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NORTHERN DISTRICT OF CALIFORNIA
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VOLTERRA SEMICONDUCTOR CORPORATION

E-Filing

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

13 **CV 08 5129**

14 VOLTERRA SEMICONDUCTOR CORPORATION, a Delaware corporation,

Case No. _____

15 Plaintiff,

PLAINTIFF VOLTERRA SEMICONDUCTOR CORPORATION'S COMPLAINT FOR PATENT INFRINGEMENT

16 vs.

DEMAND FOR JURY TRIAL

17 PRIMARION, INC. a Delaware corporation, INFINEON TECHNOLOGIES AG, a German corporation, and INFINEON TECHNOLOGIES NORTH AMERICA CORPORATION, a Delaware corporation,

21 Defendants.

22
23 Plaintiff Volterra Semiconductor Corporation ("Volterra") hereby alleges as follows:

24 **PARTIES**

25 1. Plaintiff Volterra is a Delaware corporation with its principal place of business in
26 Fremont, California, and is registered to do and is doing business in the State of California.
27 Volterra designs, develops, and markets proprietary, high-performance analog and mixed-signal
28 power management semiconductors for the computing, storage, networking, and consumer

1 markets. Volterra's core products are integrated voltage regulator semiconductors and scalable
2 voltage regulator semiconductor chipsets that are used to transform, regulate, deliver, and monitor
3 the power consumed by digital semiconductors, such as microprocessors, graphics processors,
4 digital signal processors, and memory. Volterra's power management solutions are incorporated
5 into products from leading system designers.

6 2. Volterra is informed and believes, and on that basis alleges, that Defendant
7 Primarion, Inc. ("Primarion") is a Delaware corporation with its principal place of business in
8 Torrance, California, and is registered to do and is doing business in the State of California.

9 3. Volterra is informed and believes, and on that basis alleges, that Defendant
10 Infineon Technologies AG ("Infineon") is a German corporation headquartered in Neubiberg,
11 Germany. According to Infineon's June 30, 2008 Quarterly Report, Infineon acquired Primarion
12 on April 28, 2008 for cash consideration of \$50 million "plus a contingent performance-based
13 payment of up to \$30 million, in order to further strengthen [Infineon's] activities in the field of
14 power management applications."

15 4. Volterra is informed and believes, and on that basis alleges, that Defendant
16 Infineon operates in the United States by, among other things, offering its products for sale
17 through its subsidiary Infineon Technologies North America Corporation ("Infineon N.A.").
18 Volterra is informed and believes, and on that basis alleges, that Defendant Infineon N.A. is a
19 Delaware corporation with its principal place of business in Milpitas, California, and is registered
20 to do and is doing business in the State of California.

21 **JURISDICTION AND VENUE**

22 5. This is an action for patent infringement arising under the patent laws of the
23 United States, codified at 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction over
24 this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

25 6. Defendants are subject to personal jurisdiction in this judicial district because, on
26 information and belief, Primarion's principal place of business is in California, Infineon N.A.'s
27 principal place of business is in the Northern District of California, and the Defendants'
28 infringing activities have occurred and continue to occur in this district. Volterra is further

1 informed and believes, and on that basis alleges, that the accused products have been advertised,
2 marketed, promoted, and offered for sale by the Defendants in this district. Indeed, Volterra is
3 informed and believes, and on that basis alleges, that a Primarion representative publicly
4 discussed, promoted, and offered to sell the accused products at a September 2008 industry
5 conference in Burlingame, California. Volterra is further informed and believes, and on that basis
6 alleges, that Defendants have provided evaluation kits containing the accused products to
7 potential customers in this district in an effort to solicit sales of such products.

8 7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and (c) and
9 28 U.S.C. § 1400(b).

10 **INTRADISTRICT ASSIGNMENT**

11 8. This is an intellectual property action and is therefore exempt from intradistrict
12 assignment under Civil Local Rule 3-2(c). Pursuant to Civil Local Rule 3-2(c), intellectual
13 property actions are assigned on a district-wide basis.

14 **FIRST CLAIM FOR RELIEF**

15 **[Infringement of U.S. Patent No. 6,278,264]**

16 9. Volterra adopts and incorporates by reference the allegations of paragraphs 1
17 through 8 above as if fully set forth herein.

18 10. On August 21, 2001, the United States Patent and Trademark Office duly and
19 legally issued United States Patent No. 6,278,264, entitled "Flip-Chip Switching Regulator" (the
20 "'264 Patent"), to inventors Andrew J. Burstein and Charles Nickel. A true and correct copy of
21 the '264 Patent is attached hereto as Exhibit A.

22 11. Volterra is the owner by assignment of all rights, title and interest in the '264
23 Patent.

24 12. Volterra is informed and believes and on that basis alleges that, in violation of 35
25 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily
26 and/or by inducement, the '264 Patent by making, using, offering to sell, and/or selling integrated
27 power stages for voltage regulator applications and related products within the United States
28 and/or by importing such products into the United States.

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13. On information and belief, Defendants' infringement of the '264 Patent has been and continues to be willful and deliberate and with full knowledge of said patent.

14. On information and belief, Defendants will continue to infringe the '264 Patent, and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants' infringement is enjoined by this Court.

15. Volterra has suffered damages as a result of Defendants' infringement, and will continue to do so unless Defendants' infringement is enjoined by this Court.

SECOND CLAIM FOR RELIEF

[Infringement of U.S. Patent No. 6,462,522]

16. Volterra adopts and incorporates by reference the allegations of paragraphs 1 through 8 above as if fully set forth herein.

17. On October 8, 2002, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,462,522, entitled "Transistor Pattern For Voltage Regulator" (the "'522 Patent"), to inventors Andrew J. Burstein and Charles Nickel. A true and correct copy of the '522 Patent is attached hereto as Exhibit B.

18. Volterra is the owner by assignment of all rights, title and interest in the '522 Patent.

19. Volterra is informed and believes and on that basis alleges that, in violation of 35 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily and/or by inducement, the '522 Patent by making, using, offering to sell, and/or selling integrated power stages for voltage regulator applications and related products within the United States and/or by importing such products into the United States.

20. On information and belief, Defendants' infringement of the '522 Patent has been and continues to be willful and deliberate and with full knowledge of said patent.

21. On information and belief, Defendants will continue to infringe the '522 Patent, and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants' infringement is enjoined by this Court.

1 22. Volterra has suffered damages as a result of Defendants' infringement, and will
2 continue to do so unless Defendants' infringement is enjoined by this Court.

3 **THIRD CLAIM FOR RELIEF**

4 **[Infringement of U.S. Patent No. 6,713,823]**

5 23. Volterra adopts and incorporates by reference the allegations of paragraphs 1
6 through 8 above as if fully set forth herein.

7 24. On March 30, 2004, the United States Patent and Trademark Office duly and
8 legally issued United States Patent No. 6,713,823, entitled "Conductive Routings In Integrated
9 Circuits" (the "'823 Patent"), to inventor Charles Nickel. A true and correct copy of the '823
10 Patent is attached hereto as Exhibit C.

11 25. Volterra is the owner by assignment of all rights, title and interest in the '823
12 Patent.

13 26. Volterra is informed and believes and on that basis alleges that, in violation of 35
14 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily
15 and/or by inducement, the '823 Patent by making, using, offering to sell, and/or selling integrated
16 power stages for voltage regulator applications and related products within the United States
17 and/or by importing such products into the United States.

18 27. On information and belief, Defendants' infringement of the '823 Patent has been
19 and continues to be willful and deliberate and with full knowledge of said patent.

20 28. On information and belief, Defendants will continue to infringe the '823 Patent,
21 and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants'
22 infringement is enjoined by this Court.

23 29. Volterra has suffered damages as a result of Defendants' infringement, and will
24 continue to do so unless Defendants' infringement is enjoined by this Court.

25 **FOURTH CLAIM FOR RELIEF**

26 **[Infringement of U.S. Patent No. 6,020,729]**

27 30. Volterra adopts and incorporates by reference the allegations of paragraphs 1
28 through 8 above as if fully set forth herein.

1 39. Volterra is the owner by assignment of all rights, title and interest in the '795
2 Patent.

3 40. Volterra is informed and believes and on that basis alleges that, in violation of 35
4 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily
5 and/or by inducement, the '795 Patent by making, using, offering to sell, and/or selling
6 semiconductor products for voltage regulator applications within the United States and/or by
7 importing such products into the United States.

8 41. On information and belief, Defendants' infringement of the '795 Patent has been
9 and continues to be willful and deliberate and with full knowledge of said patent.

10 42. On information and belief, Defendants will continue to infringe the '795 Patent,
11 and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants'
12 infringement is enjoined by this Court.

13 43. Volterra has suffered damages as a result of Defendants' infringement, and will
14 continue to do so unless Defendants' infringement is enjoined by this Court.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Volterra prays as follows:

17 1. For a judgment declaring that Defendants have, directly, indirectly, contributorily
18 and/or by inducement, willfully infringed the patents-in-suit;

19 2. For preliminary and permanent injunctions enjoining Defendants and their
20 officers, directors, agents, servants, employees, attorneys, successors and assigns, and all other
21 persons acting in concert or participation with them, from infringing, inducing others to infringe,
22 or contributing to the infringement of the patents-in-suit;

23 3. For an award of damages pursuant to 35 U.S.C. § 284, including interest, adequate
24 to compensate Volterra for Defendants' infringement of the patents-in-suit;

25 4. For an award of enhanced damages pursuant to 35 U.S.C. § 284, including interest,
26 for Defendants' willful and deliberate acts of infringement;

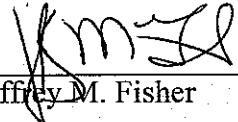
27 5. For a judgment declaring this case exceptional under 35 U.S.C. § 285, and for an
28 award of attorneys' fees, costs, and expenses; and

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6. For such other and further relief as this Court deems just and proper.

Dated: November 12, 2008

FARELLA BRAUN & MARTEL LLP

By: 
Jeffrey M. Fisher

Attorneys for Plaintiff
VOLTERRA SEMICONDUCTOR
CORPORATION

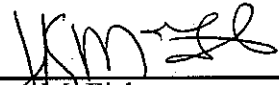
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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff Volterra Semiconductor Corporation hereby demands a trial by jury on all issues so triable.

DATED: November 12, 2008

FARELLA BRAUN & MARTEL LLP

By: 

Jeffrey M. Fisher

Attorneys for Plaintiff
VOLTERRA SEMICONDUCTOR
CORPORATION