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11 Attorneys for Plaintiff Monolithic Power
12 Systems, Inc.

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

16 MONOLITHIC POWER
17 SYSTEMS, INC.,

18 Plaintiff,

19 v.

20 SILERGY CORPORATION,
21 SILERGY TECHNOLOGY,
22 COMPAL ELECTRONICS, INC.,
and BIZCOM ELECTRONICS,
INC.,

23 Defendants.
24

Case No. 2:13-cv-08122

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

25 Plaintiff Monolithic Power Systems, Inc. ("MPS") hereby pleads the
26 following claims for patent infringement against Defendants Silergy Corporation
27 and Silergy Technology (collectively "Silergy") and Defendants Compal
28

1 Electronics, Inc. and Bizcom Electronics, Inc. (collectively "Compal"), and alleges
2 as follows:

3 **PARTIES**

4 1. Plaintiff MPS is a California corporation with its principal place of
5 business located at 79 Great Oaks Blvd., San Jose, CA 95119. MPS is the owner of
6 the patent rights at issue in this action.

7 2. On information and belief, Defendant Silergy Corporation is a
8 corporation organized and existing under the laws of the Cayman Islands with a
9 mailing address at Cayman Management Ltd., Ground Floor, Harbour Centre, P.O.
10 Box 1596, George Town, Grand Cayman, Cayman Islands, British West Indies and
11 a principal place of business at 14F., No. 663, Bannan Road, Zhonghe District,
12 Xinbei City, Taipei County, 231, Taiwan (R.O.C.). On information and belief,
13 Defendant Silergy Corporation was a registered entity with the State of California
14 (Entity No. C3181618) at least as of December 5, 2008, but has since surrendered
15 its status.

16 3. On information and belief, Defendant Silergy Technology is a
17 corporation organized and existing under the laws of the State of California with a
18 principal place of business at 1309 S. Mary Ave., #215, Sunnyvale, CA 94087. On
19 information and belief, Silergy Technology is a subsidiary of Silergy Corporation.

20 4. On information and belief, Defendant Compal Electronics, Inc. is a
21 corporation organized and existing under the laws of Taiwan with a principal place
22 of business at No. 581, Ruiguang Rd., Neihu District, Taipei City 11492, Taiwan
23 (R.O.C.).

24 5. On information and belief, Defendant Bizcom Electronics, Inc. is a
25 corporation organized and existing under the laws of the State of California with a
26 principal place of business at 1171 Montague Expressway, Milpitas, CA 95035.
27 On information and belief, Bizcom Electronics, Inc. is a wholly-owned subsidiary
28 of Compal Electronics, Inc.

1 **JURISDICTION AND VENUE**

2 6. This is an action for patent infringement arising under the patent laws
3 of the United States, 35 U.S.C. § 1 *et seq.*, including but not limited to 35 U.S.C.
4 § 271.

5 7. The Court has subject matter jurisdiction over this action under 28
6 U.S.C. §§ 1331 and 1338(a).

7 8. This Court has personal jurisdiction over Defendants because, among
8 other things, they have committed, aided, abetted, contributed to, induced, or
9 participated in the commission of patent infringement in this judicial district and
10 elsewhere that led to foreseeable harm and injury to MPS. On information and
11 belief, Defendants, directly or through third parties, manufacture or assemble
12 products that are and have been offered for sale, sold, purchased, and/or used within
13 this forum, including without limitation by Silergy's direct or indirect customers,
14 such as Compal and other contract manufacturers, and by the direct or indirect
15 customers of Compal and other contract manufacturers, such as consumer
16 electronic brands like Lenovo and Acer. Defendants, directly or through its
17 distribution networks, regularly place their products within the stream of commerce
18 with the knowledge, understanding, and desire that such products, by themselves or
19 incorporated within its direct or indirect customers' products, including without
20 limitation notebook products from consumer electronics brands, such as Lenovo or
21 Acer manufactured by Compal or other contract manufacturers, that use Silergy
22 components, will be shipped to, sold, or used in this forum and throughout the
23 United States. Thus, Defendants have established minimum contacts within the
24 forum and purposefully availed themselves of the benefits of this forum, and the
25 exercise of personal jurisdiction over Defendants would not offend traditional
26 notions of fair play and substantial justice.

27 9. Defendants transact business in this forum because, among other
28 things, they manufacture, import, and distribute products that are shipped to,

1 offered for sale, sold, purchased, and used within this forum, including to or by
2 Lenovo and Acer. Defendants also are subject to personal jurisdiction in this
3 forum. Venue therefore is proper in this judicial district pursuant to 28 U.S.C.
4 §§ 1391 and/or 1400(b).

5 GENERAL ALLEGATIONS

6 10. MPS is a fabless semiconductor company that designs, develops, and
7 markets proprietary, advanced analog and mixed-signal semiconductors, including
8 synchronous step-down converters utilizing under bump metallization techniques
9 developed by MPS. The under bump metallization technology developed by MPS
10 improves the flip chip packages of MPS synchronous step-down converters by
11 increasing heat dissipation and package reliability, while reducing alignment
12 tolerances. In addition, the electrical performance of high-power integrated circuits
13 is improved by MPS's under bump metallization technology.

14 11. MPS's step-down converters can be used in a wide range of devices
15 including notebook computers, mobile phones, PDAs, portable instruments, DVD
16 drives, small handheld devices, and battery-powered devices. As products such as
17 mobile phones have gotten smaller, the need for step-down converters or step-down
18 regulators of compact size yet high performance has become increasingly pressing.
19 Through its innovation and high quality design of products, MPS has developed a
20 portfolio of patents, including the patents-in-suit, to address these needs.

21 12. Silergy is a direct competitor of MPS in the power integrated circuit
22 market. Silergy's products include synchronous step-down regulators. Silergy's
23 synchronous step-down regulators include, e.g., the SY8208 product family among
24 other product families. On information and belief, some of Silergy's products are
25 designed to be pin-for-pin compatible with MPS's products.

26 13. On information and belief, Silergy's direct or indirect customers
27 include contract manufacturers, such as Compal, its subsidiary Bizcom, and others,
28 and consumer electronics companies, such as Lenovo, Acer and others. For

1 example, Lenovo's G500 notebook product contains one or more synchronous step-
2 down regulators from Silergy. On information and belief, Acer's Aspire E1
3 notebook product contains one or more synchronous step-down regulators from
4 Silergy. MPS has become aware that step-down regulators from Silergy are used in
5 products, such as the Lenovo G500 and Acer's Aspire E1, and incorporate the
6 inventions of one or more MPS patent.

7 14. On information and belief, contract manufacturers, such as Compal,
8 manufacture products that use Silergy's step-down regulators and incorporate the
9 inventions of one or more MPS patent, such as the Lenovo G500 and the Acer
10 Aspire E1 notebooks. On information and belief, Silergy has also sold or offered to
11 sell its synchronous step-down regulators to other contract manufacturers and
12 consumer electronics companies.

13 15. On information and belief, Silergy has knowledge of the patents-in-
14 suit. Silergy's founder, president, and CEO, Wei Chen, was a former employee of
15 MPS, had direct knowledge of the engineering research and development which
16 resulted in the patents-in-suit, and was a member of the MPS Patent Committee
17 which authorized patent applications relating to the technology of the patents-in-
18 suit.

19 16. On information and belief, Silergy has additional knowledge of the
20 patents in suit through its negotiation of a settlement agreement in *Monolithic*
21 *Power Systems, Inc., v. Silergy*, No. 10-1533 (C.D. Cal. filed Mar. 2, 2010), during
22 which it evaluated the patent portfolio of MPS.

23 17. Defendants also have knowledge of the patents-in-suit from the filing
24 and service of this complaint.

25 18. MPS placed Silergy Corporation on notice of its infringement of the
26 patents-in-suit by at least October 31, 2013, by means of a letter sent by counsel for
27 MPS to Silergy's CEO, Wei Chen.
28

1 19. MPS placed Silergy Technology on notice of its infringement of the
2 patents-in-suit by at least October 31, 2013, by means of a letter sent by counsel for
3 MPS to Silergy Corporation's CEO, Wei Chen.

4 20. MPS placed Silergy Technology on notice of its infringement of the
5 patents-in-suit by at least October 31, 2013, by means of a letter sent by counsel for
6 MPS to Silergy Technology's General Manager, Xin Shao.

7 21. MPS placed Compal Electronics, Inc. on notice of its infringement of
8 the patents-in-suit by at least October 31, 2013, by means of letter sent by MPS to
9 Compal Electronic Inc.'s Chairman, Hsu Sheng-Hsiun.

10 22. MPS placed Bizcom Electronics Inc. on notice of its infringement of
11 the patents-in-suit by at least October 31, 2013, by means of letter sent by MPS to
12 Bizcom Electronics Inc.'s President, Duan Wang.

13 THE ASSERTED PATENTS

14 23. MPS owns by assignment all rights to United States Patent No.
15 7,944,048 ("the '048 patent"), titled "Chip Scale Package for Power Devices and
16 Method for Making the Same," which duly and legally issued on May 17, 2011. A
17 copy of the '048 patent is attached as Exhibit A.

18 24. MPS owns by assignment all rights to United States Patent No.
19 8,283,758 ("the '758 patent"), titled "Microelectronic Packages with Enhanced Heat
20 Dissipation and Methods of Manufacturing," which duly and legally issued on
21 October 9, 2012. A copy of the '758 patent is attached as Exhibit B.

22 25. MPS owns by assignment all rights to United States Patent No.
23 8,361,899 ("the '899 patent"), titled "Microelectronic flip chip packages with solder
24 wetting pads and associated methods of manufacturing," which duly and legally
25 issued on January 29, 2013. A copy of the '899 patent is attached as Exhibit C.

26 CLAIMS FOR RELIEF

27 CLAIM 1 – INFRINGEMENT OF U.S. PATENT NO. 7,944,048

28 26. MPS incorporates by reference the allegations in the paragraphs above.

1 27. On information and belief, Defendants have infringed and continue to
2 infringe one or more claims of the '048 patent under 35 U.S.C. § 271.

3 28. Defendants Silergy have directly infringed the '048 patent in the
4 United States and this District through the making, using, sale, offer for sell, and/or
5 importation of its products, including without limitation synchronous step-down
6 regulators including, but not limited to, the Silergy SY8206, SY8208, and SY8228
7 product families. On information and belief, the accused Silergy step-down
8 regulators have chip-scale packages meeting the requirements of one or more
9 claims of the '048 patent, whether literally or under the doctrine of equivalents.

10 29. Defendants Compal have directly infringed the '048 patent in the
11 United States and this District through the making, using, sale, offer for sell, and/or
12 importation of its products, including without limitation products incorporating
13 synchronous step-down regulators, such as the Silergy SY8206 and SY8208
14 product families, including but not limited to products such as the Lenovo G500
15 notebook manufactured by Compal for Lenovo. On information and belief, the
16 Compal products incorporating Silergy step-down regulators have chip-scale
17 packages meeting the requirements of one or more claims of the '048 patent,
18 whether literally or under the doctrine of equivalents.

19 30. Defendants Silergy have induced infringement by inducing others,
20 including without limitation Compal and other computing equipment
21 manufacturers, Lenovo and other computer electronic brands, distributors, retailers,
22 and end users, to make, use, sell, offer for sale, and/or import the accused devices in
23 the United States and this District, including without limitation the Lenovo G500
24 notebook. On information and belief, Defendants Silergy also have provided
25 marketing materials, technical specifications, or other materials that instruct and
26 encourage the purchasers of an accused device to use the device in a manner that
27 infringes certain claims of the '048 patent. Defendants Silergy also have continued
28

1 to sell the accused products despite their awareness of MPS's infringement
2 allegations.

3 31. Defendants Compal have induced infringement by inducing others,
4 including without limitation Lenovo and other computer electronic brands,
5 distributors, retailers, and end users, to make, use, sell, offer for sale, and/or import
6 the accused devices in the United States and this District, including without
7 limitation the Lenovo G500 notebook. On information and belief, Defendants
8 Compal also have provided marketing materials, technical specifications, or other
9 materials that instruct and encourage the purchasers of an accused device to use the
10 device in a manner that infringes certain claims of the '048 patent. Defendants
11 Compal also have continued to sell the accused products despite their awareness of
12 MPS's infringement allegations.

13 32. Defendants Silergy have contributed to the infringement of others,
14 including without limitation Compal and other computing equipment
15 manufacturers, Lenovo and other computer electronic brands, distributors, retailers
16 and end users, by offering to sell, selling, and/or importing within this District and
17 the United States synchronous step-down regulators, knowing the same to be
18 especially made or especially adapted for use in the infringement of the '048 patent
19 and not a staple article of commerce suitable for substantial non-infringing use.

20 33. Defendants Compal have contributed to the infringement of others,
21 including without limitation Lenovo and other computing equipment
22 manufacturers, distributors, retailers and end users, by offering to sell, selling,
23 and/or importing within this District and the United States synchronous step-down
24 regulators, knowing the same to be especially made or especially adapted for use in
25 the infringement of the '048 patent and not a staple article of commerce suitable for
26 substantial non-infringing use.

27 34. On information and belief, Defendants' infringement has been, and
28 continues to be, willful and deliberate, and has caused substantial damage to MPS.

1 For example, Defendants have continued to sell the accused devices despite their
2 awareness of the '048 patent and MPS's infringement allegations.

3 35. On information and belief, Defendants' infringement in violation of
4 federal patent laws will continue to injure MPS unless otherwise enjoined by this
5 Court.

6 **CLAIM 2 – INFRINGEMENT OF U.S. PATENT NO. 8,283,758**

7 36. MPS incorporates by reference the allegations in the paragraphs above.

8 37. On information and belief, Defendants have infringed and continue to
9 infringe one or more claims of the '758 patent under 35 U.S.C. § 271.

10 38. Defendants Silergy have directly infringed the '758 patent in the
11 United States and this District through the making, using, sale, offer for sell, and/or
12 importation of its products, including without limitation synchronous step-down
13 regulators including, but not limited to, the Silergy SY8206, SY8208, and SY8228
14 product families. On information and belief, the accused Silergy step-down
15 regulators have microelectronic packages meeting the requirements of one or more
16 claims of the '758 patent, whether literally or under the doctrine of equivalents.

17 39. Defendants Compal have directly infringed the '758 patent in the
18 United States and this District through the making, using, sale, offer for sell, and/or
19 importation of its products, including without limitation products incorporating
20 synchronous step-down regulators, such as the Silergy SY8206 and SY8208
21 product families, including but not limited to products such as the Lenovo G500
22 notebook manufactured by Compal for Lenovo. On information and belief, the
23 Compal products incorporating Silergy step-down regulators have microelectronic
24 packages meeting the requirements of one or more claims of the '758 patent,
25 whether literally or under the doctrine of equivalents.

26 40. Defendants Silergy have induced infringement by inducing others,
27 including without limitation Compal and other computing equipment
28 manufacturers, Lenovo and other computer electronic brands, distributors, retailers,

1 and end users, to make, use, sell, offer for sale, and/or import the accused devices in
2 the United States and this District, including without limitation the Lenovo G500
3 notebook. On information and belief, Defendants Silergy also have provided
4 marketing materials, technical specifications, or other materials that instruct and
5 encourage the purchasers of an accused device to use the device in a manner that
6 infringes certain claims of the '758 patent. Defendants Silergy also have continued
7 to sell the accused products despite their awareness of MPS's infringement
8 allegations.

9 41. Defendants Compal have induced infringement by inducing others,
10 including without limitation Lenovo and other computer electronic brands,
11 distributors, retailers, and end users, to make, use, sell, offer for sale, and/or import
12 the accused devices in the United States and this District, including without
13 limitation the Lenovo G500 notebook. On information and belief, Defendants
14 Compal also have provided marketing materials, technical specifications, or other
15 materials that instruct and encourage the purchasers of an accused device to use the
16 device in a manner that infringes certain claims of the '758 patent. Defendants
17 Compal also have continued to sell the accused products despite their awareness of
18 MPS's infringement allegations.

19 42. Defendants Silergy have contributed to the infringement of others,
20 including without limitation Compal and other computing equipment
21 manufacturers, Lenovo and other computer electronic brands, distributors, retailers
22 and end users, by offering to sell, selling, and/or importing within this District and
23 the United States synchronous step-down regulators, knowing the same to be
24 especially made or especially adapted for use in the infringement of the '758 patent
25 and not a staple article of commerce suitable for substantial non-infringing use.

26 43. Defendants Compal have contributed to the infringement of others,
27 including without limitation Lenovo and other computing equipment
28 manufacturers, distributors, retailers and end users, by offering to sell, selling,

1 and/or importing within this District and the United States synchronous step-down
2 regulators, knowing the same to be especially made or especially adapted for use in
3 the infringement of the '758 patent and not a staple article of commerce suitable for
4 substantial non-infringing use.

5 44. On information and belief, Defendants' infringement has been, and
6 continues to be, willful and deliberate, and has caused substantial damage to MPS.
7 For example, Defendants have continued to sell the accused devices despite their
8 awareness of the '758 patent and MPS's infringement allegations.

9 45. On information and belief, Defendants' infringement in violation of
10 federal patent laws will continue to injure MPS unless otherwise enjoined by this
11 Court.

12 **CLAIM 3 – INFRINGEMENT OF U.S. PATENT NO. 8,361,899**

13 46. MPS incorporates by reference the allegations in the paragraphs above.

14 47. On information and belief, Defendants have infringed and continues to
15 infringe one or more claims of the '899 patent under 35 U.S.C. § 271.

16 48. Defendants Silergy have directly infringed the '899 patent in the
17 United States and this District through the making, using, sale, offer for sell, and/or
18 importation of its products, including without limitation synchronous step-down
19 regulators including, but not limited to, the Silergy SY8206, SY8208, and SY8228
20 product families. On information and belief, the accused Silergy step-down
21 regulators have semiconductor assemblies meeting the requirements of one or more
22 claims of the '899 patent, whether literally or under the doctrine of equivalents.

23 49. Defendants Compal have directly infringed the '899 patent in the
24 United States and this District through the making, using, sale, offer for sell, and/or
25 importation of its products incorporating synchronous step-down regulators, such as
26 the Silergy SY8206 and SY8208 product families, including but not limited to
27 products such as the Lenovo G500 notebook manufactured by Compal for Lenovo.
28 On information and belief, the Compal products incorporating Silergy step-down

1 regulators have semiconductor assemblies meeting the requirements of one or more
2 claims of the '899 patent, whether literally or under the doctrine of equivalents.

3 50. Defendants Silergy have induced infringement by inducing others,
4 including without limitation Compal and other computing equipment
5 manufacturers, Lenovo and other computer electronic brands, distributors, retailers,
6 and end users, to make, use, sell, offer for sale, and/or import the accused devices in
7 the United States and this District, including without limitation the Lenovo G500
8 notebook. On information and belief, Defendants Silergy also have provided
9 marketing materials, technical specifications, or other materials that instruct and
10 encourage the purchasers of an accused device to use the device in a manner that
11 infringes certain claims of the '899 patent. Defendants Silergy also have continued
12 to sell the accused products despite their awareness of MPS's infringement
13 allegations.

14 51. Defendants Compal have induced infringement by inducing others,
15 including without limitation Lenovo and other computer electronic brands,
16 distributors, retailers, and end users, to make, use, sell, offer for sale, and/or import
17 the accused devices in the United States and this District, including without
18 limitation the Lenovo G500 notebook. On information and belief, Defendants
19 Compal also have provided marketing materials, technical specifications, or other
20 materials that instruct and encourage the purchasers of an accused device to use the
21 device in a manner that infringes certain claims of the '899 patent. Defendants
22 Compal also have continued to sell the accused products despite their awareness of
23 MPS's infringement allegations.

24 52. Defendants Silergy have contributed to the infringement of others,
25 including without limitation Compal and other computing equipment
26 manufacturers, Lenovo and other computer electronic brands, distributors, retailers
27 and end users, by offering to sell, selling, and/or importing within this District and
28 the United States synchronous step-down regulators, knowing the same to be

1 especially made or especially adapted for use in the infringement of the '899 patent
2 and not a staple article of commerce suitable for substantial non-infringing use.

3 53. Defendants Compal have contributed to the infringement of others,
4 including without limitation Lenovo and other computing equipment
5 manufacturers, distributors, retailers and end users, by offering to sell, selling,
6 and/or importing within this District and the United States synchronous step-down
7 regulators, knowing the same to be especially made or especially adapted for use in
8 the infringement of the '899 patent and not a staple article of commerce suitable for
9 substantial non-infringing use.

10 54. On information and belief, Defendants' infringement has been, and
11 continues to be, willful and deliberate, and has caused substantial damage to MPS.
12 For example, Defendants have continued to sell the accused devices despite their
13 awareness of the '899 patent and MPS's infringement allegations.

14 55. On information and belief, Defendants' infringement in violation of
15 federal patent laws will continue to injure MPS unless otherwise enjoined by this
16 Court.

17 **PRAYER FOR RELIEF**

18 Wherefore, MPS prays for relief as follows:

19 A. That the Court render judgment declaring that Defendants have
20 infringed, directly or indirectly, literally or under the doctrine of equivalents, the
21 '048 patent, '758 patent, and '899 patent in violation of 35 U.S.C. § 271;

22 B. That the Court render judgment declaring Defendants' infringement of
23 the '048 patent, '758 patent, and '899 patent is willful and deliberate;

24 C. That MPS be awarded damages adequate to compensate MPS for
25 Defendants' infringement of the '048 patent, '758 patent, and '899 patent;

26 D. That MPS be awarded pre-judgment and post-judgment interest on all
27 damages awarded;

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1 E. That the Court temporarily, preliminarily, and permanently enjoin
2 Defendants; their successors, assigns, subsidiaries, and transferees; their officers,
3 directors, agents, and employees; and all others working on Defendants' behalf
4 from making, using, selling, offering for sale, or importing in the United States any
5 product falling within the scope of the '048 patent, '758 patent, and '899 patent, or
6 inducing or contributing to the infringement of others;

7 F. That the Court render judgment declaring this to be an exceptional
8 case and awarding treble damages to MPS for the unlawful practices of Defendants;

9 G. That MPS be awarded its costs, expenses, and reasonable attorneys'
10 fees;

11 H. That the Court order a full accounting of the damages above, including
12 for past infringement and any continuing or future infringement;

13 I. Such other and further relief as the Court deems just and proper.

14 **DEMAND FOR JURY TRIAL**

15 MPS hereby demands a trial by jury of all issues so triable.
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1 DATED: November 1, 2013

PERKINS COIE LLP

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