

1 Michael K. Friedland, Esq. (State Bar No. 157,217)  
Michael.Friedland@knobbe.com  
2 Michelle E. Armond, Esq. (State Bar No. 227,439)  
Michelle.Armond@knobbe.com  
3 Samantha Y. Hsu, Esq. (State Bar No. 285,853)  
Samantha.hsu@knobbe.com  
4 KNOBBE, MARTENS, OLSON & BEAR, LLP  
5 2040 Main Street  
Fourteenth Floor  
6 Irvine, CA 92614  
7 Phone: (949) 760-0404  
Facsimile: (949) 760-9502  
8  
9 *Attorneys for Plaintiff Skyworks Solutions, Inc.*

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 \_\_\_\_\_ ) Civil Action No.  
13 SKYWORKS SOLUTIONS, INC., )  
14 Plaintiff, ) **PLAINTIFF SKYWORKS**  
15 v. ) **SOLUTION, INC.'S COMPLAINT**  
16 KINETIC TECHNOLOGIES, INC., ) **FOR PATENT INFRINGEMENT;**  
17 Defendant. ) **DEMAND FOR JURY TRIAL**  
18 \_\_\_\_\_ )

1 Plaintiff Skyworks Solutions, Inc. (“Skyworks”) brings this Complaint for Patent  
2 Infringement against Defendant Kinetic Technologies, Inc. (“Kinetic”) and alleges as follows:

3 **NATURE OF THE ACTION**

4 1. This is an action for patent infringement arising under the Patent Laws of the  
5 United States, 35 U.S.C. § 100 *et seq.*

6 **INTRADISTRICT ASSIGNMENT**

7 2. This action is an intellectual property action subject to district-wide  
8 assignment pursuant to Local Civil Rules 3-2(c) and 3-5(b).

9 **PARTIES**

10 3. Plaintiff Skyworks Solutions, Inc. is a Delaware corporation with its principal  
11 place of business at 20 Sylvan Road, Woburn, Massachusetts 01801. Skyworks maintains  
12 extensive facilities in California and this Judicial District, including facilities for  
13 semiconductor design, manufacturing, sales, marketing, support, operations, quality, and  
14 supply chain operations in Santa Clara, Newbury Park, and Irvine, California.

15 4. Upon information and belief, Kinetic is a California corporation with its  
16 principal place of business in this Judicial District at 1185 Bordeaux Drive, Suite D,  
17 Sunnyvale, California 94089.

18 **JURISDICTION**

19 5. This Court has jurisdiction over this patent infringement action under 28  
20 U.S.C. §§ 1331 and 1338(a).

21 6. Kinetic is subject to the personal jurisdiction of this Court for the claims  
22 asserted herein. Upon information and belief, Kinetic has its principal place of business in  
23 this Judicial District.

24 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391(b) and  
25 (c) and § 1400(b). Upon information and belief, Kinetic has its principal place of business in  
26 this Judicial District and has committed acts of infringement in this Judicial District.

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1 **FACTUAL BACKGROUND**

2 8. On April 5, 2011, the United States Patent and Trademark Office duly and  
3 lawfully issued U.S. Patent No. 7,921,320, entitled “Single Wire Serial Interface” (“the ‘320  
4 Patent”). A true and correct copy of the ‘320 Patent is attached hereto as Exhibit 1.

5 9. On September 17, 2013, the United States Patent and Trademark Office duly  
6 and lawfully issued U.S. Patent No. 8,539,275, entitled “Single Wire Serial Interface” (“the  
7 ‘275 Patent”). A true and correct copy of the ‘275 Patent is attached hereto as Exhibit 2.

8 10. The ‘320 Patent was initially assigned from the employee inventors thereof to  
9 Advanced Analogic Technologies, Inc. (“AATI”). In 2012, Skyworks acquired AATI.

10 11. The ‘275 Patent is assigned to Skyworks Solutions, Inc.

11 12. Skyworks is the owner by assignment of all right, title, and interest in the ‘320  
12 and ‘275 Patents.

13 13. Upon information and belief, Kin Shum (“Shum”) is an officer, director,  
14 employee, and/or founder of Kinetic.

15 14. Before founding Kinetic, Shum was an employee and director of AATI. Shum  
16 was employed by AATI from 2003 until 2006. His last position at AATI was Director of  
17 Strategic Marketing. During the term of his employment with AATI, his responsibilities  
18 included project management for new products in the power management market, including  
19 LED driver products, defining new products, setting up new product approval processes,  
20 implementing product concepts, and implementing project schedules.

21 15. During his employment at AATI, Shum was named as an inventor on a patent  
22 application titled “USB Battery Charger” filed by AATI, subsequently published as U.S.  
23 Patent Application Publication No. 2006/0033474.

24 16. Upon information and belief, Jan Nilsson (“Nilsson”) is an officer, director,  
25 employee, and/or founder of Kinetic.

26 17. Before founding Kinetic, Nilsson was an employee and vice president of  
27 AATI. Nilsson was employed by AATI from 2001 until 2006. His last position at AATI was  
28 Vice President of Marketing and Business Development.

1 18. During his employment at AATI, Nilsson was named as an inventor of the  
2 '320 Patent. Nilsson is also named as an inventor on the '275 Patent.

3 19. Upon information and belief, Kinetic, Shum, and Nilsson were aware that  
4 AATI filed patent applications covering its products.

5 20. Upon information and belief, Kinetic, Shum, and Nilsson were aware that  
6 AATI developed, made, and sold LED driver products.

7 21. Upon information and belief, Kinetic, Shum, and Nilsson knew or should have  
8 known of the '320 and '275 Patents.

9 **FIRST CLAIM FOR RELIEF –**  
10 **INFRINGEMENT OF U.S. PATENT NO. 7,921,320**

11 22. Skyworks re-alleges and incorporates by reference the allegations contained in  
12 Paragraphs 1 through 21 above as though fully set forth herein.

13 23. Upon information and belief, Kinetic and/or those acting in concert with  
14 Kinetic, have made, used, offered to sell, sold, and/or imported into the United States and this  
15 Judicial District, and placed into the stream of commerce, LED driver products, including but  
16 not limited to those with integrated circuit die identifications AADAA, 9B003-F, 9B003-D,  
17 and 9A002-B, which are marketed and sold as part numbers KTD101, KTD102, KTD253,  
18 KTD259, KTD262, and/or devices that incorporate such products, that infringe at least one  
19 claim of the '320 Patent in violation of 35 U.S.C. § 271.

20 24. Upon information and belief, Kinetic and/or those acting in concert with  
21 Kinetic, with knowledge of the '320 Patent, contributed to the infringement of the '320  
22 Patent, by having its direct and indirect customers sell, offer for sale, use, and import into the  
23 United States and this Judicial District, and placing into the stream of commerce, LED driver  
24 products, including but not limited to those with integrated circuit die identifications  
25 AADAA, AADAA, 9B003-F, 9B003-D, and 9A002-B, which are marketed and sold as part  
26 numbers KTD101, KTD102, KTD253, KTD259, KTD262, and/or devices that incorporate  
27 such products, with knowledge that such products infringe the '320 Patent.

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1 9B003-D, and 9A002-B, which are marketed and sold as part numbers KTD101, KTD102,  
2 KTD253, KTD259, KTD262, and/or devices that incorporate such products, that infringe at  
3 least one claim of the '275 Patent in violation of 35 U.S.C. § 271.

4 32. Upon information and belief, Kinetic and/or those acting in concert with  
5 Kinetic, with knowledge of the '275 Patent, contribute to the infringement of the '275 Patent,  
6 by having its direct and indirect customers sell, offer for sale, use, and import into the United  
7 States and this Judicial District, and placing into the stream of commerce, LED driver  
8 products, including but not limited to those with integrated circuit die identifications  
9 AADAA, AADAA, 9B003-F, 9B003-D, and 9A002-B, which are marketed and sold as part  
10 numbers KTD101, KTD102, KTD253, KTD259, KTD262, and/or devices that incorporate  
11 such products, with knowledge that such products infringe the '275 Patent.

12 33. Upon information and belief, Kinetic and/or those acting in concert with  
13 Kinetic, with knowledge of the '275 Patent, intentionally induce infringement of the '275  
14 Patent, by having its direct and indirect customers sell, offer for sale, use, and import into the  
15 United States and this Judicial District, and placing into the stream of commerce, LED driver  
16 products, including but not limited to those with integrated circuit die identifications  
17 AADAA, AADAA, 9B003-F, 9B003-D, and 9A002-B, which are marketed and sold as part  
18 numbers KTD101, KTD102, KTD253, KTD259, KTD262, and/or devices that incorporate  
19 such products, with knowledge that such products infringe the '275 Patent.

20 34. Upon information and belief, as of its founding, Kinetic was aware of the  
21 existence of the application that led to the '275 Patent.

22 35. Upon information and belief, Kinetic's infringement of the '275 Patent is  
23 willful, deliberate, and intentional by continuing its acts of infringement with knowledge of  
24 the '275 Patent and thus acting in reckless disregard of Skyworks' patent rights.

25 36. As a consequence of Kinetic's infringement of the '275 Patent, Skyworks has  
26 suffered and will continue to suffer harm and injury, including monetary damages in an  
27 amount to be determined at trial.

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1           37.     Upon information and belief, unless enjoined Kinetic and/or others acting on  
2     behalf of Kinetic, will continue their infringing acts, thereby causing irreparable harm to  
3     Skyworks for which there is no adequate remedy at law.

4                                     **DEMAND FOR JUDGMENT**

5           **WHEREFORE**, Skyworks prays for entry of judgment that:

6           A.     Kinetic is liable for infringement, contributory infringement, and inducing  
7     infringement of the '320 and '275 Patents under 35 U.S.C. § 271;

8           B.     Kinetic, and each of its affiliates, subsidiaries, officers, agents, servants,  
9     employees, representatives, successors and assigns, and all other persons in active concert or  
10    participation with Kinetic, shall be preliminarily and permanently enjoined from further  
11    infringing, contributing to others' infringement, and inducing others to infringe the '320 and  
12    '275 Patents under 35 U.S.C. § 283;

13          C.     Kinetic shall pay damages to Skyworks resulting from Kinetic's infringement  
14    of the '320 and '275 Patents pursuant to 35 U.S.C. § 284;

15          D.     Kinetic's continuing infringement of the '320 and '275 Patents was and is  
16    willful, justifying a trebling of the award of damages under 35 U.S.C. § 284, or such other  
17    enhancement of the award of damages that the Court deems appropriate;

18          E.     This action be determined to be an exceptional case and Skyworks be awarded  
19    their attorneys' fees, costs, and expenses under 35 U.S.C. § 285;

20          F.     Skyworks be entitled to pre-judgment and post-judgment interest and costs  
21    against Kinetic, in accordance with 35 U.S.C. § 284; and

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G. Skyworks be awarded such other and further relief as the Court may deem just and proper.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 2, 2014

By: /s/ Michelle E. Armond

Michael K. Friedland, Esq.  
Michael.Friedland@knobbe.com  
Michelle E. Armond, Esq.  
Michelle.Armond@knobbe.com  
Samantha Y. Hsu, Esq.  
Samantha.hsu@knobbe.com  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
2040 Main Street, Fourteenth Floor  
Irvine, CA 92614  
Phone: (949) 760-0404  
Facsimile: (949) 760-9502

*Attorneys for Plaintiff Skyworks Solutions, Inc.*



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**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff Skyworks Solutions, Inc. demands a trial by jury of all issues raised by this Complaint that are triable by jury.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 2, 2014

By: /s/ Michelle E. Armond

Michael K. Friedland, Esq.  
Michael.Friedland@knobbe.com  
Michelle E. Armond, Esq.  
Michelle.Armond@knobbe.com  
Samantha Y. Hsu, Esq.  
Samantha.hsu@knobbe.com  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
2040 Main Street, Fourteenth Floor  
Irvine, CA 92614  
Phone: (949) 760-0404  
Facsimile: (949) 760-9502

*Attorneys for Plaintiff Skyworks Solutions, Inc.*

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