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13 Attorneys for Plaintiff,
NXP B.V.

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN JOSE DIVISION**

17 NXP B.V.,

18 Plaintiff,

19 vs.

20 MARVELL SEMICONDUCTOR, INC. and
21 MARVELL TECHNOLOGY GROUP LTD.,

22 Defendants.

CASE NO.:

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

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1 Plaintiff NXP B.V (“NXP” or “Plaintiff”), by its undersigned counsel, Brown Rudnick
2 LLP, files this complaint against Defendants, Marvell Technology Group Ltd. and Marvell
3 Semiconductor, Inc. (collectively, “Marvell”), alleging as follows:

4 **NATURE OF THE ACTION**

5 1. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1, *et*
6 *seq.*, from Marvell’s direct infringement and indirect infringement of United States Patent No.
7 5,939,791 (“the ’791 patent”); United States Patent No. 7,039,133 (“the ’133 patent”); United
8 States Patent No. 8,185,050 (“the ’050 patent”); and United States Patent No. 8,203,432 (“the
9 ’432 patent”) (collectively, “the patents-in-suit”).

10 **PARTIES**

11 2. Plaintiff NXP B.V. is a corporation organized and existing under the laws of The
12 Netherlands with its principal place of business at High Tech Campus 60, 5656 AG, Eindhoven,
13 The Netherlands.

14 3. NXP is a holding company whose collective assets constitute one of the largest
15 semiconductor manufacturers worldwide. NXP was the semiconductor division of its former
16 parent company, Koninklijke Philips Electronics, from which it was spun off in 2006. NXP
17 products are incorporated in automobiles, television sets, set-top boxes, and mobile telephones,
18 and in security solutions for bank cards, electronic ID cards, passports and health cards.

19 4. NXP is a renowned pioneer in the field of Near Field Communication (“NFC”)
20 technology, which enables consumers everywhere to exchange data using radio technology over
21 short distances of just a few centimeters. Indeed, NXP co-invented NFC technology. In general,
22 NFC enables two devices to wirelessly exchange many types of data at close range. NFC can be
23 used as an access key for services that include cashless payments, paperless admission tickets,
24 online banking, online streaming or downloading of content, keyless hotel room access, and more.

25 5. NXP is the largest supplier of NFC controller chips worldwide. Moreover, NXP
26 has led the development and standardization of NFC as a rapidly growing solution for secure
27 short-range connectivity.

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1 **COUNT I**

2 **(Infringement of the '791 Patent)**

3 17. Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.

4 18. NXP has not licensed or otherwise authorized Marvell to make, use, offer for sale,
5 sell, or import any products that embody the inventions of the '791 patent.

6 19. Marvell has and continues to directly infringe one or more claims of the '791
7 patent, either literally or under the doctrine of equivalents, by making, using, offering to sell,
8 selling and/or importing into the United States infringing integrated circuits with near field
9 communication capability ("NFC Chips"), including for example, the Marvell Avastar 88W8887
10 and 88W8897—802.11ac integrated circuits ("the Avastar Chips"), without authority and in
11 violation of 35 U.S.C. § 271.

12 20. Marvell has and continues to indirectly infringe one or more claims of the '791
13 patent by knowingly and intentionally inducing others to directly infringe, either literally or under
14 the doctrine of equivalents, by making, using, selling, offering to sell and/or importing devices
15 incorporating Marvell's infringing NFC Chips. For example, Marvell, with knowledge that the
16 Avastar Chips infringe the '791 patent, knowingly and intentionally induced, and continues to
17 knowingly and intentionally induce, direct infringement of the '791 patent by selling the Avastar
18 88W8897 chips, and providing product information and other assistance in using the Avastar
19 88W8897 chips, with the intent that they be incorporated in the Xbox One® gaming consoles
20 sold, offered for sale and imported into the United States by Microsoft Corporation and used by
21 consumers and others within the United States.

22 21. NXP has suffered damages as a result of Marvell's direct and indirect infringement
23 of the '791 patent in an amount to be proved at trial.

24 22. NXP has suffered, and will continue to suffer, irreparable harm as a result of
25 Marvell's infringement of the '791 patent, for which there is no adequate remedy at law, unless
26 Marvell's infringement is enjoined by this Court.

27 23. Marvell has been aware of its infringement of the '791 patent since at least January
28 9, 2015, when NXP notified Marvell that the Avastar 88W8897 infringes at least one claim of the

1 '791 patent. Upon information and belief, Marvell does not reasonably believe that the NFC
2 Chips do not infringe the '791 patent or that the '791 patent is invalid. Accordingly, Marvell's
3 infringement of the '791 patent was and continues to be willful and deliberate, entitling NXP to
4 an award of treble damages, reasonable attorney fees, and costs in bringing this action.

5 **COUNT II**

6 **(Infringement of the '133 Patent)**

7 24. Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.

8 25. NXP has not licensed or otherwise authorized Marvell to make, use, offer for sale,
9 sell, or import any products that embody the inventions of the '133 patent.

10 26. Marvell has and continues to directly infringe one or more claims of the '133
11 patent, either literally or under the doctrine of equivalents, by making, using, offering to sell,
12 selling and/or importing into the United States the infringing NFC Chips, including for example,
13 the infringing Avastar Chips, without authority and in violation of 35 U.S.C. § 271.

14 27. Marvell has and continues to indirectly infringe one or more claims of the '133
15 patent by knowingly and intentionally inducing others to directly infringe, either literally or under
16 the doctrine of equivalents, by making, using, selling, offering to sell and/or importing devices
17 incorporating Marvell's infringing NFC Chips. For example, Marvell, with knowledge that the
18 Avastar Chips infringe the '133 patent, knowingly and intentionally induced, and continues to
19 knowingly and intentionally induce, direct infringement of the '133 patent by selling the Avastar
20 88W8897 chips, and providing product information and other assistance in using the Avastar
21 88W8897 chips, with the intent that they be incorporated in the Xbox One® gaming consoles
22 sold, offered for sale and imported into the United States by Microsoft Corporation and used by
23 consumers and others within the United States.

24 28. NXP has suffered damages as a result of Marvell's direct and indirect infringement
25 of the '133 patent in an amount to be proved at trial.

26 29. NXP has suffered, and will continue to suffer, irreparable harm as a result of
27 Marvell's infringement of the '133 patent, for which there is no adequate remedy at law, unless
28 Marvell's infringement is enjoined by this Court.

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g. Such other and further relief as the Court deems just and proper.

DATED: January 21, 2015

Respectfully submitted,
BROWN RUDNICK LLP

By: /s/ Ronald Rus
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Attorneys for Plaintiff,
NXP B.V.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues triable of right by a jury.

DATED: January 21, 2015

Respectfully submitted,
BROWN RUDNICK LLP

By: /s/ Ronald Rus
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Attorneys for Plaintiff,
NXP B.V.

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