

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

ON SEMICONDUCTOR CORPORATION;  
SEMICONDUCTOR COMPONENTS  
INDUSTRIES, LLC;

PLAINTIFF;

v.

CMOSIS N.V.; ALLIEDSENS LLC;  
LEICA CAMERA AG

DEFENDANTS.

Cause No. \_\_\_\_\_

**JURY DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

1. Plaintiffs ON Semiconductor Corporation and Semiconductor Components Industries, LLC (collectively, “ON Semi”), by their attorneys, Baker Botts LLP, file this Complaint against Defendants CMOSIS N.V., AlliedSens LLC, and Leica Camera AG (collectively, “Defendants”). In support of this Complaint, ON Semi would respectfully show the Court as follows:

**PARTIES**

2. Plaintiff ON Semiconductor Corporation is a Delaware corporation with its principal place of business at 5005 East McDowell Road, Phoenix, Arizona, 85008. ON Semi designs, manufactures and markets a comprehensive portfolio of semiconductor products, including CMOS image sensors. ON Semi CMOS image sensors can be used in a variety of applications, such as digital cameras, medical imaging systems, and security devices. ON Semi

further provides custom design services to develop and manufacture semiconductor products--such as CMOS image sensors--for clients' specific applications.

3. Plaintiff Semiconductor Components Industries LLC is a Delaware limited liability company with its principal place of business at 5005 East McDowell Road, Phoenix, Arizona, 85008. Semiconductor Components LLC is the principal domestic operating subsidiary of ON Semiconductor and does business under the name of ON Semiconductor.

4. Upon information and belief, Defendant CMOSIS N.V. is a Belgian company with a principal place of business at Coveliersstraat 15 B, 2600 Antwerp, Belgium.

5. Upon information and belief, Defendant AlliedSens LLC is a California limited liability company with a principal place of business at 12556 Chetenham Lane, San Diego, California, 92128.

6. Defendant Leica Camera AG is a German company with a principal place of business at Oskar-Barnack Straße 11, D-35606 Solms, Germany.

#### **JURISDICTION AND VENUE**

7. This action arises under the patent laws of the United States, 35 U.S.C. § 271, et seq. Jurisdiction in this Court over this cause of action is proper pursuant to 28 U.S.C. §§ 1331 and 1338 and 35 U.S.C. § 1, et seq.

8. This Court has personal jurisdiction over the Defendants. The Defendants have conducted and do conduct business within the State of Texas; the Defendants directly or through intermediaries (including distributors, retailers, and others) make, distribute, offer for sale, sell, advertise and use their products in the United States and the State of Texas.

9. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391(b) and 1400(b) because the acts and transactions constituting the violations alleged herein occurred in

part in this judicial district and Defendants transact business in this judicial district. Venue is also proper in this district under 28 U.S.C. § 1391(c) because Defendants are entities that are subject to personal jurisdiction in this district.

### **FACTUAL BACKGROUND**

**10.** After a full and fair examination, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 5,933,190, entitled “Pixel Structure, Image Sensor Using Such Pixel Structure and Corresponding Peripheral Circuitry” (hereinafter, “the ‘190 patent”) on August 3, 1999. A true and correct copy of the ‘190 patent is attached as **Exhibit A**.

**11.** After a full and fair examination, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,011,251, entitled “Method for Obtaining a High Dynamic Range Read-Out Signal of a CMOS-Based Pixel Structure and Such CMOS-Based Pixel Structure” (hereinafter, “the ‘251 patent”) on January 4, 2000. A true and correct copy of the ‘251 patent is attached as **Exhibit B**.

**12.** After a full and fair examination, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,408,195, entitled “Semiconductor Pixel Arrays with Reduced Sensitivity to Defects” (hereinafter, “the ‘195 patent”) on August 5, 2008. A true and correct copy of the ‘195 patent is attached as **Exhibit C**. Guy Meynants is the sole named inventor of the ‘195 patent.

**13.** After a full and fair examination, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,608,516, entitled “Semiconductor Pixel Arrays with Reduced Sensitivity to Defects” (hereinafter, “the ‘516 patent”) on October 27, 2009. A true and correct copy of the ‘516 patent is attached as **Exhibit D**. Guy Meynants is the sole named inventor of the ‘516 patent.

14. ON Semi owns title and all rights to the ‘190, ‘251, ‘195, and ‘516 patents, including the right to prevent others from making, having made, using, offering for sale, importing, or selling products and services covered by those patents; the right to enforce those patents against Defendants; and the right to collect damages for all relevant times.

15. ON Semi acquired the ‘190, ‘251, ‘195, and ‘516 patents through its acquisition of Cypress Semiconductor Corporation (Belgium) BVBA (“Cypress”), which held all rights to the patents at the time of ON Semi’s acquisition. Cypress has since changed its name to ON Semiconductor Image Sensor BVBA, and ON Semiconductor Image Sensor BVBA assigned any and all right, title and interest in the ‘190, ‘251, ‘195 and ‘516 patents to ON Semi.

16. Several key employees left Cypress to form CMOSIS. These employees include the sole named inventor for the ‘195 and ‘516 patents, Guy Meynants. Upon information and belief, Mr. Meynants is currently Vice President of Research and Development and Chief Technology Officer of CMOSIS. As a result of Mr. Meynant’s status as (the only) named inventor of the ‘195 and ‘516 patents, CMOSIS is prohibited under the doctrine of assignor estoppel from asserting that those patents are invalid. As companies in privity with CMOSIS, AlliedSens LLC and Leica Camera AG also are prohibited under the doctrine of assignor estoppel from asserting that the ‘195 and ‘516 patents are invalid.

17. Upon information and belief, Defendants have been and are, within this Judicial District, State, and elsewhere, making, using, selling, offering for sale or importing CMOS image sensors, or products including CMOS image sensors, that infringe one or more of the ‘190, ‘251, ‘195, and ‘516 patents without license or authorization from ON Semi. For example, upon information and belief, CMOSIS has provided its infringing CMV2000 CMOS image sensor to Point Grey Research Inc., for inclusion in Gazelle 2.2 MP Mono Camera Links,

available in this judicial district and elsewhere through the Internet at [www.ptgreystore.com/gazelle-22-mp-mono-camera-link](http://www.ptgreystore.com/gazelle-22-mp-mono-camera-link). Point Grey Research Inc. shipped a Gazelle 2.2 MP Mono Camera Link to a location within this judicial district in Plano, Texas in December 2013. Upon information and belief, CMOSIS also has provided at least infringing CMV2000 CMOS image sensors to Allied Vision Technologies GmbH for inclusion in digital cameras, such as the Prosilica GT and Manta families of cameras. Upon information and belief, Allied Vision Technologies GmbH has used and displayed digital cameras, including CMOSIS's infringing CMV2000 CMOS image sensors, at trade shows in Austin, Texas in August 2010 and Boston, Massachusetts in May 2012. Upon information and belief, CMOSIS also provided at least CMV2000 CMOS image sensors (as well as other CMOSIS CMOS image sensors) to Lumenera Corporation for inclusion Lumenera's Lt425 and Lt225 USB 3.0 digital cameras. Upon information and belief, Lumenera Corporation used and displayed digital cameras including CMOSIS's infringing CMV2000 CMOS image sensors at a trade show in Chicago, Illinois in January 2013.

18. Defendant AlliedSens has offered and continues to offer infringing CMOSIS CMOS image sensors, including the CMV2000 CMOS image sensor, for sale in this district and elsewhere through its website.

19. Upon information and belief, Defendant CMOSIS has provided infringing 24-megapixel CMOS image sensors to Leica Camera AG for inclusion in Leica Camera AG's M-System digital cameras. Further, Defendant Leica Camera AG has offered and continues to offer M-System digital cameras containing the infringing 24-megapixel CMOS image sensors from CMOSIS for sale in the United States.

20. In a letter dated September 30, 2013, ON Semi informed CMOSIS that CMOSIS's CMOS image sensors infringed at least the '195 and '516 patents. ON Semi provided claim charts explaining how CMOSIS's CMV2000 CMOS image sensors infringed the '195 and '516 patents and demanded that CMOSIS immediately cease and desist its infringement. CMOSIS, through its attorney Michaël Beck, responded with a letter dated October 10, 2013 claiming that CMOSIS does not infringe. ON Semi provided a point-by-point response to Mr. Beck's letter five days later and further informed CMOSIS that at least its CMV2000 CMOS image sensor infringes the '190 and '251 patents. ON Semi provided claim charts explaining how CMOSIS's CMV2000 CMOS image sensors infringe the '190 and '251 patents and demanded that CMOSIS immediately cease and desist its infringement. Upon information and belief, CMOSIS has not heeded ON Semi's demand. Instead, CMOSIS continues to infringe.

### **COUNT ONE**

#### **INFRINGEMENT OF U.S. PATENT NO. 5,933,190 BY EACH OF CMOSIS AND ALLIEDSENS**

21. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-20 as through fully set forth herein.

22. The '190 patent is valid and enforceable.

23. CMOSIS and AlliedSens have at no time, expressly or impliedly, been licensed under the '190 patent.

24. Upon information and belief, CMOSIS and AlliedSens have been directly infringing and are now directly infringing the '190 patent under 35 U.S.C. § 271, either literally or under the doctrine of equivalents, in this District and elsewhere by making, using, selling, offering for sale, and/or importing into the United States infringing CMOS image sensors and/or

products including CMOS image sensors. Infringing CMOS image sensors include, but are not limited to, CMOSIS's CMV2000 high speed global shutter image sensors; infringing products including infringing CMOS image sensors include, but are not limited to, digital cameras.

25. Upon information and belief, CMOSIS has indirectly infringed and is now indirectly infringing the '190 patent under 35 U.S.C. § 271, either literally or under the doctrine of equivalents, in this District and elsewhere. Specifically, upon information and belief, CMOSIS has induced importation of infringing CMOS image sensors and products including infringing CMOS image sensors by third-party distributors and customers, including AlliedSens LLC. Infringing CMOS image sensors include, but are not limited to, CMOSIS's CMV2000 high speed global shutter image sensors; infringing products including infringing CMOS image sensors include, but are not limited to, digital cameras.

26. CMOSIS's infringement of the '190 patent has been willful and intentional. ON Semi notified CMOSIS in October 2013 that CMOSIS infringed the '190 patent. CMOSIS has acted with objectively high likelihood that its actions constituted infringement of the '190 patent by continuing to manufacture, sell, offer for sale, use and import--and induce importation of--infringing CMOS image sensors, including CMV2000 high speed global shutter image sensors. The objectively defined risk was either known or so obvious that it should have been known, at least because the founders of CMOSIS were business unit managers for CMOS image sensors at Cypress at a time when Cypress held the '190 patent.

27. ON Semi has been irreparably harmed by CMOSIS and AlliedSens's infringement of the '190 patent and will continue to be harmed unless and until CMOSIS and AlliedSens's infringement is enjoined by this Court. ON Semi has no adequate remedy at law to redress CMOSIS and AlliedSens's continuing infringement. The hardships that would be

imposed upon CMOSIS and AlliedSens by an injunction are less than those faced by ON Semi should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

28. Also as a result of CMOSIS and AlliedSens's infringement, ON Semi has suffered and will continue to suffer damages in an amount to be proved at trial.

## **COUNT TWO**

### **INFRINGEMENT OF U.S. PATENT NO. 6,011,251 BY ALL DEFENDANTS**

29. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-20 as through fully set forth herein.

30. The '251 patent is valid and enforceable.

31. Defendants have at no time, expressly or impliedly, been licensed under the '251 patent.

32. Upon information and belief, Defendants have been directly infringing and are now directly infringing the '251 patent under 35 U.S.C. § 271, either literally or under the doctrine of equivalents, in this District and elsewhere by making, using, selling, offering for sale, and/or importing into the United States infringing CMOS image sensors and/or products including CMOS image sensors. Infringing CMOS image sensors include, but are not limited to, CMOSIS's CMV2000 and 24-megapixel CMOS high speed global shutter image sensors; infringing products including infringing CMOS image sensors include, but are not limited to, digital cameras.

33. Upon information and belief, CMOSIS has indirectly infringed and is now indirectly infringing the '251 patent under 35 U.S.C. § 271, either literally or under the doctrine of equivalents, in this District and elsewhere. Specifically, upon information and belief, CMOSIS has induced importation of infringing CMOS image sensors and products including



infringing CMOS image sensors by third-party distributors and customers, including AlliedSens LLC. Infringing CMOS image sensors include, but are not limited to, CMOSIS's CMV2000 and 24-megapixel CMOS high speed global shutter image sensors; infringing products including infringing CMOS image sensors include, but are not limited to, digital cameras, including Leica Camera AG's M-System digital cameras.

34. CMOSIS's infringement of the '251 patent has been willful and intentional. ON Semi notified CMOSIS in October 2013 that CMOSIS infringed the '251 patent. CMOSIS has acted with objectively high likelihood that its actions constituted infringement of the '251 patent by continuing to manufacture, sell, offer for sale, use and import--and induce importation of--infringing CMOS image sensors, including CMV2000 and 24-megapixel CMOS high speed global shutter image sensors. The objectively defined risk was either known or so obvious that it should have been known, particularly at least because the founders of CMOSIS were business unit managers for CMOS image sensors at Cypress at a time when Cypress held the '251 patent.

35. ON Semi has been irreparably harmed by Defendants' infringement of the '251 patent and will continue to be harmed unless and until Defendants' infringement is enjoined by this Court. ON Semi has no adequate remedy at law to redress Defendants' continuing infringement. The hardships that would be imposed upon Defendants by an injunction are less than those faced by ON Semi should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

36. Also as a result of Defendants' infringement, ON Semi has suffered and will continue to suffer damages in an amount to be proved at trial.

### **COUNT THREE**

#### **INFRINGEMENT OF U.S. PATENT NO. 7,408,195 BY EACH OF CMOSIS AND ALLIEDSENS**

37. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-20 as through fully set forth herein.

38. The '195 patent is valid and enforceable.

39. CMOSIS and AlliedSens have at no time, expressly or impliedly, been licensed under the '195 patent.

40. Upon information and belief, CMOSIS and AlliedSens have been directly infringing and are now directly infringing the '195 patent under 35 U.S.C. § 271, either literally or under the doctrine of equivalents, in this District and elsewhere by making, using, selling, offering for sale, and/or importing into the United States infringing CMOS image sensors and/or products including CMOS image sensors. Infringing CMOS image sensors include, but are not limited to, CMOSIS's CMV2000 high speed global shutter image sensors; infringing products including infringing CMOS image sensors include, but are not limited to, digital cameras.

41. Upon information and belief, CMOSIS has indirectly infringed and is now indirectly infringing the '195 patent under 35 U.S.C. § 271, either literally or under the doctrine of equivalents, in this District and elsewhere. Specifically, upon information and belief, CMOSIS has induced importation of infringing CMOS image sensors and products including infringing CMOS image sensors by third-party distributors and customers, including AlliedSens LLC. Infringing CMOS image sensors include, but are not limited to, CMOSIS's CMV2000 high speed global shutter image sensors; infringing products including infringing CMOS image sensors include, but are not limited to, digital cameras.

42. CMOSIS's infringement of the '195 patent has been willful and intentional. ON Semi notified CMOSIS in October 2013 that CMOSIS infringed the '195 patent. CMOSIS has acted with objectively high likelihood that its actions constituted infringement of the '195 patent by continuing to manufacture, sell, offer for sale, use and import--and induce importation of--infringing CMOS image sensors, including CMV2000 high speed global shutter image sensors. The objectively defined risk was either known or so obvious that it should have been known, particularly inasmuch as the sole named inventor of the '195 patent, Mr. Meynants, is an officer of CMOSIS.

43. ON Semi has been irreparably harmed by CMOSIS and AlliedSens's infringement of the '195 patent and will continue to be harmed unless and until CMOSIS and AlliedSens's infringement is enjoined by this Court. ON Semi has no adequate remedy at law to redress CMOSIS and AlliedSens's continuing infringement. The hardships that would be imposed upon CMOSIS and AlliedSens by an injunction are less than those faced by ON Semi should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

44. Also as a result of CMOSIS and AlliedSens's infringement, ON Semi has suffered and will continue to suffer damages in an amount to be proved at trial.

## COUNT FOUR

### INFRINGEMENT OF U.S. PATENT NO. 7,608,516 BY EACH OF CMOSIS AND ALLIEDSENS

45. Plaintiffs repeat and re-allege each and every allegation of paragraphs 1-20 as through fully set forth herein.

46. The '516 patent is valid and enforceable.

47. CMOSIS and AlliedSens have at no time, expressly or impliedly, been licensed under the '516 patent.

48. Upon information and belief, CMOSIS and AlliedSens have been directly infringing and are now directly infringing the '516 patent under 35 U.S.C. § 271, either literally or under the doctrine of equivalents, in this District and elsewhere by making, using, selling, offering for sale, and/or importing into the United States infringing CMOS image sensors and/or products including CMOS image sensors. Infringing CMOS image sensors include, but are not limited to, CMOSIS's CMV2000 high speed global shutter image sensors; infringing products including infringing CMOS image sensors include, but are not limited to, digital cameras.

49. Upon information and belief, CMOSIS has indirectly infringed and is now indirectly infringing the '516 patent under 35 U.S.C. § 271, either literally or under the doctrine of equivalents, in this District and elsewhere. Specifically, upon information and belief, CMOSIS has induced importation of infringing CMOS image sensors and products including infringing CMOS image sensors by third-party distributors and customers, including AlliedSens LLC. Infringing CMOS image sensors include, but are not limited to, CMOSIS's CMV2000 high speed global shutter image sensors; infringing products including infringing CMOS image sensors include, but are not limited to, digital cameras.

50. CMOSIS's infringement of the '516 patent has been willful and intentional. ON Semi notified CMOSIS in October 2013 that CMOSIS infringed the '516 patent. CMOSIS has acted with objectively high likelihood that its actions constituted infringement of the '516 patent by continuing to manufacture, sell, offer for sale, use and import--and induce importation of--infringing CMOS image sensors, including CMV2000 high speed global shutter image sensors. The objectively defined risk was either known or so obvious that it should have been known, particularly inasmuch as the sole named inventor of the '516 patent, Mr. Meynants, is an officer of CMOSIS.

51. ON Semi has been irreparably harmed by CMOSIS and AlliedSens's infringement of the '516 patent and will continue to be harmed unless and until CMOSIS and AlliedSens's infringement is enjoined by this Court. ON Semi has no adequate remedy at law to redress CMOSIS and AlliedSens's continuing infringement. The hardships that would be imposed upon CMOSIS and AlliedSens by an injunction are less than those faced by ON Semi should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

52. Also as a result of CMOSIS and AlliedSens's infringement, ON Semi has suffered and will continue to suffer damages in an amount to be proved at trial.

## **PRAYER FOR RELIEF**

WHEREFORE, ON Semi requests a judgment:

- A. That ON Semi is the owner of all right, title, and interest in and to U.S. Patent Nos. 5,933,190; 6,011,251; 7,408,195; and 7,608,516, together with all the rights of recovery under such patents for past and future infringements thereof;
- B. That CMOSIS and AlliedSens have infringed U.S. Patent Nos. 5,933,190; 7,408,195; and 7,608,516;
- C. That Defendants have infringed U.S. Patent No. 6,011,251;
- D. That U.S. Patent Nos. 5,933,190; 6,011,251; 7,408,195; and 7,608,516 are valid and enforceable in law;
- E. Awarding ON Semi its damages caused by Defendants' infringement, including an assessment of pre-judgment and post-judgment interest and costs;
- F. That CMOSIS's infringement of U.S. Patent Nos. 5,933,190; 6,011,251; 7,408,195; and 7,608,516 was willful;
- G. Enhancing the award of damages to ON Semi due to CMOS's willful infringement;
- H. Entering a permanent injunction against Defendants, their officers, agents, servants, employees, attorneys, all parent and subsidiary corporations and affiliates, their assigns and successors in interest, and those persons in active concert or participation with any of them who receive notice of the injunction, enjoining them from continuing acts of infringement of U.S. Patent Nos. 5,933,190; 6,011,251; 7,408,195; and 7,608,516, including, without limitation, from continuing to make, use, sell, offer for sale, or import infringing CMOS image sensors or products including such sensors;

- I. That this is an exceptional case and awarding to ON Semi its costs, expenses, and reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- J. In the event a permanent injunction preventing future acts of infringement is not entered, that ON Semi be awarded a compulsory ongoing licensing fee; and
- K. Awarding to ON Semi such other and further relief as this Court may deem just and proper.

Dated: January 2, 2014

Respectfully submitted,

/s/ Roger Fulghum

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