

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NATIONAL CHENG KUNG UNIVERSITY

Plaintiff,

v.

APPLE, INC.

Defendant.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff National Cheng Kung University (“NCKU” or “Plaintiff”) for its Complaint against Apple, Inc. (“Apple” or “Defendant”), demands a trial by jury and alleges as follows:

PARTIES

1. Plaintiff National Cheng Kung University is a higher education institution with a principal address of No. 1, University Road, Tainan, Taiwan, R.O.C.

2. On information and belief, Defendant Apple is incorporation under the laws of California with its principal place of business at 1 Infinite Loop, Cupertino, CA 95014. This defendant is registered to do business in the State of Texas and has appointed CT Corporation Systems, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201, as its agent for service of process. On information and belief, Apple regularly conducts and transacts business in the United States, throughout the State of Texas, and within the Eastern District of Texas, either itself and/or through one or more subsidiaries, affiliates, business divisions, or business units and has committed acts of infringement within the meaning of 28 U.S.C. § 1400(b).

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, Apple has transacted business in this district, and has committed acts of patent infringement in this district, by the making, using and/or selling of devices having a voice activated assistant, including those devices commonly referred to as “iPhones” and “iPads.”

5. On information and belief, Apple is subject to this Court’s general and specific personal jurisdiction because: Apple has minimum contacts within the State of Texas and the Eastern District of Texas and, pursuant to due process and/or the Texas Long Arm Statute, Apple has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Apple regularly conducts and solicits business within the State of Texas and within the Eastern District of Texas; and causes of action arise directly from Apple’s business contacts and other activities in the State of Texas and in the Eastern District of Texas.

COUNT I **INFRINGEMENT OF U.S. PATENT NO. 7,707,032**

6. NCKU is the owner of all rights, title and interest to United States Patent No. 7,707,032 (“the ‘032 Patent”) entitled “Method and System for Matching Speech Data.” The ‘032 Patent was issued on April 27, 2010 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the ‘032 Patent was filed on October 20, 2005. Attached as Exhibit “A” is a copy of the ‘032 Patent.

7. The '032 Patent is generally directed to a system used to determine the similarity between an input speech data and sample speech data on a touch device, such as smartphone or tablet.

8. On information and belief, Apple has been and now is infringing the '032 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell devices used to determine the similarity between an input speech data and sample speech data on touch devices that incorporate methods, and system units according to the '032 Patent. On information and belief, examples of Apple products that infringe the '032 Patent include, but are not limited to, all "iPhone" smartphones and all "iPad" tablets which have voice activated assistant capabilities otherwise known as "Siri." Apple is thus liable for infringement of the '032 Patent pursuant to 35 U.S.C. § 271.

9. To the extent that facts learned in discovery show that Apple's infringement of the '032 Patent is or has been willful, NCKU reserves the right to request such a finding at time of trial.

10. As a result of Apple's infringement of the '032 Patent, NCKU has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Apple's infringing activities are enjoined by this Court.

11. Unless a permanent injunction is issued enjoining Apple and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '032 Patent, NCKU will be greatly and irreparably harmed.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,266,496

12. NCKU is the owner of all rights, title and interest to United States Patent No. 7,266,496 ("the '496 Patent") entitled "Speech Recognition System." The '496 Patent was

issued on September 4, 2007 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '496 Patent was filed on December 24, 2002. Attached as Exhibit "B" is a copy of the '496 Patent.

13. The '496 Patent is generally directed to a complete speech recognition system having a training button and a recognition button, and the whole system uses the application specific integrated circuit (ASIC) architecture for the design, and also uses the modular design to divide the speech processing into 4 modules: system control module, autocorrelation and linear predictive coefficient module, cepstrum module, and DTW recognition module as used with the with a device, such as smartphone or tablet.

14. On information and belief, Apple has been and now is infringing the '496 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell touch devices that incorporate methods, controllers and gesture units according to the '496 Patent. On information and belief, examples of Apple products that infringe the '496 Patent include, but are not limited to, all "iPhone" smartphones and all "iPad" tablets which have voice activated assistant capabilities otherwise known as "Siri." Apple is thus liable for infringement of the '496 Patent pursuant to 35 U.S.C. § 271.

15. To the extent that facts learned in discovery show that Apple's infringement of the '496 Patent is or has been willful, NCKU reserves the right to request such a finding at time of trial.

16. As a result of Apple's infringement of the '496 Patent, NCKU has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Apple's infringing activities are enjoined by this Court.

17. Unless a permanent injunction is issued enjoining Apple and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '496 Patent, NCKU will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, NCKU respectfully requests that this Court enter:

A. A judgment in favor of NCKU that Apple has infringed the '032 Patent and the '496 Patent, and that such infringement was willful;

B. A permanent injunction enjoining Apple and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '032 Patent and the '496 Patent;

C. A judgment and order requiring Apple to pay NCKU its damages, costs, expenses, and prejudgment and post-judgment interest for Apple infringement of the '032 Patent and the '496 Patent as provided under 35 U.S.C. § 284;

D. An award to NCKU for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to NCKU its reasonable attorneys' fees; and

F. Any and all other relief to which NCKU may show itself to be entitled.

DEMAND FOR JURY TRIAL

NCKU, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: July 27, 2012

Respectfully submitted,

NATIONAL CHENG KUNG UNIVERSITY

/s/ Winston O. Huff

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CERTIFICATE OF FILING

I hereby certify that on July 27, 2012 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Respectfully submitted,

/s/ Winston O. Huff

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