

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

BlackBerry Limited,

Plaintiff

v.

Cypress Semiconductor Corp.,

Defendant.

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NO. 3:13-cv-4431

Plaintiff BlackBerry Limited (“BlackBerry”) asserts the following claims against Defendant Cypress Semiconductor Corporation (“Cypress”):

INTRODUCTION

1. BlackBerry revolutionized the mobile communications industry. Its innovative products changed the way millions of people around the world connect, converse, and share information.

2. BlackBerry was founded in 1984 in Waterloo, Ontario by two engineering students, Mike Lazaridis and Douglas Fregin. Within just a few years, the company—then named Research In Motion—focused its energies on wireless data transmission. In the early 1990s, BlackBerry’s research and development team made the transformative leap forward from one-way paging technology to concentrate on two-way wireless communication. In 1998, the company released its first BlackBerry® device, a pioneering mobile product that allowed users to send and receive email on-the-go, as well as giving them untethered access to news, weather, stock-market data and other real-time information. From its modest beginnings, BlackBerry has gone on to offer a portfolio of award-winning products, services, and embedded technologies to tens of millions of individual consumers and organizations around the world, including governments, educational institutions, and over 90% of Fortune 500 companies. By transforming the way people communicate, BlackBerry laid a foundation for today’s multi-billion-dollar modern smartphone industry.

3. In the course of developing its ground-breaking mobile communications devices, BlackBerry invented a broad array of new technologies that cover everything from radio frequency communication techniques, to processors, to power management, and many other areas. To take just one example, power management posed a critical challenge for BlackBerry to overcome when bringing its mobile devices to market. Success required delivering a small, attractive device that could charge quickly, and then efficiently manage power consumption to provide lengthy battery life. These and other BlackBerry inventions altered the history of mobile communications. This is one of the great stories of the technology revolution.

4. Throughout its history BlackBerry has protected the technology developed by its engineering teams, including through seeking patent protection. As detailed below, BlackBerry owns rights to an array of patented and patent pending technologies in the United States, Canada, Europe and other jurisdictions that Cypress infringes. Cypress infringes multiple BlackBerry patents by using BlackBerry's proprietary technology in several of its system-on-chip products and its battery-charging controllers. For example, in its wireless system-on-chip products, Cypress integrates a microcontroller and radio transceiver on a single chip using a patented technology developed by BlackBerry for its early radio modem products. Cypress's battery-charging controllers likewise contain power regulation technology developed by BlackBerry for its mobile devices. Accordingly, this action focuses on Cypress's infringement of BlackBerry's patents through its system-on-chip products and battery charging controllers. BlackBerry also has filed counterclaims against Cypress in the Northern District of California for infringing three of BlackBerry's patents related to USB charging technology, which is a different technology than is the subject of this action. While BlackBerry turns to the courts only reluctantly, it must protect its substantial efforts and investment in bringing its revolutionary mobile devices to market. And it must put a stop to Cypress's unauthorized use of BlackBerry's different patented technologies.

NATURE OF THE ACTION

5. BlackBerry brings an action for patent infringement against Cypress, and seeks a

judgment that Cypress has infringed BlackBerry's United States Patent No. 6,034,623 ("the '623 Patent") and United States Patent No. 6,833,686 ("the '686 Patent").

THE PARTIES

6. BlackBerry Limited is a Canadian company with its principal place of business at 2200 University Avenue East, Waterloo, Ontario, Canada N2K 0A7. BlackBerry Limited is the sole owner of BlackBerry Corporation, a Delaware corporation with its principal place of business at 5000 Riverside Drive, Irving, TX 75039.

7. On information and belief, Cypress is a Delaware corporation with its principal place of business at 198 Champion Court, San Jose, California.

JURISDICTION AND VENUE

8. BlackBerry's claims for patent infringement arise under the patent laws of the United States, 35 U.S.C. § 100, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over BlackBerry's claims pursuant to 28 U.S.C. §§ 1331 and 1338.

9. This Court has personal jurisdiction over Cypress because Cypress has transacted business involving infringing products, has sold or offered for sale infringing products, and has committed or caused tortious injury in this judicial district and within the United States, such that Cypress reasonably should have anticipated being subject to suit in this judicial district. Cypress has additionally engaged in substantial and not isolated activity within this state and within the United States.

10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

THE BLACKBERRY PATENTS

11. On March 7, 2000, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,034,623 ("the '623 Patent"), entitled "Autonomous Radio Telemetry," to Research In Motion Limited (now known as BlackBerry Limited). BlackBerry Limited owns the '623 Patent by assignment. A true and correct copy of the '623 Patent is attached as Exhibit A to this Complaint.

12. On December 21, 2004, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,833,686 (“the ‘686 Patent”), entitled “Circuit And Method Of Operation For An Adaptive Charge Rate Power Supply,” to Research In Motion Limited (now known as BlackBerry Limited). BlackBerry Limited owns the ‘686 Patent by assignment. A true and correct copy of the ‘686 Patent is attached as Exhibit B to this Complaint.

13. The ‘623 Patent and the ‘686 Patent will be referred to below as the “BlackBerry Patents.”

INFRINGEMENT BY CYPRESS

14. The products manufactured, imported, offered for sale and/or sold in the United States by Cypress that infringe one or more claims of the ‘623 Patent include, but are not limited to, the Programmable Radio on Chip Low Power (“PRoC LP”), such as CYRF69213, and ProC LPstar chips, such as CYRF69313, as well as other Cypress programmable radio system-on-chip products that incorporate the same or similar combination wireless transceiver and microprocessor features, functionality, and/or architecture (collectively, the “Cypress Infringing Processor Products”). The identification of products and parts in this Complaint is by way of example only, and on information and belief, the exemplary products and parts identified in this Complaint are representative of all Cypress products and parts with reasonably similar features, functionality and/or architecture, whether discontinued, current or future.

15. The products manufactured, imported, offered for sale and/or sold in the United States by Cypress that infringe one or more claims of the ‘686 Patent include, but are not limited to, the PowerPSoC Maximum Power Point Tracking (MPPT) Solar Charger with Integrated LED Driver (“PowerPSoC”), the CY8CLEd04D01, CY8CLEd04D02, and CY8CLEd04G01, as well as other Cypress battery-charging controllers that incorporate the same or similar battery charging features, functionality, and/or architecture (collectively, the “Cypress Infringing Battery Charging Products”). The identification of products and parts in this Complaint is by way of example only, and on information and belief, the exemplary products and parts identified in this Complaint are representative of all Cypress products and parts with reasonably similar features,

functionality and/or architecture, whether discontinued, current or future.

16. The Cypress Infringing Processor Products and the Cypress Infringing Battery Charging Products (collectively, the “Cypress Infringing Products”) have no substantial non-infringing use.

17. According to Cypress’s website and other publicly available documents, and on information and belief, the Cypress Infringing Products are sold to distributors and end customers in the United States. These distributors and end customers are supplied with user manuals and other information that instructs users how to operate the Cypress Infringing Products, and Cypress provides these instructions while knowing since at least November 4, 2013 that the Cypress Infringing Products infringe multiple BlackBerry patents, including one or more of the BlackBerry Patents. Sale or use of the Cypress Infringing Products in accordance with Cypress’s instructions on how to operate these devices constitutes direct infringement of the BlackBerry Patents.

**FIRST CLAIM
INFRINGEMENT OF THE ‘623 PATENT**

18. BlackBerry re-alleges and incorporates by reference the allegations of paragraphs 1 through 17 as if fully set forth here.

19. The ‘623 Patent is valid and enforceable.

20. BlackBerry has not licensed or otherwise authorized Cypress to make, use, offer for sale, sell, or import into the United States any products that embody the inventions of the ‘623 Patent.

21. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, BlackBerry has complied with the requirements of that statute by providing actual or constructive notice to Cypress of its alleged infringement.

22. Cypress has been and is directly infringing the ‘623 Patent under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents. It has infringed by making, using, importing, offering to sell, and/or selling to third-party manufacturers, distributors, and/or customers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere

within the United States and/or importing into the United States, without authority, products including but not limited to PRoC LP chip products, PRoC LPstar chip products, and other infringing programmable radio system-on-chip products. These products made, used, sold, offered for sale, or imported by Cypress include all of the limitations of one or more claims of the '623 Patent.

23. Upon information and belief, Cypress has been and is indirectly infringing the '623 Patent by way of inducement under 35 U.S.C. § 271(b). Cypress actively induces third-party manufacturers, distributors, importers, and consumers to directly infringe one or more claims of the '623 Patent. Cypress actively induces the manufacture, distribution, importation, sale, offer to sell, and/or use of products—including but not limited to PRoC LP chip products, PRoC LPstar chip products, other infringing programmable radio system-on-chip products, and goods incorporating those products—that include all of the limitations of one or more claims of the '623 Patent, either literally or under the doctrine of equivalents, both in this District and elsewhere in the United States.

24. Cypress has had actual knowledge of the '623 Patent and its infringing conduct since not later than November 4, 2013.

25. Upon information and belief, since at least the time when Cypress was on notice of BlackBerry's patent rights, Cypress has actively induced infringement of one or more claims of the '623 Patent with knowledge, or with willful blindness of the fact, that the induced acts constitute infringement of the '623 Patent. Upon information and belief, Cypress intends to cause infringement by these third-party manufacturers, distributors, importers and/or consumers.

26. Upon information and belief, Cypress has taken affirmative steps to induce infringement of the '623 Patent by, among other things, creating advertisements and application notes that promote the infringing use of programmable radio system-on-chip products, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these

products to these purchasers in the United States.

27. The programmable radio system-on-chip products are especially made or especially adapted for use in an infringement of the '623 patent, and are not staple articles of commerce suitable for substantial non-infringing use.

28. On information and belief, Cypress has been and is contributorily infringing under 35 U.S.C. § 271(c), with respect to sales and offers to sell in the United States and importation into the United States of programmable radio system-on-chip products, knowing that these products are components of or are for use in practicing a material part of one or more inventions of the '623 patent.

29. On information and belief, Cypress has been and is an infringer under 35 U.S.C. § 271(f)(2) because it has, without authority, supplied or has caused to be supplied in or from the United States programmable radio system-on-chip products, an uncombined component of one or more inventions of the '623 patent, intending that the products be combined outside of the United States in a manner that would infringe the '623 patent if such combination occurred within the United States; and, under 35 U.S.C. § 271(f)(1), because the uncombined products supplied or caused to be supplied are a substantial portion of the components of one or more inventions of the '623 patent.

30. BlackBerry has been damaged and irreparably injured by Cypress's infringing activities and will continue to be so damaged and irreparably injured unless Cypress's infringing activities are enjoined by this Court.

31. On information and belief, Cypress's infringement is willful, wanton, and deliberate, without license or excuse and with full knowledge of the '623 Patent.

**SECOND CLAIM
INFRINGEMENT OF THE '686 PATENT**

32. BlackBerry re-alleges and incorporates by reference the allegations of paragraphs 1 through 31 as if fully set forth here.

33. The '686 Patent is valid and enforceable.

34. BlackBerry has not licensed or otherwise authorized Cypress to make, use, offer

for sale, sell, or import into the United States any products that embody the inventions of the '686 Patent.

35. Upon information and belief, to the extent any marking or notice was required by 35 U.S.C. § 287, BlackBerry has complied with the requirements of that statute by providing actual or constructive notice to Cypress of its alleged infringement.

36. Cypress has been and is directly infringing the '686 Patent under 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents. It has infringed by making, using, importing, offering to sell, and/or selling to third-party manufacturers, distributors, and/or customers (directly or through intermediaries and/or subsidiaries) in this District and elsewhere within the United States and/or importing into the United States, without authority, products including but not limited to PowerPSoC chips, such as the CY8CLED04D01, CY8CLED04D02, and CY8CLED04G01, and other infringing battery-charging controllers with power regulation capabilities. These products made, used, sold, offered for sale, or imported by Cypress include all of the limitations of one or more claims of the '686 Patent.

37. Upon information and belief, Cypress has been and is indirectly infringing the '686 Patent by way of inducement under 35 U.S.C. § 271(b). Cypress actively induces third-party manufacturers, distributors, importers, and consumers to directly infringe one or more claims of the '686 Patent. Cypress actively induces the manufacture, distribution, importation, sale, offer to sell, and/or use of products—including but not limited to the CY8CLED04D01, CY8CLED04D02, and CY8CLED04G01, other PowerPSoC chips, other infringing battery-charging controllers with power regulation capabilities, and goods incorporating these products—that include all of the limitations of the '686 Patent, either literally or under the doctrine of equivalents, both in this District and elsewhere in the United States.

38. Cypress has had actual knowledge of the '686 Patent and its infringing conduct since at least November 4, 2013.

39. Upon information and belief, since at least the time when Cypress was on notice of BlackBerry's patent rights, Cypress has actively induced infringement of one or more claims of the '686 Patent with knowledge, or with willful blindness of the fact, that the induced acts

constitute infringement of the '686 Patent. Upon information and belief, Cypress intends to cause infringement by these third-party manufacturers, distributors, importers and/or consumers.

40. Upon information and belief, Cypress has taken affirmative steps to induce infringement of the '686 Patent by, among other things, creating advertisements, application notes, and reference projects that promote the infringing use of battery-charging controllers, creating established distribution channels for these products into and within the United States, purchasing these products, manufacturing these products in conformity with U.S. laws and regulations, distributing or making available instructions or manuals for these products to purchasers and prospective buyers, and/or providing technical support, replacement parts, or services for these products to these purchasers in the United States.

41. The battery-charging controllers are especially made or especially adapted for use in an infringement of the '686 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

42. On information and belief, Cypress has been and is contributorily infringing under 35 U.S.C. § 271(c), with respect to sales and offers to sell in the United States and importation into the United States of battery-charging controllers, knowing that these battery-charging controllers are components of or are for use in practicing a material part of one or more inventions of the '686 Patent.

43. On information and belief, Cypress has been and is an infringer under 35 U.S.C. § 271(f)(2) because it has, without authority, supplied or has caused to be supplied in or from the United States battery-charging controllers, an uncombined component of one or more inventions of the '686 Patent, intending that the battery-charging controllers be combined outside of the United States in a manner that would infringe the '686 Patent if such combination occurred within the United States; and, under 35 U.S.C. § 271(f)(1), because the uncombined battery-charging controllers supplied or caused to be supplied are a substantial portion of the components of one or more inventions of the '686 Patent.

44. BlackBerry has been damaged and irreparably injured by Cypress's infringing activities and will continue to be so damaged and irreparably injured unless Cypress's infringing

activities are enjoined by this Court.

45. On information and belief, Cypress's infringement is willful, wanton, and deliberate, without license or excuse and with full knowledge of the '686 Patent.

PRAYER FOR RELIEF

WHEREFORE, BlackBerry respectfully prays that the Court:

- A. Enter judgment in BlackBerry's favor on all claims;
- B. Enter judgment that the Cypress Infringing Products infringe the '623 and '686 Patents.
- C. Enter an order permanently enjoining Cypress and its officers, directors, agents, servants, employees, attorneys, licensees, successors, assigns, and customers, and those in active concert or participation with any of them, from making, using, offering to sell, or selling in the United States or importing into the United States any devices that infringe any claim of the BlackBerry Patents;
- D. Award BlackBerry its damages adequate to compensate it for Cypress's infringement in an amount to be determined at trial, pursuant to 35 U.S.C. § 284;
- E. Award BlackBerry prejudgment interest and post-judgment interest on its damages;
- F. Perform an accounting of Cypress's infringing sales not presented at trial and award BlackBerry additional damages from any such infringing sales;
- G. Award BlackBerry its attorneys' fees and costs of litigating this action;
- H. Find this case to be exceptional and award BlackBerry its reasonable attorneys' fees, costs, expenses, and prejudgment interest under 35 U.S.C. § 285 or otherwise;
- I. Award BlackBerry any further general or special relief to which BlackBerry is entitled; and
- J. Provide such other and further general or special relief to BlackBerry that this Court deems just and proper.

BlackBerry reserves the right to amend its Complaint to raise additional claims as warranted by subsequent investigation and/or analysis.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, BlackBerry hereby demands trial by jury on all issues presented in this action.

Date: November 4, 2013

Respectfully Submitted,

/s/ E. Leon Carter

E. Leon Carter
Texas State Bar No. 03914300
Sheria Dranise Smith
Texas State Bar No. 24075097
CARTER STAFFORD ARNETT HAMADA & MOCKLER
PLLC
8150 N Central Expressway
Suite 1950
Dallas, TX 75206
Telephone: 214.550.8188
Facsimile: 214.550.8185

Geoff M. Howard
(lead counsel, *pro hac vice application*
forthcoming)
geoff.howard@bingham.com
BINGHAM MCCUTCHEN LLP
Three Embarcadero Center
San Francisco, California 94111-4067
Telephone: 415.393.2000
Facsimile: 415.393.2286

Richard de Bodo
(*pro hac vice application forthcoming*)
rich.debodo@bingham.com
BINGHAM MCCUTCHEN LLP
The Water Garden, Suite 2050
North, 1601 Cloverfield Boulevard
Santa Monica, CA 90404-4082
Telephone: 310.907.1000
Facsimile: 310.907.2000

Susan Baker Manning
(*pro hac vice application forthcoming*)
susan.manning@bingham.com
Robert C. Bertin
(*pro hac vice application forthcoming*)
r.bertin@bingham.com

BINGHAM MCCUTCHEN LLP
2020 K Street NW
Washington, DC 20006-1806
Telephone: 202.373.6000
Facsimile: 202.373.6001

Gary Lincenberg
(pro hac vice application forthcoming)
gsl@birdmarella.com
Thomas V. Reichert
(pro hac vice application forthcoming)
tvr@birdmarella.com
BIRD, MARELLA, BOXER, WOLPERT, NESSIM,
DROOKS & LINCENBERG, P.C.
1875 Century Park East, 23rd Floor
Los Angeles, California 90067-2561
Telephone: 310.201.2100
Facsimile: 310.201.2110

Attorneys for BLACKBERRY LIMITED