

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
NORTHERN DIVISION

INNURVATION, INC. )  
9841 Broken Land Parkway )  
Columbia, Maryland 21046 )  
(Howard County) )

and ) Civil Action No. \_\_\_\_\_

INNURVATION IP, L.L.C. )  
9841 Broken Land Parkway )  
Columbia, Maryland 21046 )  
(Howard County) )

JURY TRIAL DEMANDED

Plaintiffs, )

vs. )

SONY CORPORATION OF AMERICA )  
550 Madison Avenue )  
New York, New York 10022-3211 )

SONY ELECTRONICS, INC. )  
16530 Via Esprillo )  
San Diego, California 92127-1708 )

FUJITSU MICROELECTRONICS )  
AMERICA, INC. )  
1250 East Arques Avenue )  
Sunnyvale, California 94085-5401 )

TOSHIBA AMERICA, INC. )  
1251 Avenue of Americas )  
New York, New York 10020 )

TOSHIBA AMERICA ELECTRONIC )  
COMPONENTS, INC. )  
19900 MacArthur Boulevard )  
Irvine, California 92612-2445 )

and )

FREESCALE SEMICONDUCTOR, INC. )  
6501 West William Cannon Drive )  
Austin, Texas 78735-8523 )

Defendants. )

## **COMPLAINT**

Plaintiffs INNURVATION, INC. and INNURVATION IP, LLC, for their Complaint against Defendants SONY CORPORATION OF AMERICA, SONY ELECTRONICS, INC., FUJITSU MICROELECTRONICS AMERICA, INC., TOSHIBA AMERICA, INC., TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC. and FREESCALE SEMICONDUCTOR, INC., hereby allege as follows:

### **NATURE OF THE ACTION**

1. This is a civil action for infringement of United States Patent No. 6,297,668 (“the ‘668 patent”). This action is based upon the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

### **THE PARTIES**

2. Plaintiff Innurvation, Inc. (“Innurvation”) is a corporation organized under the laws of the State of Delaware having a place of business at 9841 Broken Land Parkway, Columbia, Maryland 21046.

3. Plaintiff Innurvation IP, LLC (“Innurvation IP”) is a limited liability company organized under the laws of the State of Delaware having a place of business at 9841 Broken Land Parkway, Columbia, Maryland 21046.

4. Innurvation IP is the owner of the rights in the ‘668 patent. Innurvation is the exclusive licensee of the ‘668 patent.

5. On information and belief, Defendant SONY CORPORATION OF AMERICA (“Sony”) is a corporation organized under the laws of the State of New York having a place of business at 550 Madison Avenue, New York, New York 10022-3211.

6. On information and belief, Defendant SONY ELECTRONICS, INC. (“Sony Electronics”) is a corporation organized under the laws of the State of Delaware having a place of business at 16530 Via Esprillo, San Diego, California 92127-1708.

7. On information and belief, Defendant FUJITSU MICROELECTRONICS AMERICA, INC. (“Fujitsu”) is a corporation organized under the laws of the State of California having a place of business at 1250 East Arques Avenue, Sunnyvale, California 94085-5401.

8. On information and belief, Defendant TOSHIBA AMERICA, INC. (“Toshiba”) is a corporation organized under the laws of the State of Delaware having a place of business at 1251 Avenue of Americas, New York, New York 10020.

9. On information and belief, Defendant TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC. (“TAEC”) is a corporation organized under the laws of the State of California having a place of business at 19900 MacArthur Boulevard, Irvine, California 92612-2445.

10. On information and belief, Defendant FREESCALE SEMICONDUCTOR, INC. (“Freescale”) is a corporation organized under the laws of the State of Delaware having a place of business at 6501 West William Cannon Drive, Austin, Texas 78735-8523.

### **JURISDICTION AND VENUE**

11. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

12. This Court has personal jurisdiction over the defendants because, on information and belief, each of the defendants does business, including by selling products, in this District.

13. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), and 1400(b) because, *inter alia*, each Defendant is subject to personal jurisdiction in this District.

### **THE '668 PATENT**

14. On October 2, 2001, the '668 patent, entitled "Serial Device Compaction for Improving Integrated Circuit Layouts," was duly and legally issued to NanoPower, Inc. as assignee, subsequently assigned to NanoPower Technologies, Inc. A copy of the '668 patent is attached hereto as Exhibit A.

15. On February 27, 2009, NanoPower Technologies, Inc. assigned the rights, title and interest in the '668 patent to Plaintiff Innurvation, Inc.

16. On April 15, 2009, Plaintiff Innurvation, Inc. assigned the rights, title and interest in the '668 patent to Plaintiff Innurvation IP. Plaintiff Innurvation Inc. has an exclusive license to the '668 patent.

### **COUNT I**

#### **(Infringement of U.S. Patent No. 6,297,668 by Defendants Sony and Sony Electronics)**

17. Paragraphs 1 through 16 are incorporated by reference as if restated fully herein.

18. Defendants Sony and Sony Electronics have infringed and are infringing the '668 patent by making, using, importing, offering for sale and/or selling in the United States, without authority, products that embody the inventions patented within the '668 patent—for example, integrated circuits including image sensors (such as the IMX020) and processors (such as the Reality Synthesizer)—and/or, on information and belief, by actively inducing and/or contributing to infringement of said patent by others.

19. Innurvation and Innurvation IP have been damaged by Sony's and Sony Electronics' infringements of the '668 patent and further have and will continue to suffer irreparable injury until and unless the Court enjoins such infringement.

## **COUNT II**

### **(Infringement of U.S. Patent No. 6,297,668 by Defendant Fujitsu)**

20. Paragraphs 1 through 16 are incorporated by reference as if restated fully herein.

21. Defendant Fujitsu has infringed and is infringing the '668 patent by making, using, importing, offering for sale and/or selling in the United States, without authority, products that embody the inventions patented within the '668 patent—for example, integrated circuits including controllers (such as the MB86274 display controller)—and/or, on information and belief, by actively inducing and/or contributing to infringement of said patent by others

22. Innurvation and Innurvation IP have been damaged by Fujitsu's infringement of the '668 patent and further have and will continue to suffer irreparable injury until and unless the Court enjoins such infringement.

23. On information and belief, Fujitsu had prior knowledge and notice of the '668 patent and has acted in an objectively reckless manner in disregard of the '668 patent, such that its actions constitute willful infringement.

### **COUNT III**

#### **(Infringement of U.S. Patent No. 6,297,668 by Defendants Toshiba and TAEC)**

24. Paragraphs 1 through 16 are incorporated by reference as if restated fully herein.

25. Defendants Toshiba and TAEC have infringed and are infringing the '668 patent by making, using, importing, offering for sale and/or selling in the United States, without authority, products that embody the inventions patented within the '668 patent—for example, integrated circuits including microcontrollers (such as the TMP19A64F20AXBG)—and/or, on information and belief, by actively inducing and/or contributing to infringement of said patent by others.

26. Innurvation and Innurvation IP have been damaged by Toshiba's and TAEC's infringements of the '668 patent and further have and will continue to suffer irreparable injury until and unless the Court enjoins such infringement.

### **COUNT IV**

#### **(Infringement of U.S. Patent No. 6,297,668 by Defendant Freescale)**

27. Paragraphs 1 through 16 are incorporated by reference as if restated fully herein.

28. Defendant Freescale has infringed and is infringing the '668 patent by making, using, importing, offering for sale and/or selling in the United States, without authority, products that embody the inventions patented within the '668 patent—for example, integrated circuits including baseband processors (such as the SC29343VKP)—and/or, on information and belief, by actively inducing and/or contributing to infringement of said patent by others.

29. Innurvation and Innurvation IP have been damaged by Freescale's infringement of the '668 patent and further have and will continue to suffer irreparable injury until and unless the Court enjoins such infringement.

### **JURY DEMAND**

30. Plaintiffs Innurvation and Innurvation IP hereby respectfully demand a jury trial on all issues and claims so triable.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs Innurvation and Innurvation IP pray for relief and judgment as follows:

A. That each Defendant directly, contributorily and/or through inducement infringed and continues to infringe the '668 patent;

B. That the Defendants, and their officers, directors, consultants, managers, agents, servants, employees, attorneys, affiliates, subsidiaries, and all persons in active concert or participation with any of them, and their successors and assigns, be permanently enjoined from infringement, inducement of infringement, and contributory infringement of the '668 patent, including, but not limited to, making, using, offering for sale, selling within the United States, or importing any products into the United States, that infringe the '668 patent;

D. That Plaintiffs Innurvation and Innurvation IP be awarded all damages adequate to compensate them for the infringement by each Defendant, but in no event less than a reasonable royalty for the use made of the invention by each Defendant, together with interest and costs as fixed by the Court;

E. That Defendant Fujitsu be found to have willfully infringed the '668 patent;

F. That the damages award to Plaintiffs Innurvation and Innurvation IP for at least Defendant Fujitsu be trebled pursuant to 35 U.S.C. § 284;

G. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that Plaintiffs Innurvation and Innurvation IP be awarded their attorneys' fees in this action; and

H. That Plaintiffs Innurvation and Innurvation IP be awarded such other and further relief as this Court deems just and proper.

Dated: May 29, 2009

\_\_\_\_\_/S/\_\_\_\_\_  
Joseph D. Lewis  
(Maryland Federal Bar # 13379)  
BARNES & THORNBURG LLP  
750 17<sup>th</sup> Street N.W.  
Washington, D.C. 10006-4675  
Tel: (202) 289-1313  
Fax: (202) 289-1330

ATTORNEYS FOR PLAINTIFFS

Of Counsel:

Donald E. Knebel  
Todd G. Vare  
Jeff M. Barron  
Michael R. Brunelle  
BARNES & THORNBURG LLP  
11 South Meridian Street  
Indianapolis, Indiana 46204-3535  
Tel: (317) 236-1313  
Fax: (317) 231-7433