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17 *Attorneys for Plaintiff, SOTA Semiconductor LLC*

18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 SOTA SEMICONDUCTOR LLC, a
21 California Corporation,

22 Plaintiff,

23 v.

24 NVIDIA CORP., a Delaware Corporation,
25 ACER AMERICA CORP., a California
26 Corporation,
27 ASUS COMPUTER INTERNATIONAL, a
28 California Corporation,
HEWLETT-PACKARD COMPANY, a
California Corporation,
LENOVO (UNITED STATES), INC., a
Delaware Corporation,
MICROSOFT CORPORATION, a
Washington Corporation,

Defendants.

Case No.:

COMPLAINT FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED

1 Plaintiff, SOTA Semiconductor LLC (“SOTA”) complains against Defendants
2 nVidia Corp., Acer America Corp., ASUS Computer International, Hewlett-Packard
3 Company, Lenovo (United States), Inc., and Microsoft Corporation (collectively,
4 “Defendants”) for patent infringement pursuant to this Court’s subject matter jurisdiction
5 under 28 U.S.C. §§1331 and 1338(a), as follows:

6 **THE PARTIES**

7 1. Plaintiff SOTA is a corporation organized and existing under the laws of the
8 State of California with its principle place of business at 500 Newport Center Drive, 7th
9 Floor, Newport Beach, California. SOTA is in the business of licensing patented
10 technology. SOTA is the assignee of U.S. Patent Nos. 5,991,545 (“the ‘545 patent”) and
11 6,643,713 (“the ‘713 patent”).

12 2. Defendant nVidia Corp. (“nVidia”) is a corporation incorporated under the
13 laws of Delaware with its principal place of business at 2701 San Tomas Expressway,
14 Santa Clara, California. nVidia is registered to do business in California and has a
15 designated registered agent in California for purposes of service of process. nVidia
16 conducts business in and is doing business in California and in this District and elsewhere
17 in the United States, including, without limitation, making, using, promoting, offering to
18 sell, importing and/or selling microprocessors and/or devices that incorporate
19 microprocessors that embody the patented technology, and enabling end-user purchasers
20 to use such devices in this District. nVidia is subject to the subpoena power of this Court
21 within the State of California.

22 3. Defendant Acer America Corp. (“Acer”) is a corporation incorporated under
23 the laws of California with its principal place of business at 333 West San Carlos Street,
24 Suite 1500, San Jose, California. Acer is registered to do business in California and has a
25 designated registered agent in California for purposes of service of process. Acer
26 conducts business in and is doing business in California and in this District and elsewhere
27 in the United States, including, without limitation, using, promoting, offering to sell,
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1 importing and/or selling devices that incorporate microprocessors that embody the
2 patented technology, and enabling end-user purchasers to use such devices in this District.
3 Acer is subject to the subpoena power of this Court within the State of California.

4 4. Defendant ASUS Computer International (“ASUS”) is a corporation
5 incorporated under the laws of California with its principal place of business at 800
6 Corporate Way, Fremont, California. ASUS is registered to do business in California and
7 has a designated registered agent in California for purposes of service of process. ASUS
8 conducts business in and is doing business in California and in this District and elsewhere
9 in the United States, including, without limitation, using, promoting, offering to sell,
10 importing and/or selling devices that incorporate microprocessors that embody the
11 patented technology, and enabling end-user purchasers to use such devices in this District.
12 ASUS is subject to the subpoena power of this Court within the State of California.

13 5. Defendant Hewlett-Packard Company (“HP”) is a corporation incorporated
14 under the laws of California with its principal place of business at 3000 Hanover Street,
15 Palo Alto, California. HP is registered to do business in California and has a designated
16 registered agent in California for purposes of service of process. HP conducts business in
17 and is doing business in California and in this District and elsewhere in the United States,
18 including, without limitation, using, promoting, offering to sell, importing and/or selling
19 devices that incorporate microprocessors that embody the patented technology, and
20 enabling end-user purchasers to use such devices in this District. HP is subject to the
21 subpoena power of this Court within the State of California.

22 6. Defendant Lenovo (United States) Inc. (“Lenovo”) is a corporation
23 incorporated under the laws of California with its principal place of business at 1009
24 Think Place, Morrisville, North Carolina. Lenovo is registered to do business in
25 California and has a designated registered agent in California for purposes of service of
26 process. Lenovo conducts business in and is doing business in California and in this
27 District and elsewhere in the United States, including, without limitation, using,
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1 promoting, offering to sell, importing and/or selling devices that incorporate
2 microprocessors that embody the patented technology, and enabling end-user purchasers
3 to use such devices in this District. On information and belief, Lenovo is subject to the
4 subpoena power of this Court within the State of California.

5 7. Defendant Microsoft Corporation (“Microsoft”) is a corporation incorporated
6 under the laws of Washington with its principal place of business at One Microsoft Way,
7 Redmond, Washington. Microsoft is registered to do business in California and has a
8 designated registered agent in California for purposes of service of process. Microsoft
9 conducts business in and is doing business in California and in this District and elsewhere
10 in the United States, including, without limitation, using, promoting, offering to sell,
11 importing and/or selling devices that incorporate microprocessors that embody the
12 patented technology, and enabling end-user purchasers to use such devices in this District.
13 Microsoft is subject to the subpoena power of this Court within the State of California.

14 **JURISDICTION AND VENUE**

15 8. This is an action for patent infringement arising under the Patent Laws of the
16 United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction over this
17 action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

18 9. On information and belief, each Defendant is subject to this Court’s specific
19 and general personal jurisdiction pursuant to due process and/or the California Long Arm
20 Statute (CCP §410.10), due at least to their substantial business conducted in this forum,
21 including (i) having solicited business in the State of California, transacted business
22 within the State of California and attempted to derive financial benefit from residents of
23 the State of California, including benefits directly related to the instant patent
24 infringement causes of action set forth herein; (ii) having placed their products and
25 services into the stream of commerce throughout the United States and having been
26 actively engaged in transacting business in California and in this District; and (iii) either

1 alone or in conjunction with others, having committed acts of infringement within
2 California and in this District.

3 10. On information and belief, nVidia maintains systematic, continuous and
4 ongoing business operations within the State of California and this District, through which
5 it uses, promotes, offers to sell, sells, and/or imports microprocessors and/or devices that
6 incorporate microprocessors that embody the patented technology. Upon information and
7 belief, nVidia provides product design and support services to various customers in this
8 District, including one or more of the other Defendants named in this lawsuit.

9 11. On information and belief, Defendant Acer maintains systematic, continuous
10 and ongoing business operations within the State of California and this District, through
11 which it uses, promotes, offers to sell, and sells devices that incorporate microprocessors
12 that embody the patented technology. Acer's facilities include offices in Irvine,
13 California, in this District. Further, on information and belief, Acer provides product
14 technical support and sells devices to retailers and/or end users in this District.

15 12. On information and belief, Defendant ASUS maintains systematic,
16 continuous and ongoing business operations within the State of California and this
17 District, through which it uses, promotes, offers to sell, and sells devices that incorporate
18 microprocessors that embody the patented technology. ASUS's facilities include
19 headquarters in Fremont California. Further, on information and belief, ASUS provides
20 product technical support and sells devices to retailers and/or end users in this District.

21 13. On information and belief, Defendant HP maintains systematic, continuous
22 and ongoing business operations within the State of California and this District, through
23 which it uses, promotes, offers to sell, and sells devices that incorporate microprocessors
24 that embody the patented technology. HP's facilities include offices in Anaheim,
25 California, in this District. Further, on information and belief, HP provides product
26 technical support and sells devices to retailers and/or end users in this District.

1 14. On information and belief, Defendant Lenovo maintains systematic,
2 continuous and ongoing business operations within the State of California and this
3 District, through which it uses, promotes, offers to sell, and sells devices that incorporate
4 microprocessors that embody the patented technology. Lenovo's facilities include offices
5 in San Francisco, California and San Jose, California. Further, on information and belief,
6 Lenovo provides product technical support and sells devices to retailers and/or end users
7 in this District.

8 15. On information and belief, Defendant Microsoft maintains systematic,
9 continuous and ongoing business operations within the State of California and this
10 District, through which it uses, promotes, offers to sell, and sells devices that incorporate
11 microprocessors that embody the patented technology. Microsoft's facilities include
12 offices in Los Angeles, California and Irvine, California, in this District. Further, on
13 information and belief, Microsoft provides product technical support and sells devices to
14 retailers and/or end users in this District.

15 16. Venue lies in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and
16 1400(b) because each Defendant is subject to personal jurisdiction in this District, resides
17 in, has regularly conducted business in this District and/or has committed acts of patent
18 infringement in this District.

19 **FIRST CAUSE OF ACTION – INFRINGEMENT OF '545 PATENT**

20 17. Plaintiff hereby repeats and re-alleges the allegations contained in paragraphs
21 1 to 16, as if fully set forth herein.

22 18. On November 23, 1999, U.S. Patent No. 5,991,545 ("the '545 patent"),
23 entitled "Microcomputer Having Variable Bit Width Area For Displacement And Circuit
24 For Handling Immediate Data Larger Than Instruction Word," a copy of which is attached
25 hereto as Exhibit A, was duly and legally issued to the inventors, Shumpei Kawasaki et al.
26 The '545 patent issued from U.S. patent application Serial Number 08/478,730, filed June
27 7, 1995. The inventors assigned all right, title, and interest in the '545 patent to Hitachi,
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1 Ltd., Hitachi VLSI Engineering Corp., and Hitachi Microcomputer System Ltd., all of
2 Tokyo, Japan (hereinafter “Hitachi”). Hitachi’s right, title, and interest in the ‘545 patent
3 was subsequently assigned to Renesas Technology Corp., which further assigned such
4 right, title, and interest to Renesas Electronics Corp (hereinafter “Renesas”). Most
5 recently, Renesas assigned all right, title, and interest in the ‘545 patent to Acacia
6 Research Group, LLC (“ARG”). The assignment to ARG was made subject only to
7 certain prior non-exclusive license agreements and a limited non-exclusive and non-
8 transferable limited license to Renesas. Neither the prior licensees nor Renesas possesses
9 any right to sue for or collect past, present and future damages or to seek and obtain
10 injunctive or any other relief for infringement of the ‘545 patent.

11 19. Renesas further granted ARG the right to assign its rights to a designated
12 affiliate of ARG. Prior to the commencement of this action, ARG assigned all right, title,
13 and interest in the ‘545 patent to SOTA, its wholly owned designated affiliate, including
14 all of ARG’s rights, obligations, interests and liabilities under the assignment agreement
15 with Renesas. SOTA assumed all such rights, obligations, interests and liabilities of ARG
16 under such assignment agreement. SOTA thus possesses the right to sue for or collect
17 past, present and future damages or to seek and obtain injunctive or any other relief for
18 infringement of the ‘545 patent.

19 20. Defendant nVidia, directly and/or through its subsidiaries, affiliates, agents,
20 and/or business partners, has in the past and continues to directly infringe the ‘545 patent
21 pursuant to 35 U.S.C. § 271(a) by making, having made, using, selling, offering to sell
22 and/or importing microprocessors that embody the inventions claimed in the ‘545 patent,
23 within the United States and within this District. Defendant nVidia has been and is
24 engaged in one or more of these direct infringing activities related to microprocessors that
25 incorporate the ARM Cortex A9, Cortex A12, Cortex A15, or Cortex A17 architectures
26 and/or the ARMv5, ARMv7, and ARMv8 instruction sets, specifically including its Tegra
27 3, Tegra 4, and Tegra K1 processors (hereinafter “Tegra Processors”).

1 21. Defendant nVidia, directly and/or through its subsidiaries, affiliates, agents,
2 and/or business partners, has contributed to and/or will continue to contribute to the direct
3 infringement of the '545 patent by the other Defendants pursuant to 35 U.S.C. § 271(c) at
4 least by one or more of providing, importing, offering for sale and selling its Tegra
5 Processors as a material component of devices covered by the '545 patent and for use by
6 the other Defendants in making, using, selling, offering for sale and/or importing devices
7 covered by the '545 patent. The Tegra Processors are not staple articles or commodities
8 of commerce suitable for substantial non-infringing use.

9 22. The service of this Complaint will provide nVidia with actual notice of the
10 '545 patent and of Plaintiff's infringement allegations, including knowledge that its Tegra
11 Processors are especially made or especially adapted for use in infringing the '545 patent.

12 23. Defendant nVidia's direct and contributory infringement of the '545 patent
13 has injured SOTA. SOTA is entitled to recover damages adequate to compensate for such
14 infringement pursuant to 35 U.S.C. § 284.

15 24. Unless it ceases its infringing activities, nVidia will continue to injure SOTA
16 by directly infringing and by contributing to the infringement by others of the '545 patent.

17 25. On information and belief, nVidia will continue infringing, notwithstanding
18 its actual knowledge of the '545 patent and while lacking an objectively reasonable good
19 faith basis to believe that its activities do not infringe any valid claim of the '545 patent.
20 Defendant nVidia's future acts of infringement will constitute continuing willful
21 infringement of the '545 patent.

22 26. Defendant Acer, directly and/or through its subsidiaries, affiliates, agents,
23 and/or business partners, has in the past and continues to directly infringe the '545 patent
24 pursuant to 35 U.S.C. § 271(a) by making, having made, using, selling, offering to sell
25 and/or importing devices incorporating microprocessors that embody the invention
26 claimed in the '545 patent, within the United States and within this District. Acer has
27 been and is engaged in one or more of these direct infringing activities related to its
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1 manufacture, distribution, support, and sales of devices that incorporate nVidia's Tegra
2 Processors. These infringing devices include without limitation Acer's Android All-In-
3 One model number TA272HUL and Chromebook 13 model numbers CB5-311-T677,
4 CB5-311-T7NN, CB5-311-T9Y2, CB5-311-T1UU, and CB5-311-T9B0.

5 27. The service of this Complaint will provide Acer with actual notice of the
6 '545 patent and of Plaintiff's infringement allegations herein.

7 28. Acer's direct infringement of the '545 patent has injured SOTA. SOTA is
8 entitled to recover damages adequate to compensate for such infringement pursuant to 35
9 U.S.C. § 284.

10 29. Unless it ceases its infringing activities, Defendant Acer will continue to
11 injure SOTA by directly infringing the '545 patent.

12 30. On information and belief, Defendant Acer will continue its infringement
13 notwithstanding its actual knowledge of the '545 patent and while lacking an objectively
14 reasonable good faith basis to believe that its activities do not infringe any valid claim of
15 the '545 patent. As such, Acer's future acts of infringement will constitute continuing
16 willful infringement of the '545 patent.

17 31. Defendant ASUS, directly and/or through its subsidiaries, affiliates, agents,
18 and/or business partners, has in the past and continues to directly infringe the '545 patent
19 pursuant to 35 U.S.C. § 271(a) by making, having made, using, selling, offering to sell
20 and/or importing devices incorporating microprocessors that embody the invention
21 claimed in the '545 patent, within the United States and within this District. ASUS has
22 been and is engaged in one or more of these direct infringing activities related to its
23 manufacture, distribution, support, and sales of devices that incorporate nVidia's Tegra
24 Processors. These infringing devices include without limitation ASUS's Transformer Pad
25 model numbers TF701T, TF700T, TF300T and TF300TL.

26 32. The service of this Complaint will provide ASUS with actual notice of the
27 '545 patent and of Plaintiff's infringement allegations herein.

1 33. ASUS's direct infringement of the '545 patent has injured SOTA. SOTA is
2 entitled to recover damages adequate to compensate for such infringement pursuant to 35
3 U.S.C. § 284.

4 34. Unless it ceases its infringing activities, Defendant ASUS will continue to
5 injure SOTA by directly infringing the '545 patent.

6 35. On information and belief, Defendant ASUS will continue its infringement
7 notwithstanding its actual knowledge of the '545 patent and while lacking an objectively
8 reasonable good faith basis to believe that its activities do not infringe any valid claim of
9 the '545 patent. As such, ASUS's future acts of infringement will constitute continuing
10 willful infringement of the '545 patent.

11 36. Defendant HP, directly and/or through its subsidiaries, affiliates, agents,
12 and/or business partners, has in the past and continues to directly infringe the '545 patent
13 pursuant to 35 U.S.C. § 271(a) by making, having made, using, selling, offering to sell
14 and/or importing devices incorporating microprocessors that embody the invention
15 claimed in the '545 patent, within the United States and within this District. HP has been
16 and is engaged in one or more of these direct infringing activities related to its
17 manufacture, distribution, support, and sales of devices that incorporate nVidia's Tegra
18 Processors. These infringing devices include without limitation HP's Slate 7 Beats
19 Edition model number G9Z18UA; Slate 8 Pro model number F4C55UA; Slate 21 model
20 number E2P19AA; SlateBook 14 model number G9Z33UA.

21 37. The service of this Complaint will provide HP with actual notice of the '545
22 patent and of Plaintiff's infringement allegations herein.

23 38. HP's direct infringement of the '545 patent has injured SOTA. SOTA is
24 entitled to recover damages adequate to compensate for such infringement pursuant to 35
25 U.S.C. § 284.

26 39. Unless it ceases its infringing activities, Defendant HP will continue to injure
27 SOTA by directly infringing the '545 patent.

1 40. On information and belief, Defendant HP will continue its infringement
2 notwithstanding its actual knowledge of the '545 patent and while lacking an objectively
3 reasonable good faith basis to believe that its activities do not infringe any valid claim of
4 the '545 patent. As such, HP's future acts of infringement will constitute continuing
5 willful infringement of the '545 patent.

6 41. Defendant Lenovo, directly and/or through its subsidiaries, affiliates, agents,
7 and/or business partners, has in the past and continues to directly infringe the '545 patent
8 pursuant to 35 U.S.C. § 271(a) by making, having made, using, selling, offering to sell
9 and/or importing devices incorporating microprocessors that embody the invention
10 claimed in the '545 patent, within the United States and within this District. Lenovo has
11 been and is engaged in one or more of these direct infringing activities related to its
12 manufacture, distribution, support, and sales of devices that incorporate nVidia's Tegra
13 Processors. These infringing devices include without limitation Lenovo's N308 All-in-
14 One model number 57321143.

15 42. The service of this Complaint will provide Lenovo with actual notice of the
16 '545 patent and of Plaintiff's infringement allegations herein.

17 43. Lenovo's direct infringement of the '545 patent has injured SOTA. SOTA is
18 entitled to recover damages adequate to compensate for such infringement pursuant to 35
19 U.S.C. § 284.

20 44. Unless it ceases its infringing activities, Defendant Lenovo will continue to
21 injure SOTA by directly infringing the '545 patent.

22 45. On information and belief, Defendant Lenovo will continue its infringement
23 notwithstanding its actual knowledge of the '545 patent and while lacking an objectively
24 reasonable good faith basis to believe that its activities do not infringe any valid claim of
25 the '545 patent. As such, Lenovo's future acts of infringement will constitute continuing
26 willful infringement of the '545 patent.

1 46. Defendant Microsoft, directly and/or through its subsidiaries, affiliates,
2 agents, and/or business partners, has in the past and continues to directly infringe the '545
3 patent pursuant to 35 U.S.C. § 271(a) by making, having made, using, selling, offering to
4 sell and/or importing devices incorporating microprocessors that embody the invention
5 claimed in the '545 patent, within the United States and within this District. Microsoft
6 has been and is engaged in one or more of these direct infringing activities related to its
7 manufacture, distribution, support, and sales of devices that incorporate nVidia's Tegra
8 Processors. These infringing devices include without limitation Microsoft's Surface 2
9 tablet.

10 47. The service of this Complaint will provide Microsoft with actual notice of the
11 '545 patent and of Plaintiff's infringement allegations herein.

12 48. Microsoft's direct infringement of the '545 patent has injured SOTA. SOTA
13 is entitled to recover damages adequate to compensate for such infringement pursuant to
14 35 U.S.C. § 284.

15 49. Unless it ceases its infringing activities, Defendant Microsoft will continue to
16 injure SOTA by directly infringing the '545 patent.

17 50. On information and belief, Defendant Microsoft will continue its
18 infringement notwithstanding its actual knowledge of the '545 patent and while lacking an
19 objectively reasonable good faith basis to believe that its activities do not infringe any
20 valid claim of the '545 patent. As such, Microsoft's future acts of infringement will
21 constitute continuing willful infringement of the '545 patent.

22 51. Defendant nVidia's infringing activities share an aggregate of operating facts
23 and are part of the same transaction or series of transactions as the infringing activities of
24 each other Defendant. Specifically, each infringing device made, used, imported, offered
25 for sale, and/or sold by each other Defendant incorporates a Tegra Processor made, used,
26 imported, offered for sale, and/or sold by nVidia. Joinder of the Defendants is proper, at
27 least in light of the above facts.

1 55. Defendant nVidia, directly and/or through its subsidiaries, affiliates, agents,
2 and/or business partners, has in the past and continues to directly infringe the ‘713 patent
3 pursuant to 35 U.S.C. § 271(a) by making, having made, using, selling, offering to sell
4 and/or importing microprocessors that embody the invention claimed in the ‘713 patent,
5 within the United States and within this District. Defendant nVidia has been and is
6 engaged in these direct infringing activities related to its manufacture, distribution,
7 support, and sales of the Tegra Processors. Each of the Tegra Processors implements the
8 NEON extension, which includes features that infringe the ‘545 patent.

9 56. Defendant nVidia, directly and/or through its subsidiaries, affiliates, agents,
10 and/or business partners, has contributed to and/or will continue to contribute to the direct
11 infringement of the ‘713 patent by the other Defendants pursuant to 35 U.S.C. § 271(c) at
12 least by one or more of providing, importing, offering for sale and selling its Tegra
13 Processors as a material component of devices covered by the ‘713 patent and for use by
14 the other Defendants in making, using, selling, offering for sale and/or importing devices
15 covered by the ‘713 patent. The Tegra Processors are not a staple articles or commodities
16 of commerce suitable for substantial non-infringing use.

17 57. The service of this Complaint will provide nVidia with actual notice of the
18 ‘713 patent and of Plaintiff’s infringement allegations, including knowledge that its Tegra
19 Processors are especially made or especially adapted for use in infringing the ‘713 patent.

20 58. Defendant nVidia’s direct and contributory infringement of the ‘713 patent
21 has injured SOTA. SOTA is entitled to recover damages adequate to compensate for such
22 infringement pursuant to 35 U.S.C. § 284.

23 59. Unless it ceases its infringing activities, nVidia will continue to injure SOTA
24 by directly infringing and by contributing to the infringement by others of the ‘713 patent.

25 60. On information and belief, nVidia will continue infringing, notwithstanding
26 its actual knowledge of the ‘713 patent and while lacking an objectively reasonable good
27 faith basis to believe that its activities do not infringe any valid claim of the ‘713 patent.

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1 Defendant nVidia's future acts of infringement will constitute continuing willful
2 infringement of the '713 patent.

3 61. Defendant Acer, directly and/or through its subsidiaries, affiliates, agents,
4 and/or business partners, has in the past and continues to directly infringe the '713 patent
5 pursuant to 35 U.S.C. § 271(a) by making, having made, using, selling, offering to sell
6 and/or importing devices incorporating microprocessors that embody the invention
7 claimed in the '713 patent, within the United States and within this District. Acer has
8 been and is engaged in one or more of these direct infringing activities related to its
9 manufacture, distribution, support, and sales of devices that incorporate nVidia's Tegra
10 Processors. These infringing devices include without limitation Acer's Android All-In-
11 One model number TA272HUL and Chromebook 13 with model numbers CB5-311-
12 T677, CB5-311-T7NN, CB5-311-T9Y2, CB5-311-T1UU, and CB5-311-T9B0.

13 62. The service of this Complaint will provide Acer with actual notice of the
14 '713 patent and of Plaintiff's infringement allegations herein.

15 63. Acer's direct infringement of the '713 patent has injured SOTA. SOTA is
16 entitled to recover damages adequate to compensate for such infringement pursuant to 35
17 U.S.C. § 284.

18 64. Unless it ceases its infringing activities, Defendant Acer will continue to
19 injure SOTA by directly infringing the '713 patent.

20 65. Upon information and belief, Defendant Acer will continue its infringement
21 notwithstanding its actual knowledge of the '713 patent and while lacking an objectively
22 reasonable good faith basis to believe that its activities do not infringe any valid claim of
23 the '713 patent. As such, Acer's future acts of infringement will constitute continuing
24 willful infringement of the '713 patent.

25 66. Defendant ASUS, directly and/or through its subsidiaries, affiliates, agents,
26 and/or business partners, has in the past and continues to directly infringe the '713 patent
27 pursuant to 35 U.S.C. § 271(a) by making, having made, using, selling, offering to sell
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1 and/or importing devices incorporating microprocessors that embody the invention
2 claimed in the '713 patent, within the United States and within this District. ASUS has
3 been and is engaged in one or more of these direct infringing activities related to its
4 manufacture, distribution, support, and sales of devices that incorporate nVidia's Tegra
5 Processors. These infringing devices include without limitation ASUS's Transformer Pad
6 model numbers TF701T, TF700T, TF300T and TF300TL.

7 67. The service of this Complaint will provide ASUS with actual notice of the
8 '713 patent and of Plaintiff's infringement allegations herein.

9 68. ASUS's direct infringement of the '713 patent has injured SOTA. SOTA is
10 entitled to recover damages adequate to compensate for such infringement pursuant to 35
11 U.S.C. § 284.

12 69. Unless it ceases its infringing activities, Defendant ASUS will continue to
13 injure SOTA by directly infringing the '713 patent.

14 70. Upon information and belief, Defendant ASUS will continue its infringement
15 notwithstanding its actual knowledge of the '713 patent and while lacking an objectively
16 reasonable good faith basis to believe that its activities do not infringe any valid claim of
17 the '713 patent. As such, ASUS's future acts of infringement will constitute continuing
18 willful infringement of the '713 patent.

19 71. Defendant HP, directly and/or through its subsidiaries, affiliates, agents,
20 and/or business partners, has in the past and continues to directly infringe the '713 patent
21 pursuant to 35 U.S.C. § 271(a) by making, having made, using, selling, offering to sell
22 and/or importing devices incorporating microprocessors that embody the invention
23 claimed in the '713 patent, within the United States and within this District. HP has been
24 and is engaged in one or more of these direct infringing activities related to its
25 manufacture, distribution, support, and sales of devices that incorporate nVidia's Tegra
26 Processors. These infringing devices include without limitation HP's Slate 7 Beats
27
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1 Edition model number G9Z18UA; Slate 8 Pro model number F4C55UA; Slate 21 model
2 number E2P19AA; SlateBook 14 model number G9Z33UA.

3 72. The service of this Complaint will provide HP with actual notice of the ‘713
4 patent and of Plaintiff’s infringement allegations herein.

5 73. HP’s direct infringement of the ‘713 patent has injured SOTA. SOTA is
6 entitled to recover damages adequate to compensate for such infringement pursuant to 35
7 U.S.C. § 284.

8 74. Unless it ceases its infringing activities, Defendant HP will continue to injure
9 SOTA by directly infringing the ‘713 patent.

10 75. Upon information and belief, Defendant HP will continue its infringement
11 notwithstanding its actual knowledge of the ‘713 patent and while lacking an objectively
12 reasonable good faith basis to believe that its activities do not infringe any valid claim of
13 the ‘713 patent. As such, HP’s future acts of infringement will constitute continuing
14 willful infringement of the ‘713 patent.

15 76. Defendant Lenovo, directly and/or through its subsidiaries, affiliates, agents,
16 and/or business partners, has in the past and continues to directly infringe the ‘713 patent
17 pursuant to 35 U.S.C. § 271(a) by making, having made, using, selling, offering to sell
18 and/or importing devices incorporating microprocessors that embody the invention
19 claimed in the ‘713 patent, within the United States and within this District. Lenovo has
20 been and is engaged in one or more of these direct infringing activities related to its
21 manufacture, distribution, support, and sales of devices that incorporate nVidia’s Tegra
22 Processors. These infringing devices include without limitation Lenovo’s N308 All-in-
23 One model number 57321143.

24 77. The service of this Complaint will provide Lenovo with actual notice of the
25 ‘713 patent and of Plaintiff’s infringement allegations herein.

1 78. Lenovo’s direct infringement of the ‘713 patent has injured SOTA. SOTA is
2 entitled to recover damages adequate to compensate for such infringement pursuant to 35
3 U.S.C. § 284.

4 79. Unless it ceases its infringing activities, Defendant Lenovo will continue to
5 injure SOTA by directly infringing the ‘713 patent.

6 80. Upon information and belief, Defendant Lenovo will continue its
7 infringement notwithstanding its actual knowledge of the ‘713 patent and while lacking an
8 objectively reasonable good faith basis to believe that its activities do not infringe any
9 valid claim of the ‘713 patent. As such, Lenovo’s future acts of infringement will
10 constitute continuing willful infringement of the ‘713 patent.

11 81. Defendant Microsoft, directly and/or through its subsidiaries, affiliates,
12 agents, and/or business partners, has in the past and continues to directly infringe the ‘713
13 patent pursuant to 35 U.S.C. § 271(a) by making, having made, using, selling, offering to
14 sell and/or importing devices incorporating microprocessors that embody the invention
15 claimed in the ‘713 patent, within the United States and within this District. Microsoft
16 has been and is engaged in one or more of these direct infringing activities related to its
17 manufacture, distribution, support, and sales of devices that incorporate nVidia’s Tegra
18 Processors. These infringing devices include without limitation Microsoft’s Surface 2
19 tablet.

20 82. The service of this Complaint will provide Microsoft with actual notice of the
21 ‘713 patent and of Plaintiff’s infringement allegations herein.

22 83. Microsoft’s direct infringement of the ‘713 patent has injured SOTA. SOTA
23 is entitled to recover damages adequate to compensate for such infringement pursuant to
24 35 U.S.C. § 284.

25 84. Unless it ceases its infringing activities, Defendant Microsoft will continue to
26 injure SOTA by directly infringing the ‘713 patent.

1 85. Upon information and belief, Defendant Microsoft will continue its
2 infringement notwithstanding its actual knowledge of the '713 patent and while lacking an
3 objectively reasonable good faith basis to believe that its activities do not infringe any
4 valid claim of the '713 patent. As such, Microsoft's future acts of infringement will
5 constitute continuing willful infringement of the '713 patent.

6 86. Defendant nVidia's infringing activities share an aggregate of operating facts
7 and are part of the same transaction or series of transactions as the infringing activities of
8 each other Defendant. Specifically, each infringing device made, used, imported, offered
9 for sale, and/or sold by each other Defendant incorporates a Tegra Processor made, used,
10 imported, offered for sale, and/or sold by nVidia. Joinder of the Defendants is proper, at
11 least in light of the above facts.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiffs prays for:

- 14 1. Judgment that the '545 and '713 patents are each valid, enforceable, and
15 infringed by each Defendant;
- 16 2. Judgment that each Defendant's acts of patent infringement are willful;
- 17 3. An award of damages arising out of each Defendant's acts of patent
18 infringement, together with pre-judgment and post-judgment interest;
- 19 5. Judgment that the future damages so adjudged be trebled in accordance with
20 35 U.S.C. § 284;
- 21 6. An award of Plaintiff SOTA's attorneys' fees, costs and expenses incurred in
22 this action in accordance with 35 U.S.C. § 285; and
- 23 7. Such other and further relief as the Court may deem just and proper.
- 24

25 **RESERVATION OF RIGHTS**

26 SOTA's investigation is ongoing, and certain material information remains in the
27 sole possession of the Defendants or third parties, which will be obtained via discovery
28

1 herein. SOTA expressly reserves the right to amend or supplement the causes of action
2 set forth herein in accordance with Rule 15 of the Federal Rules of Civil Procedure.

3
4
5 Respectfully submitted,

6
7 Date: October 17, 2014

8 /s/ Jon A. Birmingham _____

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26
27
28 **ATTORNEYS FOR PLAINTIFF**

1 **JURY DEMAND**

2 SOTA demands trial by jury of all issues triable of right by a jury.

3
4 Date: October 17, 2014

/s/ Jon A. Birmingham

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