

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MICRO DESIGN LLC,

Plaintiff,

v.

ACER AMERICA CORPORATION and
ACER INC.

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Micro Design LLC (“Micro Design” or “Plaintiff”), for its Complaint against Defendants Acer America Corporation and Acer Inc., collectively referred to as (“Acer” or “Defendants”), alleges the following:

NATURE OF THE ACTION

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

THE PARTIES

2. Plaintiff Micro Design is a limited liability company organized under the laws of the State of Delaware, with a place of business at 845 Tatnall Street, Wilmington, DE 19801.

3. Upon information and belief, Acer America Corporation is a corporation organized and existing under the laws of California, with a place of business at 333 West San Carlos Street, Suite 1500, San Jose, CA 95110, and can be served at that address. Upon information and belief, Acer America Corporation sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and

services that perform infringing processes into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

4. Upon information and belief, Acer Inc. is a corporation organized and existing under the laws of Taiwan, with a place of business at 8F, 88, Sec. 1, Xintai 5th Rd. Xizhi, New Taipei City 221, Taiwan, and can be served at that address. Upon information and belief, Acer Inc. sells and offers to sell products and services throughout the United States, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in the United States.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

8. Upon information and belief, Acer conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Delaware.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,437,535

9. The allegations set forth in the foregoing paragraphs 1 through 8 are incorporated into this First Claim for Relief.

10. On October 14, 2008, U.S. Patent No. 7,437,535 (“the ’535 patent”), entitled “Method and Apparatus for Issuing a Command to Store an Instruction and Load Resultant Data

in a Microcontroller,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’535 patent is attached as Exhibit A.

11. Micro Design is the assignee and owner of the right, title and interest in and to the ’535 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

12. Upon information and belief, Acer has and continues to directly infringe one or more claims of the ’535 patent by making, using, selling, importing and/or providing and causing to be used microprocessors that contain the claimed combinations of the ’535 patent, including the processor and co-processor features, including, but not limited to memory accessing features, which products by way of example include Altos R350 F2, Altos T350 F2, and Altos AR580 F2 (the “Accused Instrumentalities”).

13. Acer was made aware of the ’535 patent and its infringement thereof at least as early as their receipt of correspondence from Micro Design providing notice of the ’535 patent and Acer’s infringement thereof sent to Defendants on June 6, 2014. Each letter was sent by certified mail with return receipt requested or via Federal Express with notification of delivery requested. Micro Design has since received the return receipt from each Defendant, indicating that Defendants have received the letters.

14. Upon information and belief, since at least the time they received notice, Defendants have induced and continue to induce others to infringe at least one claim of the ’535 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Acer’s partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least one claim of the ’535 patent.

15. In particular, Acer's actions that aid and abet others such as their partners and customers to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, Acer has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Acer has had actual knowledge of the '535 patent and that their acts were inducing infringement of the '535 patent since at least the date Acer received notice that such activities infringed the '535 patent.

16. Despite Micro Design's notice to Acer regarding the '535 patent, Acer has continued to infringe the '535 patent. On information and belief, Acer's infringement has been and continues to be willful.

17. Micro Design has been harmed by Acer's infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Micro Design demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Micro Design demands judgment for itself and against Defendants as follows:

- A. An adjudication that Defendants have infringed the '535 patent;
- B. An award of damages to be paid by adequate to compensate Micro Design for Acer's past infringement of the '535 patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and

D. An award to Micro Design of such further relief at law or in equity as the Court deems just and proper.

Dated: June 27, 2014

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