

1 QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
2 Steven M. Anderson (Bar No. 144014)  
steveanderson@quinnemanuel.com  
3 865 S. Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
4 Telephone: (213) 443-3000  
Facsimile: (213) 443-3100

5 Kevin P.B. Johnson (Bar No. 177129)  
kevinjohnson@quinnemanuel.com  
6 555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, California 94065  
7 Telephone: (650) 801-5000  
8 Facsimile: (650) 801-5100

9 Edward J. DeFranco (Bar No. 165596)  
eddefranco@quinnemanuel.com  
10 Joseph Milowic III (NY Bar. No. 4622221)  
josephmilowic@quinnemanuel.com  
11 51 Madison Ave., 22<sup>nd</sup> Floor  
New York, New York 10010  
12 Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

13 Attorneys for Plaintiff Marvell  
International, Ltd.  
14

15  
16 **UNITED STATES DISTRICT COURT**  
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 MARVELL INTERNATIONAL, LTD.  
19

20 Plaintiff,

21 vs.

22 NXP SEMICONDUCTORS N.V., NXP  
B.V., NXP SEMICONDUCTORS  
23 NETHERLANDS B.V., NXP  
SEMICONDUCTORS GERMANY  
24 GMBH & NXP SEMICONDUCTORS  
USA, INC.

25 Defendants.  
26

CASE NO. 2:15-CV-00740

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

1 Plaintiff Marvell International, Ltd. (“MIL” or “Plaintiff”), by and through its  
2 undersigned counsel, complains and alleges as follows against NXP Semiconductors  
3 N.V., NXP B.V., NXP Semiconductors Netherlands B.V., NXP Semiconductors  
4 Germany GMBH and NXP Semiconductors USA, Inc. (individually and  
5 collectively, “Defendants”):

6 **NATURE OF THE ACTION**

7 1. This is a civil action for patent infringement arising under the patent  
8 laws of the United States, 35 U.S.C. §§ 1 *et seq.*

9 2. Defendants have infringed and continue to infringe, contributed to and  
10 continue to contribute to the infringement of, and/or actively induced and continue  
11 to induce others to infringe MIL’s U.S. Patent No. 8,171,309, U.S. Patent No.  
12 7,957,777, U.S. Patent No. 7,454,634, and U.S. Patent No. 6,903,448 (collectively,  
13 “the Asserted Patents”). MIL is the legal owner by assignment of the Asserted  
14 Patents, which were duly and legally issued by the United States Patent and  
15 Trademark Office. MIL seeks injunctive relief and monetary damages.

16 **THE PARTIES**

17 3. MIL is a Bermuda corporation which has its principal place of business  
18 at Canon’s Court, 22 Victoria Street, Hamilton, HM 12, Bermuda.

19 4. On information and belief, NXP Semiconductors N.V., NXP B.V., and  
20 NXP Semiconductors Netherlands B.V. are limited liability companies incorporated  
21 under the laws of the Netherlands with their principal place of business at High Tech  
22 Campus 60, Eindhoven 5656 AG, the Netherlands. On information and belief, NXP  
23 Semiconductors Germany GMBH is a corporation organized and existing under the  
24 laws of Germany with its principal place of business located at Stresemannallee 101,  
25 22529 Hamburg, Germany. On information and belief, NXP Semiconductors USA,  
26 Inc. is a Delaware corporation with its principal place of business at 411 East  
27 Plumeria Drive, San Jose, California 95134.

28



1 correct copy of the '777 patent is attached hereto as Exhibit B.

2 11. On November 18, 2008, the United States Patent Office issued U.S.  
3 Patent No. 7,454,634, titled "Power Savings Apparatus and Method for Wireless  
4 Network Devices" (the "'634 patent"). A true and correct copy of the '634 patent is  
5 attached hereto as Exhibit C.

6 12. On June 7, 2005, the United States Patent Office issued U.S. Patent No.  
7 6,903,448, titled "High Performance Leadframe in Electronic Package" (the "'448  
8 patent"). A true and correct copy of the '448 patent is attached hereto as Exhibit D.

9 13. MIL is the owner of all right, title, and interest in and to each of the  
10 Asserted Patents with full and exclusive right to bring suit to enforce the Asserted  
11 Patents, including the right to recover for past damages and/or royalties.

12 14. The Asserted Patents are valid and enforceable.

13 **COUNT I**

14 **Infringement of the '309 Patent**

15 15. Plaintiff re-alleges and incorporates by reference the allegations of the  
16 preceding paragraphs of this Complaint as if fully set forth herein.

17 16. On information and belief, in violation of 35 U.S.C. § 271, Defendants  
18 have infringed and are currently infringing one or more claims of the '309 patent,  
19 including but not limited to claim 8, directly and/or indirectly, by among other  
20 things using integrated circuit products including but not limited to the PN65T NFC  
21 Controller IC and Embedded Secure Element product and other integrated circuit  
22 products that incorporate similar circuitry and/or have similar features or  
23 functionality in the United States. Defendants have infringed and are currently  
24 infringing literally and/or under the doctrine of equivalents.

25 17. Defendants have actual knowledge of their infringement of the '309  
26 patent at least as of the filing date of this Complaint.

27 18. On information and belief, in violation of 35 U.S.C. § 271, Defendants  
28

1 have actively induced and/or are continuing to actively induce infringement of the  
2 '309 patent by encouraging acts of direct infringement, and Defendants know (or  
3 believe there is a high probability, but are taking deliberate steps to avoid knowing)  
4 that they are inducing direct infringement by (a) selling to, supplying to,  
5 encouraging, helping design, supporting, and/or instructing OEMs, distributors  
6 and/or other third party entities, to incorporate Defendants' products into devices  
7 sold by such entities, by (b) encouraging and/or instructing third party entities how  
8 to use such Defendants' products; and/or by (c) designing Defendants' products  
9 such that they necessarily infringe when used by third parties. On information and  
10 belief, Defendants know (or believe there is a high probability, but are taking  
11 deliberate steps to avoid knowing) that third parties, such as smartphone customers,  
12 directly infringe and Defendants intend their products be used by third party entities  
13 to infringe the '309 patent.

14         19. For example, on information and belief, Defendants offer, sell and  
15 market (and after the filing of this complaint are continuing to offer, sell and  
16 market) their products, including the PN65T NFC Controller IC and Embedded  
17 Secure Element product, through its web site and through various channels  
18 including U.S. distributors and/or other third parties.

19         20. On information and belief, the PN65T NFC Controller IC and  
20 Embedded Secure Element product (for example) when used (including when used  
21 by Defendants) performs all the steps of the methods described in the claims of the  
22 '309 patent.

23         21. Defendants' product literature for the PN65T NFC Controller IC and  
24 Embedded Secure Element product (for example), including data sheets, instructs  
25 and encourages Defendants' customers and other third parties to use the PN65T  
26 NFC Controller IC and Embedded Secure Element product, including in the United  
27 States, and thereby perform the methods described in the claims of the '309 patent.

28

1 Defendants are therefore aware that their customers and other third parties are  
2 infringing the '309 patent by using the PN65T NFC Controller IC and Embedded  
3 Secure Element product, as instructed and encouraged by Defendants.

4 22. On information and belief, Defendants' actions as alleged herein have  
5 contributed and are continuing to contribute to infringement of the '309 patent by  
6 offering to sell or selling within the United States or importing into the United  
7 States a component of a patented machine, manufacture, combination, or  
8 composition, or a material or apparatus for use in practicing a patented process,  
9 constituting a material part of the claimed invention(s) of the '309 patent, knowing  
10 the same to be especially made or especially adapted for use in an infringement of  
11 such patent, and not a staple article or commodity of commerce suitable for  
12 substantial non-infringing use.

13 23. For example, as set forth above, on information and belief,  
14 Defendants' PN65T NFC Controller IC and Embedded Secure Element product is  
15 designed, manufactured, and sold, so as to perform the methods described in the  
16 claims of the '309 Patent when used. On information and belief, the PN65T NFC  
17 Controller IC and Embedded Secure Element therefore has no substantial non-  
18 infringing uses.

19 24. Defendants are not licensed or otherwise authorized to practice,  
20 contributorily practice and/or induce third parties to practice the claims of the '309  
21 patent.

22 25. By reason of Defendants' infringing activities, MIL has suffered, and  
23 will continue to suffer, substantial damages.

24 26. MIL is entitled to recover from Defendants the damages sustained as a  
25 result of Defendants' wrongful acts in an amount subject to proof at trial.

26 27. Defendants' continuing acts of infringement are irreparably harming  
27 and causing damage to MIL, for which MIL has no adequate remedy at law, and  
28

1 will continue to suffer such irreparable injury unless Defendants' continuing acts of  
2 infringement are enjoined by the Court. The hardships that an injunction would  
3 impose are less than those faced by MIL should an injunction not issue. The public  
4 interest would be served by issuance of an injunction. Thus, MIL is entitled to a  
5 preliminary and a permanent injunction against further infringement.

6 28. Defendants' infringement of the '309 patent has been and continues to  
7 be willful and deliberate, justifying a trebling of damages under 35 U.S.C. § 284.  
8 Upon information and belief, Defendants' accused actions continue despite an  
9 objectively high likelihood that they constitute infringement of the '309 patent.  
10 Defendants either know or should have known about their risk of infringing the '309  
11 patent. Defendants' conduct despite this knowledge is made with both objective and  
12 subjective reckless disregard for the infringing nature of their activities as  
13 demonstrated by Defendants' knowledge regarding the claims of the '309 patent.

14 29. Defendants' infringement of the '309 patent is exceptional and entitles  
15 MIL to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C.  
16 § 285.

## 17 COUNT II

### 18 Infringement of the '777 Patent

19 30. Plaintiff re-alleges and incorporates by reference the allegations of the  
20 preceding paragraphs of this Complaint as if fully set forth herein.

21 31. On information and belief, in violation of 35 U.S.C. § 271, Defendants  
22 have infringed and are currently infringing one or more claims of the '777 patent,  
23 including but not limited to claim 13, directly and/or indirectly, by among other  
24 things using integrated circuit products including but not limited to the PN547 NFC  
25 Controller IC product and other integrated circuit products that incorporate similar  
26 circuitry and/or have similar features or functionality in the United States.  
27 Defendants have infringed and are currently infringing literally and/or under the  
28

1 doctrine of equivalents.

2 32. Defendants have actual knowledge of their infringement of the '777  
3 patent at least as of the filing date of this Complaint.

4 33. On information and belief, in violation of 35 U.S.C. § 271, Defendants  
5 have actively induced and/or are continuing to actively induce infringement of the  
6 '777 patent by encouraging acts of direct infringement, and Defendants know (or  
7 believe there is a high probability, but are taking deliberate steps to avoid knowing)  
8 that they are inducing direct infringement by (a) selling to, supplying to,  
9 encouraging, helping design, supporting, and/or instructing OEMs, distributors  
10 and/or other third party entities, to incorporate Defendants' products into devices  
11 sold by such entities, by (b) encouraging and/or instructing third party entities how  
12 to use such Defendants' products; and/or by (c) designing Defendants' products  
13 such that they necessarily infringe when used by third parties. On information and  
14 belief, Defendants know (or believe there is a high probability, but are taking  
15 deliberate steps to avoid knowing) that third parties, such as smartphone customers,  
16 directly infringe and Defendants intend their products be used by third party entities  
17 to infringe the '777 patent.

18 34. For example, on information and belief, Defendants offer, sell and  
19 market (and after the filing of this complaint are continuing to offer, sell and  
20 market) their products, including the PN547 NFC Controller IC product, through its  
21 web site and through various channels including U.S. distributors and/or other third  
22 parties.

23 35. On information and belief, the PN547 NFC Controller IC product (for  
24 example) when used (including when used by Defendants) performs all the steps of  
25 the methods described in the claims of the '777 patent.

26 36. Defendants' product literature for the PN547 NFC Controller IC  
27 product (for example), including data sheets, instructs and encourages Defendants'  
28



1 customers and other third parties to use the PN547, including in the United States,  
2 and thereby perform the methods described in the claims of the '777 patent.  
3 Defendants are therefore aware that their customers and other third parties are  
4 infringing the '777 patent by using the PN547, as instructed and encouraged by  
5 Defendants.

6 37. On information and belief, Defendants' actions as alleged herein have  
7 contributed and are continuing to contribute to infringement of the '777 patent by  
8 offering to sell or selling within the United States or importing into the United  
9 States a component of a patented machine, manufacture, combination, or  
10 composition, or a material or apparatus for use in practicing a patented process,  
11 constituting a material part of the claimed invention(s) of the '777 patent, knowing  
12 the same to be especially made or especially adapted for use in an infringement of  
13 such patent, and not a staple article or commodity of commerce suitable for  
14 substantial non-infringing use.

15 38. For example, as set forth above, on information and belief,  
16 Defendants' PN547 NFC Controller IC product is designed, manufactured, and  
17 sold, so as to perform the methods described in the claims of the '777 Patent when  
18 used. On information and belief, the PN547 NFC Controller IC product therefore  
19 has no substantial non-infringing uses.

20 39. Defendants are not licensed or otherwise authorized to practice,  
21 contributorily practice and/or induce third parties to practice the claims of the '777  
22 patent.

23 40. By reason of Defendants' infringing activities, MIL has suffered, and  
24 will continue to suffer, substantial damages.

25 41. MIL is entitled to recover from Defendants the damages sustained as a  
26 result of Defendants' wrongful acts in an amount subject to proof at trial.

27  
28



1 integrated circuit products that incorporate similar circuitry and/or have similar  
2 features or functionality in the United States. Defendants have infringed and are  
3 currently infringing literally and/or under the doctrine of equivalents.

4 47. Defendants have actual knowledge of their infringement of the '634  
5 patent at least as of the filing date of this Complaint.

6 48. On information and belief, in violation of 35 U.S.C. § 271, Defendants  
7 have actively induced and/or are continuing to actively induce infringement of the  
8 '634 patent by encouraging acts of direct infringement, and Defendants know (or  
9 believe there is a high probability, but are taking deliberate steps to avoid knowing)  
10 that they are inducing direct infringement by (a) selling to, supplying to,  
11 encouraging, helping design, supporting, and/or instructing OEMs, distributors  
12 and/or other third party entities, to incorporate Defendants' products into devices  
13 sold by such entities, by (b) encouraging and/or instructing third party entities how  
14 to use such Defendants' products; and/or by (c) designing Defendants' products  
15 such that they necessarily infringe when used by third parties. On information and  
16 belief, Defendants know (or believe there is a high probability, but are taking  
17 deliberate steps to avoid knowing) that third parties, such as smartphone customers  
18 and set-top box customers, directly infringe and Defendants intend their products be  
19 used by third party entities to infringe the '634 patent.

20 49. For example, on information and belief, Defendants offer, sell and  
21 market (and after the filing of this complaint are continuing to offer, sell and  
22 market) their products, including the PN547 NFC Controller IC product and the  
23 JN5168 Wireless Microcontroller product, through its web site and through various  
24 channels including U.S. distributors and/or other third parties.

25 50. On information and belief, the PN547 NFC Controller IC product and  
26 the JN5168 Wireless Microcontroller product (as two examples), respectively,  
27  
28

1 when used (including when used by Defendants) perform all the steps of the  
2 methods described in the claims of the '634 patent.

3 51. Defendants' product literature for the PN547 NFC Controller IC  
4 product and the JN5168 Wireless Microcontroller product (as two examples),  
5 including data sheets, instructs and encourages Defendants' customers and other  
6 third parties to use the PN547 NFC Controller IC and the JN5168 Wireless  
7 Microcontroller product, respectively, including in the United States, and thereby  
8 perform the methods described in the claims of the '634 patent. Defendants are  
9 therefore aware that their customers and other third parties are infringing the '634  
10 patent by using the PN547 NFC Controller IC and the JN5168 Wireless  
11 Microcontroller product, respectively, as instructed and encouraged by Defendants.

12 52. On information and belief, Defendants' actions as alleged herein have  
13 contributed and are continuing to contribute to infringement of the '634 patent by  
14 offering to sell or selling within the United States or importing into the United  
15 States a component of a patented machine, manufacture, combination, or  
16 composition, or a material or apparatus for use in practicing a patented process,  
17 constituting a material part of the claimed invention(s) of the '634 patent, knowing  
18 the same to be especially made or especially adapted for use in an infringement of  
19 such patent, and not a staple article or commodity of commerce suitable for  
20 substantial non-infringing use.

21 53. For example, as set forth above, on information and belief,  
22 Defendants' PN547 NFC Controller IC product and the JN5168 Wireless  
23 Microcontroller product, respectively, are designed, manufactured, and sold, so as  
24 to perform the methods described in the claims of the '634 Patent when used. On  
25 information and belief, the PN547 NFC Controller IC product and the JN5168  
26 Wireless Microcontroller product, respectively, therefore have no substantial non-  
27 infringing uses.

28



1           60. Plaintiff re-alleges and incorporates by reference the allegations of the  
2 preceding paragraphs of this Complaint as if fully set forth herein.

3           61. On information and belief, in violation of 35 U.S.C. § 271, Defendants  
4 have infringed and are currently infringing one or more claims of the '448 patent,  
5 including but not limited to claim 1, directly and/or indirectly, by making, using,  
6 selling, offering for sale, and/or importing into the United States integrated circuit  
7 products including but not limited to the TJA1021 LIN Transceiver product and  
8 other integrated circuit products that incorporate similar circuitry and/or have  
9 similar features or functionality. Defendants have infringed and are currently  
10 infringing literally and/or under the doctrine of equivalents.

11           62. Defendants have actual knowledge of their infringement of the '448  
12 patent at least as of the filing date of this Complaint.

13           63. On information and belief, in violation of 35 U.S.C. § 271, Defendants  
14 have actively induced and/or are continuing to actively induce infringement of the  
15 '448 patent by encouraging acts of direct infringement, and Defendants know (or  
16 believe there is a high probability, but are taking deliberate steps to avoid knowing)  
17 that they are inducing direct infringement by (a) selling to, supplying to,  
18 encouraging, helping design, supporting, and/or instructing OEMs, distributors  
19 and/or other third party entities, to incorporate Defendants' products into devices  
20 sold by such entities, and by (b) encouraging and/or instructing third party entities  
21 how to use such Defendants' products. On information and belief, Defendants know  
22 (or believe there is a high probability, but are taking deliberate steps to avoid  
23 knowing) that third parties, such as automobile customers using in-vehicle  
24 networking, directly infringe and Defendants intend their products be used by third  
25 party entities to infringe the '448 patent.

26           64. For example, on information and belief, Defendants offer, sell and  
27 market (and after the filing of this complaint are continuing to offer, sell and  
28

1 market) their products, including the TJA1021 LIN Transceiver product through its  
2 web site and through various channels including U.S. distributors and/or other third  
3 parties.

4 65. Defendants' product literature for the TJA1021 LIN Transceiver  
5 product (for example) including data sheets, instructs and encourages Defendants'  
6 customers and other third parties to use the TJA1021 LIN Transceiver product, and  
7 thereby infringe the '448 patent. Defendants are therefore aware that their  
8 customers and other third parties are infringing the '448 patent by using the  
9 TJA1021 LIN Transceiver product, as instructed and encouraged by Defendants.

10 66. On information and belief, Defendants' actions as alleged herein have  
11 contributed and are continuing to contribute to infringement of the '448 patent by  
12 offering to sell or selling within the United States or importing into the United  
13 States a component of a patented machine, manufacture, combination, or  
14 composition, or a material or apparatus for use in practicing a patented process,  
15 constituting a material part of the claimed invention(s) of the '448 patent, knowing  
16 the same to be especially made or especially adapted for use in an infringement of  
17 such patent, and not a staple article or commodity of commerce suitable for  
18 substantial non-infringing use.

19 67. Defendants are not licensed or otherwise authorized to practice,  
20 contributorily practice and/or induce third parties to practice the claims of the '448  
21 patent.

22 68. By reason of Defendants' infringing activities, MIL has suffered, and  
23 will continue to suffer, substantial damages.

24 69. MIL is entitled to recover from Defendants the damages sustained as a  
25 result of Defendants' wrongful acts in an amount subject to proof at trial.

26 70. Defendants' continuing acts of infringement are irreparably harming  
27 and causing damage to MIL, for which MIL has no adequate remedy at law, and  
28

1 will continue to suffer such irreparable injury unless Defendants' continuing acts of  
2 infringement are enjoined by the Court. The hardships that an injunction would  
3 impose are less than those faced by MIL should an injunction not issue. The public  
4 interest would be served by issuance of an injunction. Thus, MIL is entitled to a  
5 preliminary and a permanent injunction against further infringement.

6 71. Defendants' infringement of the '448 patent has been and continues to  
7 be willful and deliberate, justifying a trebling of damages under 35 U.S.C. § 284.  
8 Upon information and belief, Defendants' accused actions continue despite an  
9 objectively high likelihood that they constitute infringement of the '448 patent.  
10 Defendants either know or should have known about their risk of infringing the '448  
11 patent. Defendants' conduct despite this knowledge is made with both objective and  
12 subjective reckless disregard for the infringing nature of their activities as  
13 demonstrated by Defendants' knowledge regarding the claims of the '448 patent.

14 72. Defendants' infringement of the '448 patent is exceptional and entitles  
15 MIL to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C.  
16 § 285.

### 17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff respectfully prays for the following relief:

19 (a) A judgment that Defendants have infringed each and every one of the  
20 Asserted Patents;

21 (b) A preliminary and permanent injunction against Defendants, their  
22 respective officers, agents, servants, employees, attorneys, parent and subsidiary  
23 corporations, assigns and successors in interest, and those persons in active concert  
24 or participation with them, enjoining them from infringement, inducement of  
25 infringement, and contributory infringement of each and every one of the Asserted  
26 Patents, including but not limited to an injunction against making, using, selling,  
27 and/or offering for sale within the United States, and/or importing into the United  
28



1 States, any products, methods, equipment and/or services that infringe the Asserted  
2 Patents;

3 (c) Damages adequate to compensate MIL for Defendants' infringement of  
4 the Asserted Patents pursuant to 35 U.S.C. § 284;

5 (d) Prejudgment interest;

6 (e) Post-judgment interest;

7 (f) A judgment holding Defendants' infringement of the Asserted Patents  
8 to be willful, and a trebling of damages pursuant to 35 U.S.C. § 284;

9 (g) A declaration that this Action is exceptional pursuant to 35 U.S.C.  
10 § 285, and an award to MIL of its attorneys' fees, costs and expenses incurred in  
11 connection with this Action; and

12 (h) Such other relief as the Court deems just and equitable.

13

14 DATED: February 2, 2015

Respectfully submitted,

15

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

16

17

18

By /s/Steven M. Anderson

19

Steven M. Anderson

20

Attorney for Plaintiff Marvell

21

International, Ltd.

22

23

24

25

26

27

28

