributorily infringed, and continues to contributorily infringe, the
4 '699 Patent in this district by selling within the United States, offering for sale within the United
5 States, and/or importing devices and/or components that embody a material part of the invention
6 claimed in the '699 Patent, that are known by Phison to be especially made or adapted for use in
7 infringement of the '699 Patent, and that are not staple articles or commodities suitable for
8 substantial, noninfringing use, including but not limited to the Phison USB controller Part No.
9 PS2251-50F.

10 38. Phison has knowledge of the '699 Patent no later than September 2, 2010.

11 39. As a direct and proximate result of Phison's infringement of the '699 Patent, IDT
12 has been and continues to be damaged in an amount to be proven at trial.

13 40. By reason of the above acts, Phison has caused, is causing, and unless enjoined
14 and restrained by this Court, will continue to cause IDT irreparable injury for which there is no
15 adequate remedy at law.

16 41. Phison's infringement of the '699 Patent is, has been, and continues to be
17 committed with full knowledge of IDT's rights under the '699 Patent, and in willful, wanton, and
18 deliberate disregard of thereof, rendering this an exceptional case under 35 U.S.C. § 285 and
19 entitling IDT to recover enhanced damages and attorneys' fees.

20 **COUNT 3 - Infringement of the '125 Patent**

21 42. IDT hereby restates and realleges the allegations set forth in paragraphs 1 through
22 41 above and incorporates them by reference.

23 43. On June 16, 2009, the '125 Patent was duly and legally issued by the UPSTO. A
24 true and correct copy of the '125 Patent is attached as Exhibit C.

25 44. IDT is the owner the owner of all right, title, and interest of the '125 Patent.

26 45. Phison has been and is infringing the '125 Patent in this district by selling, offering
27 for sale, and/or importing devices with clock generation circuitry that infringe one or more claims
28 of the '125 Patent, including but not limited to the Phison USB controller Part No. PS2251-50F.

1 knowledge of that infringement, such as, upon information and belief, by contracting for the
2 distribution of infringing devices and by marketing the infringing devices, including but not
3 limited to the Phison USB controller Part No. PS2251-50F.

4 55. Phison has contributorily infringed, and continues to contributorily infringe, the
5 '132 Patent in this district by selling within the United States, offering for sale within the United
6 States, and/or importing devices and/or components that embody a material part of the invention
7 claimed in the '132 Patent, that are known by Phison to be especially made or adapted for use in
8 infringement of the '132 Patent, and that are not staple articles or commodities suitable for
9 substantial, noninfringing use, including but not limited to the Phison USB controller Part No.
10 PS2251-50F.

11 56. As a direct and proximate result of Phison's infringement of the '132 Patent, IDT
12 has been and continues to be damaged in an amount to be proven at trial.

13 57. By reason of the above acts, Phison has caused, is causing, and unless enjoined
14 and restrained by this Court, will continue to cause IDT irreparable injury for which there is no
15 adequate remedy at law.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, IDT prays for judgment against Phison as follows:

18 1. A judgment that Phison has directly infringed each of the Asserted Patents;
19 contributorily infringed each of the Asserted Patents; and/or induced infringement of each of the
20 Asserted Patents;

21 2. A preliminary injunction against Phison, its officers, agents, servants, and
22 employees, and all persons acting in concert with them, and enjoining each of them from further
23 infringing the Asserted Patents pending trial;

24 3. A permanent injunction against Phison, its officers, agents, servants, and
25 employees, and all persons acting in concert with them, and enjoining each of them from further
26 infringing the Asserted Patents;

1 4. Damages based on Phison's infringement of each of the Asserted Patents, in
2 amounts according to proof, and trebling such damages by reason of the willful, wanton, and
3 deliberate nature of Phison's infringement;

4 5. Prejudgment interest on all damages awarded;

5 6. A declaration that this is an exceptional case under 35 U.S.C. § 285 and an award
6 to IDT for its attorneys' fees in this action;

7 7. An award to IDT for the costs of this suit; and

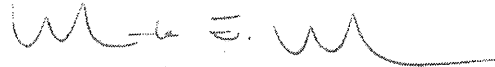
8 8. Such other and further relief as the Court deems just and equitable.

9 **DEMAND FOR A JURY TRIAL**

10 IDT demands a jury trial for all issues so triable.

11 Dated: November 16, 2010

12 MARK E. MILLER
13 DAVID S. ALMELING
14 O'MELVENY & MYERS LLP



15 By: _____
16 Mark E. Miller
17 Attorneys for Plaintiff
18 INTEGRATED DEVICE TECHNOLOGY, INC.