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ATTORNEYS FOR PLAINTIFF

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FREESCALE SEMICONDUCTOR, INC.,

Plaintiff,

v.

MEDIATEK INC., MEDIATEK USA INC.,
ACER INC., AMTRAN TECHNOLOGY CO.
LTD., AMTRAN LOGISTICS, INC.,
ASUSTEK COMPUTER INC., ASUS
COMPUTER INTERNATIONAL, INC., BLU
PRODUCTS, INC., LENOVO GROUP LTD.,
LENOVO (UNITED STATES) INC., SHARP
CORP., SHARP ELECTRONICS CORP.,
SHARP ELECTRONICS MANUFACTURING
COMPANY OF AMERICA INC., TOSHIBA
AMERICA INFORMATION SYSTEMS, INC.,
TOSHIBA LOGISTICS AMERICA, INC., TPV
DISPLAY TECHNOLOGY (XIAMEN) CO.,
LTD., TREND SMART AMERICA, LTD.,
TREND SMART CE MEXICO, S.R.L. DE
C.V., VIZIO, INC., YAMAHA CORP., and
YAMAHA CORP. OF AMERICA,

Defendants.

Case No. _____

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Freescale Semiconductor, Inc. (“Freescale”) respectfully files this Complaint for
2 patent infringement against Defendants MediaTek Inc. and MediaTek USA Inc. (collectively
3 “MediaTek”); Acer Inc.; AmTRAN Technology Co. Ltd. and AmTRAN Logistics, Inc.
4 (collectively “AmTRAN”); ASUSTek Computer Inc. and ASUS Computer International, Inc.
5 (collectively ASUSTek”); BLU Products, Inc. (“BLU”); Lenovo Group Ltd. and Lenovo (United
6 States) Inc. (collectively “Lenovo”); Sharp Corporation, Sharp Electronics Corporation, and
7 Sharp Electronics Manufacturing Company of America Inc. (collectively “Sharp”); Toshiba
8 America Information Systems, Inc. and Toshiba Logistics America, Inc. (collectively
9 “Toshiba”); TPV Display Technology (Xiamen) Co., Ltd., Trend Smart America, Ltd. and Trend
10 Smart Ce México, S.r.l. de C.V. (collectively “Trend Smart”); Vizio, Inc. (“Vizio”); Yamaha
11 Corporation and Yamaha Corporation of America (collectively “Yamaha”).

12 **INTRODUCTION**

13 1. This is an action for patent infringement brought before this Court pursuant to 28
14 U.S.C. §§ 1331 and 1338(a). Defendants have infringed and continue to infringe, contribute to
15 the infringement of, and/or actively induce others to infringe one or more claims of Freescale’s
16 U.S. Patent No. 5,962,926 (“the ’926 Patent”), U.S. Patent No. 7,158,432 (“the ’432 Patent”),
17 U.S. Patent No. 7,230,505 (“the ’505 Patent”), U.S. Patent No. 7,518,947 (“the ’947 Patent”),
18 U.S. Patent No. 7,626,276 (“the ’276 Patent”), and U.S. Patent No. 7,746,716 (“the ’716 Patent”)
19 (collectively the “Asserted Patents”).

20 **THE PARTIES**

21 2. Freescale is a Delaware corporation with its headquarters located at 6501 William
22 Cannon Drive West in Austin, Texas. Freescale was formed in 2004 as a result of the divestiture
23 of the Semiconductor Products Sector of Motorola, Inc. Freescale is the successor-in-interest and
24 assignee of Motorola’s semiconductor-related patent portfolio. As a result of Freescale’s and its
25 predecessor’s vigorous investment in research and development, it owns a portfolio of United
26 States patents consisting of approximately 5,000 patents.

1 3. On information and belief, MediaTek Inc. is a corporation organized under the
2 laws of Taiwan headquartered at No. 1, Dusing Road 1, Hsinchu Science Park, Hsinchu City
3 30078, Taiwan. On information and belief, MediaTek Inc. is the worldwide parent corporation
4 for other MediaTek entities, and is responsible, directly and/or indirectly, for at least MediaTek's
5 infringing activities and products. On information and belief, MediaTek Inc. makes, uses, sells,
6 imports and/or offers for sale various types of integrated circuits ("MediaTek Integrated
7 Circuits") that infringe the Asserted Patents. These integrated circuits are used in a wide variety
8 of consumer applications, including mobile communication chipsets, Blu-ray player chipsets,
9 and highly integrated digital TV controller chips.

10 4. On information and belief, MediaTek USA Inc. ("MediaTek USA") is a
11 corporation organized in the United States under the laws of Delaware headquartered at 2860
12 Junction Avenue, San Jose, California 95134. On information and belief, MediaTek USA is a
13 wholly owned subsidiary of MediaTek Inc. and is engaged in sales, research, and development.
14 On information and belief, MediaTek USA makes, uses, sells, imports and/or offers for sale
15 MediaTek Integrated Circuits.

16 5. On information and belief, Acer Inc. is a corporation organized under the laws of
17 Taiwan headquartered at 8F, 88 Sec. 1, Xintai 5th Road, Xizhi, New Taipei City 221, Taiwan.
18 On information and belief, Acer makes, uses, sells, imports and/or offers for sale products
19 incorporating the MediaTek Integrated Circuits in this district.

20 6. On information and belief, AmTRAN Technology Co. Ltd. is a corporation
21 organized under the laws of Taiwan headquartered at No. 268, Lien Chen Road, 17th Floor,
22 Chung Ho City, New Taipei 11235, Taiwan. On information and belief, AmTRAN Technology
23 makes, uses, sells, imports and/or offers for sale products incorporating the MediaTek Integrated
24 Circuits in this district.

25 7. On information and belief, AmTRAN Logistics, Inc. is a corporation organized in
26 the United States under the laws of California headquartered at 9351 Irvine Center Drive, Irvine,
27
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1 California 92618. On information and belief, AmTRAN Logistics makes, uses, sells, imports
2 and/or offers for sale products incorporating the MediaTek Integrated Circuits in this district.

3 8. On information and belief, ASUSTek Computer Inc. is a corporation organized
4 under the laws of Taiwan headquartered at No. 15, Li-Te Rd., Beitou, Taipei, Taiwan. On
5 information and belief, ASUSTek makes, uses, sells, imports and/or offers for sale products
6 incorporating the MediaTek Integrated Circuits in this district.

7 9. On information and belief, ASUS Computer International, Inc. is a corporation
8 organized in the United States under the laws of California headquartered at 800 Corporate Way,
9 Fremont, California 94539. On information and belief, ASUS Computer International makes,
10 uses, sells, imports and/or offers for sale products incorporating the MediaTek Integrated
11 Circuits in this district.

12 10. On information and belief, BLU Products, Inc. is a United States corporation
13 organized under the laws of Delaware headquartered at 10814 NW 33rd St # 100, Doral, Florida
14 33172. On information and belief, BLU makes, uses, sells, imports and/or offers for sale
15 products incorporating the MediaTek Integrated Circuits in this district.

16 11. On information and belief, Lenovo Group Ltd. is a corporation organized under the
17 laws of China headquartered at No. 6 Chuangye Road, Shangdi Information Industry Base,
18 Haidian District, Beijing, China 100085. On information and belief, Lenovo Group Ltd. makes,
19 uses, sells, imports and/or offers for sale products incorporating the MediaTek Integrated
20 Circuits in this district.

21 12. On information and belief, Lenovo (United States) Inc. is a United States
22 corporation organized under the laws of Delaware headquartered at 1009 Think Place,
23 Morrisville, North Carolina 27560. On information and belief, Lenovo (United States) Inc.
24 makes, uses, sells, imports and/or offers for sale products incorporating the MediaTek Integrated
25 Circuits in this district.

26 13. On information and belief, Sharp Corporation is a corporation organized under the
27 laws of Japan headquartered at 22-22 Nagaike-cho, Abeno-ku, Osaka 545-8522, Japan. On
28

1 information and belief, Sharp Corporation makes, uses, sells, imports and/or offers for sale
2 products incorporating the MediaTek Integrated Circuits in this district.

3 14. On information and belief, Sharp Electronics Corporation (“SEC”) is a United
4 States corporation organized under the laws of New York headquartered at 1 Sharp Plaza,
5 Mahwah, New Jersey 07495. On information and belief, SEC makes, uses, sells, imports and/or
6 offers for sale products incorporating the MediaTek Integrated Circuits in this district.

7 15. On information and belief, Sharp Electronics Manufacturing Company of America,
8 Inc. (“SEMC”) is a United States corporation organized under the laws of California
9 headquartered at 1 Sharp Plaza, Mahwah, New Jersey 07495. On information and belief, SEMC
10 makes, uses, sells, imports and/or offers for sale products incorporating the MediaTek Integrated
11 Circuits in this district.

12 16. On information and belief, Toshiba America Information Systems, Inc. is a United
13 States corporation organized under the laws of California headquartered at 9740 Irvine
14 Boulevard, Irvine, California 92618. On information and belief, Toshiba America Information
15 Systems makes, uses, sells, imports and/or offers for sale products incorporating the MediaTek
16 Integrated Circuits in this district.

17 17. On information and belief, Toshiba Logistics America, Inc. is a United States
18 corporation organized under the laws of California headquartered at 9740 Irvine Boulevard,
19 Irvine, California 92618. On information and belief, Toshiba Logistics America makes, uses,
20 sells, imports and/or offers for sale products incorporating the MediaTek Integrated Circuits in
21 this district.

22 18. On information and belief, TPV Display Technology (Xiamen) Co., Ltd. is a
23 corporation organized under the laws of China headquartered at No. 1, Xianghai Road,
24 (Xiang’An) Industrial Zone, Torch Hi-New Zon, Xiamen, Fujian, 361101, China. On
25 information and belief, TPV Display Technology makes, uses, sells, imports and/or offers for
26 sale products incorporating the MediaTek Integrated Circuits in this district.

1 19. On information and belief, Trend Smart America, Ltd. is a United States
2 corporation organized under the laws of California headquartered at 2 South Pointe Drive, Suite
3 152, Lake Forest, California 92630. On information and belief, Trend Smart America makes,
4 uses, sells, imports and/or offers for sale products incorporating the MediaTek Integrated
5 Circuits in this district.

6 20. On information and belief, Trend Smart Ce México, S.r.l. de C.V. is a corporation
7 organized under the laws of Mexico headquartered at Sor Juana Ines De La Cruz No. 196202,
8 Tijuana, Baja California, 22435, Mexico. On information and belief, Trend Smart Ce México
9 makes, uses, sells, imports and/or offers for sale products incorporating the MediaTek Integrated
10 Circuits in this district.

11 21. On information and belief, Vizio, Inc. is a United States corporation organized
12 under the laws of California headquartered at 39 Tesla, Irvine, California 92618. On information
13 and belief, Vizio makes, uses, sells, imports and/or offers for sale products incorporating the
14 MediaTek Integrated Circuits in this district.

15 22. On information and belief, Yamaha Corporation (Japan) is a corporation organized
16 under the laws of Japan headquartered at 10-1, Nakazawa-cho, Naka-ku, Hamamatsu, Shizuoka
17 430-8650, Japan. On information and belief, Yamaha Corporation (Japan) makes, uses, sells,
18 imports and/or offers for sale products incorporating the MediaTek Integrated Circuits in this
19 district.

20 23. On information and belief, Yamaha Corporation of America is a consolidated
21 subsidiary of Yamaha Corporation (Japan) located in the United States at 6600 Orangethorpe
22 Avenue, Buena Park, California 90620. On information and belief, Yamaha Corporation of
23 America makes, uses, sells, imports and/or offers for sale products incorporating the MediaTek
24 Integrated Circuits in this district.

JURISDICTION

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24. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

25. This Court has personal jurisdiction over Defendants because Defendants conduct business in the State of California and have infringed, have contributed to the infringement of, have actively induced, continue to infringe, continue to contribute to the infringement of, and/or continue to actively induce others to infringe the Asserted Patents as alleged below.

26. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 or 1400(b) because a substantial part of the events giving rise to Freescale’s claims occurred in the Northern District of California and because each defendant is either resident in or otherwise subject to personal jurisdiction in the Northern District of California.

INTRADISTRICT ASSIGNMENT

27. This is an Intellectual Property Action to be assigned on a district-wide basis pursuant to Civil Local Rule 3-2(c).

FACTUAL BACKGROUND

28. Freescale is a leading designer and developer of complex, high-performance integrated circuit products. It has invested heavily in protection of its intellectual property and currently holds approximately five thousand active patents in the United States. This patent portfolio resulted from millions of dollars invested in research and development by Freescale and companies that form part of the lineage of Freescale, including Motorola, Inc.

29. The Asserted Patents involve valuable technology in the field of integrated circuit design, in particular, timing circuits associated with memory architectures and structures for bond pad layout. Freescale owns by assignment the Asserted Patents, which are valid and enforceable United States patents.

1 30. Freescale employs approximately 19,000 people in over 20 countries, including
2 about 6,000 people in the United States alone. Freescale maintains major design, research and
3 development, and support centers in Austin, Texas, and Phoenix, Arizona. Freescale also
4 operates numerous wafer fabrication facilities around the world, including two facilities in
5 Austin, Texas, and one facility in Chandler, Arizona.

6 31. Freescale’s customers include some of the world’s top Original Equipment
7 Manufacturers. Freescale’s power management solutions, microprocessors, microcontrollers,
8 sensors, radio frequency semiconductors, analog and mixed signal circuits, and software are
9 embedded in products used around the world including automobiles, communication and
10 entertainment systems, home and commercial appliances, and networking infrastructures.

11 32. Upon information and belief, Defendants are in the business of, *inter alia*,
12 making, using, selling, importing and/or offering for sale products in the United States that
13 consist of or include integrated circuits, wireless communication devices, and audiovisual
14 devices, such as televisions, Blu-ray disc players, computer tablets, optical disc readers,
15 consumer electronics, and wireless phones, which incorporate the MediaTek Integrated Circuits.

16 33. The Accused Products include those containing a MediaTek MT5395 series
17 system on a chip (SoC) processor, a MediaTek MT5396 series system on a chip (SoC) processor,
18 or a MediaTek MT5580 series system on a chip (SoC) processor each of which are typically
19 employed to control televisions.

20 34. The Accused Products include those containing a MediaTek MT6589 series quad-
21 core processor or a MediaTek MT8125 series quad-core processor which are typically employed
22 as the central processing unit in smartphone or wireless communication devices.

23 35. The Accused Products include those containing a MediaTek MT 6628 series
24 processor which is typically employed to control wireless connectivity in smartphones or
25 wireless communication devices.

26 36. The Accused Products include those containing a MediaTek MT8551 series
27 system on a chip (SoC) processor or a MediaTek MT8555 series system on a chip (SoC)

1 processor which are tailored to perform operations useful to Blu-ray playback, and as such are
2 typically employed to control Blu-ray disc players.

3 37. Upon information and belief, each of the Defendants has made, used, sold,
4 imported and/or offered for sale products consisting of or including Accused Products.

5 **ASSERTED PATENTS**

6 38. The Asserted Patents generally relate to circuitry for timing operations within
7 memory circuits and to bond pad structures and layouts used on integrated circuits. Integrated
8 circuit memory requires precise and stable timing signals to ensure fast operation. These timing
9 signals are generated by clock circuits and propagated by signal lines through the memory. The
10 Asserted Patents include circuit technology for generating, controlling and using signals that
11 synchronize the operation of a memory. The Asserted Patents also include circuit technology for
12 generating an oscillator signal stable over a wide frequency range which is useful in wireless
13 communication applications. Finally, the Asserted Patents include technology for wirebond pads
14 that increase input/output density of the chip layout. The technology of the Asserted Patents
15 functions to provide highly advanced integrated circuits with faster memory and increased
16 density of input/output connections.

17 39. Freescale is the owner by assignment of all rights, title, and interest in the
18 Asserted Patents, including the right to bring this suit for injunctive relief and damages.

19 40. The '926 patent entitled "Semiconductor Device Having Multiple Overlapping
20 Rows of Bond Pads with Conductive Interconnects and Method of Pad Placement," was duly and
21 legally issued by the United States Patent and Trademark Office on October 5, 1999. A true and
22 correct copy of the '926 patent is attached as Exhibit A.

23 41. The '432 patent entitled "Memory with Robust Data Sensing and Method for
24 Sensing Data," was duly and legally issued by the United States Patent and Trademark Office on
25 January 2, 2007. A true and correct copy of the '432 patent is attached as Exhibit B.

1 such use of the claimed methods and/or systems by Defendants' distributors, resellers, and/or
2 end user customers using Accused Products, and/or (3) have contributed to the infringement of
3 the '926 Patent, and/or actively induced others to infringe the '926 Patent, in this district and
4 elsewhere in the United States.

5 49. Upon information and belief, Defendants have induced and/or are inducing the
6 infringement of the '926 Patent. On information and belief, Defendants were aware of the '926
7 Patent at least as early as the filing of this action or an International Trade Commission
8 complaint regarding this patent. On information and belief, Defendants manufactured, tested,
9 used, advertised, promoted, offered for sale, sold for importation into the United States, imported
10 into the United States and/or sold or offered for sale after importation the Accused Products, and
11 are continuing to do so, including for or to customers, distributors, resellers, end users and/or
12 others, specifically intending and actively encouraging such customers, distributors, resellers,
13 end users and/or others to make, use, offer to sell, sell, import, export, supply, and/or distribute
14 Accused Products, in this district and elsewhere in the United States, in a manner that
15 Defendants know to be infringing. On information and belief, the Accused Products can only be
16 used in an infringing manner, and such customers, distributors, resellers, end users and/or others
17 in fact made, used, offered to sell, sold, imported, exported, supplied and/or distributed Accused
18 Products in the United States in an infringing matter.

19 50. Upon information and belief, Defendants have contributorily infringed and/or are
20 contributorily infringing the '926 Patent through their sale, offers to sell and/or importation into
21 the United States of components of the Accused Products and/or Accused Products for use in
22 practicing a process, constituting a material part of '926 Patent claims, knowing the same to be
23 especially made or especially adapted for use in an infringement of the '926 Patent, and not a
24 staple article or commodity of commerce suitable for substantial noninfringing use. On
25 information and belief, Defendants were aware of the '926 Patent at least as early as the filing of
26 this action or an International Trade Commission complaint regarding this patent.

COUNT II

**(Patent Infringement of U.S. Patent No. 7,158,432
Under 35 U.S.C. § 271, et. seq.)**

51. Freescale incorporates by reference and realleges paragraphs 1 through 46 above as though fully restated herein.

52. Upon information and belief, Defendants (1) have directly infringed and continue to infringe the '432 Patent by making, using, offering to sell, selling, importing, exporting, supplying, and/or distributing, in this district and elsewhere in the United States, Accused Products, and/or (2) have indirectly infringed one or more claims of the '432 Patent by inducing such use of the claimed methods and/or systems by Defendants' distributors, resellers, and/or end user customers using Accused Products, and/or (3) have contributed to the infringement of the '432 Patent, and/or actively induced others to infringe the '432 Patent, in this district and elsewhere in the United States.

53. Upon information and belief, Defendants have induced and/or are inducing the infringement of the '432 Patent. On information and belief, Defendants were aware of the '432 Patent at least as early as the filing of this action or an International Trade Commission complaint regarding this patent. On information and belief, Defendants manufactured, tested, used, advertised, promoted, offered for sale, sold for importation into the United States, imported into the United States and/or sold or offered for sale after importation the Accused Products, and are continuing to do so, including for or to customers, distributors, resellers, end users and/or others, specifically intending and actively encouraging such customers, distributors, resellers, end users and/or others to make, use, offer to sell, sell, import, export, supply, and/or distribute Accused Products, in this district and elsewhere in the United States, in a manner that Defendants know to be infringing. On information and belief, the Accused Products can only be used in an infringing manner, and such customers, distributors, resellers, end users and/or others

1 in fact made, used, offered to sell, sold, imported, exported, supplied and/or distributed Accused
2 Products in the United States in an infringing matter.

3 54. Upon information and belief, Defendants have contributorily infringed and/or are
4 contributorily infringing the '432 Patent through their sale, offers to sell and/or importation into
5 the United States of components of the Accused Products and/or Accused Products for use in
6 practicing a process, constituting a material part of '432 Patent claims, knowing the same to be
7 especially made or especially adapted for use in an infringement of the '432 Patent, and not a
8 staple article or commodity of commerce suitable for substantial noninfringing use. On
9 information and belief, Defendants were aware of the '432 Patent at least as early as the filing of
10 this action or an International Trade Commission complaint regarding this patent.

11 **COUNT III**

12 **(Patent Infringement of U.S. Patent No. 7,230,505**
13 **Under 35 U.S.C. § 271, et. seq.)**

14 55. Freescale incorporates by reference and realleges paragraphs 1 through 46 above
15 as though fully restated herein.

16 56. Upon information and belief, Defendants (1) have directly infringed and continue
17 to infringe the '505 Patent by making, using, offering to sell, selling, importing, exporting,
18 supplying, and/or distributing, in this district and elsewhere in the United States, Accused
19 Products, and/or (2) have indirectly infringed one or more claims of the '505 Patent by inducing
20 such use of the claimed methods and/or systems by Defendants' distributors, resellers, and/or
21 end user customers using Accused Products, and/or (3) have contributed to the infringement of
22 the '505 Patent, and/or actively induced others to infringe the '505 Patent, in this district and
23 elsewhere in the United States.

24 57. Upon information and belief, Defendants have induced and/or are inducing the
25 infringement of the '505 Patent. On information and belief, Defendants were aware of the '505
26 Patent at least as early as the filing of this action or an International Trade Commission
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1 complaint regarding this patent. On information and belief, Defendants manufactured, tested,
2 used, advertised, promoted, offered for sale, sold for importation into the United States, imported
3 into the United States and/or sold or offered for sale after importation the Accused Products, and
4 are continuing to do so, including for or to customers, distributors, resellers, end users and/or
5 others, specifically intending and actively encouraging such customers, distributors, resellers,
6 end users and/or others to make, use, offer to sell, sell, import, export, supply, and/or distribute
7 Accused Products, in this district and elsewhere in the United States, in a manner that
8 Defendants know to be infringing. On information and belief, the Accused Products can only be
9 used in an infringing manner, and such customers, distributors, resellers, end users and/or others
10 in fact made, used, offered to sell, sold, imported, exported, supplied and/or distributed Accused
11 Products in the United States in an infringing matter.

12 58. Upon information and belief, Defendants have contributorily infringed and/or are
13 contributorily infringing the '505 Patent through their sale, offers to sell and/or importation into
14 the United States of components of the Accused Products and/or Accused Products for use in
15 practicing a process, constituting a material part of '505 Patent claims, knowing the same to be
16 especially made or especially adapted for use in an infringement of the '505 Patent, and not a
17 staple article or commodity of commerce suitable for substantial noninfringing use. On
18 information and belief, Defendants were aware of the '505 Patent at least as early as the filing of
19 this action or an International Trade Commission complaint regarding this patent.

20 **COUNT IV**

21 **(Patent Infringement of U.S. Patent No. 7,518,947**
22 **Under 35 U.S.C. § 271, et. seq.)**

23 59. Freescale incorporates by reference and realleges paragraphs 1 through 46 above
24 as though fully restated herein.

25 60. Upon information and belief, Defendants (1) have directly infringed and continue
26 to infringe the '947 Patent by making, using, offering to sell, selling, importing, exporting,
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1 supplying, and/or distributing, in this district and elsewhere in the United States, Accused
2 Products, and/or (2) have indirectly infringed one or more claims of the '947 Patent by inducing
3 such use of the claimed methods and/or systems by Defendants' distributors, resellers, and/or
4 end user customers using Accused Products, and/or (3) have contributed to the infringement of
5 the '947 Patent, and/or actively induced others to infringe the '947 Patent, in this district and
6 elsewhere in the United States.

7 61. Upon information and belief, Defendants have induced and/or are inducing the
8 infringement of the '947 Patent. On information and belief, Defendants were aware of the '947
9 Patent at least as early as the filing of this action or an International Trade Commission
10 complaint regarding this patent. On information and belief, Defendants manufactured, tested,
11 used, advertised, promoted, offered for sale, sold for importation into the United States, imported
12 into the United States and/or sold or offered for sale after importation the Accused Products, and
13 are continuing to do so, including for or to customers, distributors, resellers, end users and/or
14 others, specifically intending and actively encouraging such customers, distributors, resellers,
15 end users and/or others to make, use, offer to sell, sell, import, export, supply, and/or distribute
16 Accused Products, in this district and elsewhere in the United States, in a manner that
17 Defendants know to be infringing. On information and belief, the Accused Products can only be
18 used in an infringing manner, and such customers, distributors, resellers, end users and/or others
19 in fact made, used, offered to sell, sold, imported, exported, supplied and/or distributed Accused
20 Products in the United States in an infringing matter.

21 62. Upon information and belief, Defendants have contributorily infringed and/or are
22 contributorily infringing the '947 Patent through their sale, offers to sell and/or importation into
23 the United States of components of the Accused Products and/or Accused Products for use in
24 practicing a process, constituting a material part of '947 Patent claims, knowing the same to be
25 especially made or especially adapted for use in an infringement of the '947 Patent, and not a
26 staple article or commodity of commerce suitable for substantial noninfringing use. On
27

1 information and belief, Defendants were aware of the '947 Patent at least as early as the filing of
2 this action or an International Trade Commission complaint regarding this patent.

3 **COUNT V**

4 **(Patent Infringement of U.S. Patent No. 7,626,276**
5 **Under 35 U.S.C. § 271, et. seq.)**

6 63. Freescale incorporates by reference and realleges paragraphs 1 through 46 above
7 as though fully restated herein.

8 64. Upon information and belief, Defendants (1) have directly infringed and continue
9 to infringe the '276 Patent by making, using, offering to sell, selling, importing, exporting,
10 supplying, and/or distributing, in this district and elsewhere in the United States, Accused
11 Products, and/or (2) have indirectly infringed one or more claims of the '276 Patent by inducing
12 such use of the claimed methods and/or systems by Defendants' distributors, resellers, and/or
13 end user customers using Accused Products, and/or (3) have contributed to the infringement of
14 the '276 Patent, and/or actively induced others to infringe the '276 Patent, in this district and
15 elsewhere in the United States.

16 65. Upon information and belief, Defendants have induced and/or are inducing the
17 infringement of the '276 Patent. On information and belief, Defendants were aware of the '276
18 Patent at least as early as the filing of this action or an International Trade Commission
19 complaint regarding this patent. On information and belief, Defendants manufactured, tested,
20 used, advertised, promoted, offered for sale, sold for importation into the United States, imported
21 into the United States and/or sold or offered for sale after importation the Accused Products, and
22 are continuing to do so, including for or to customers, distributors, resellers, end users and/or
23 others, specifically intending and actively encouraging such customers, distributors, resellers,
24 end users and/or others to make, use, offer to sell, sell, import, export, supply, and/or distribute
25 Accused Products, in this district and elsewhere in the United States, in a manner that
26 Defendants know to be infringing. On information and belief, the Accused Products can only be
27

1 used in an infringing manner, and such customers, distributors, resellers, end users and/or others
2 in fact made, used, offered to sell, sold, imported, exported, supplied and/or distributed Accused
3 Products in the United States in an infringing matter.

4 66. Upon information and belief, Defendants have contributorily infringed and/or are
5 contributorily infringing the '276 Patent through their sale, offers to sell and/or importation into
6 the United States of components of the Accused Products and/or Accused Products for use in
7 practicing a process, constituting a material part of '276 Patent claims, knowing the same to be
8 especially made or especially adapted for use in an infringement of the '276 Patent, and not a
9 staple article or commodity of commerce suitable for substantial noninfringing use. On
10 information and belief, Defendants were aware of the '276 Patent at least as early as the filing of
11 this action or an International Trade Commission complaint regarding this patent.

12 **COUNT VI**

13 **(Patent Infringement of U.S. Patent No. 7,746,716**
14 **Under 35 U.S.C. § 271, et. seq.)**

15 67. Freescale incorporates by reference and realleges paragraphs 1 through 46 above
16 as though fully restated herein.

17 68. Upon information and belief, Defendants (1) have directly infringed and continue
18 to infringe the '716 Patent by making, using, offering to sell, selling, importing, exporting,
19 supplying, and/or distributing, in this district and elsewhere in the United States, Accused
20 Products, and/or (2) have indirectly infringed one or more claims of the '716 Patent by inducing
21 such use of the claimed methods and/or systems by Defendants' distributors, resellers, and/or
22 end user customers using Accused Products, and/or (3) have contributed to the infringement of
23 the '716 Patent, and/or actively induced others to infringe the '716 Patent, in this district and
24 elsewhere in the United States.

25 69. Upon information and belief, Defendants have induced and/or are inducing the
26 infringement of the '716 Patent. On information and belief, Defendants were aware of the '716
27 Patent at least as early as the filing of this action or an International Trade Commission

1 complaint regarding this patent. On information and belief, Defendants manufactured, tested,
2 used, advertised, promoted, offered for sale, sold for importation into the United States, imported
3 into the United States and/or sold or offered for sale after importation the Accused Products, and
4 are continuing to do so, including for or to customers, distributors, resellers, end users and/or
5 others, specifically intending and actively encouraging such customers, distributors, resellers,
6 end users and/or others to make, use, offer to sell, sell, import, export, supply, and/or distribute
7 Accused Products, in this district and elsewhere in the United States, in a manner that
8 Defendants know to be infringing. On information and belief, the Accused Products can only be
9 used in an infringing manner, and such customers, distributors, resellers, end users and/or others
10 in fact made, used, offered to sell, sold, imported, exported, supplied and/or distributed Accused
11 Products in the United States in an infringing matter.

12 70. Upon information and belief, Defendants have contributorily infringed and/or are
13 contributorily infringing the '716 Patent through their sale, offers to sell and/or importation into
14 the United States of components of the Accused Products and/or Accused Products for use in
15 practicing a process, constituting a material part of '716 Patent claims, knowing the same to be
16 especially made or especially adapted for use in an infringement of the '716 Patent, and not a
17 staple article or commodity of commerce suitable for substantial noninfringing use. On
18 information and belief, Defendants were aware of the '716 Patent at least as early as the filing of
19 this action or an International Trade Commission complaint regarding this patent.

20 **PRAYER FOR RELIEF**

21
22 WHEREFORE, Freescale asks this Court to enter judgment in its favor against
23 Defendants and grant the following relief:

24 A. An adjudication that Defendants have infringed, and continue to infringe,
25 directly or indirectly, one or more claims of the Asserted Patents as alleged above;
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1 B. An award to Freescale of actual damages adequate to compensate
2 Freescale for Defendants' acts of patent infringement

3 C. An award to Freescale of pre-judgment interest pursuant to 35 U.S.C. §
4 284 and post-judgment interest pursuant to 28 U.S.C. § 1961 at the maximum rate allowed by
5 law;

6 D. That the Court order an accounting for damages through judgment and
7 post-judgment until Defendants are permanently enjoined from further infringing activities;

8 E. That the Court declare this to be an exceptional case pursuant to 35 U.S.C.
9 § 285 and requiring Defendants to pay the costs of this action (including all disbursements) and
10 attorney's fees as provided by to 35 U.S.C. § 285;

11 F. An award of supplemental damages for any continuing post-verdict
12 infringement up until Defendants are permanently enjoined from further infringing activities;

13 G. That the Court award a compulsory future royalty in the event an
14 injunction is not awarded;

15 H. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining
16 Defendants, and each of their agents, servants, employees, principals, officers, attorneys,
17 successors, assignees, and all those in active concert or participation with them, including related
18 individuals and entities, customers, representatives, OEMs, dealers, and distributors from further
19 acts of (1) infringement, (2) contributory infringement, and (3) active inducement to infringe
20 with respect to the claims of the Asserted Patents;

21 I. Any further relief that this Court deems just and proper.

22 DATED: May 12, 2014

Respectfully submitted,

23
24 By: /s/ Stephanie M. Adams Ryan
Stephanie M. Adams Ryan

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Attorneys for Plaintiff

DEMAND FOR A JURY TRIAL

Pursuant to the provisions of Rule 38(b) of the Federal Rules of Civil Procedure and in accordance with Civil Local Rule 3-6, Freescale demands a trial by jury of all issues so triable in this matter.

DATED: May 12, 2014

Respectfully submitted,

By: /s/ Stephanie M. Adams Ryan
Stephanie M. Adams Ryan

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