

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**NATIONAL CHENG KUNG
UNIVERSITY,**

Plaintiff,

v.

**QUALCOMM INCORPORATED and
QUALCOMM TECHNOLOGIES INC.,
Defendants.**

CIVIL ACTION NO. 2:13-cv-469

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff National Cheng Kung University (“NCKU” or “Plaintiff”) for its Complaint against Qualcomm Incorporated and Qualcomm Technologies Inc. (“Qualcomm” or “Defendants”), demands a trial by jury, and alleges as follows:

PARTIES

1. Plaintiff National Cheng Kung University is a higher education institution with a principal address of No. 1, University Road, Tainan, Taiwan, R.O.C.

2. On information and belief, Defendant Qualcomm Incorporated is incorporated under the laws of California with its principal place of business at 5775 Morehouse Drive, San Diego, CA 92121. This Defendant is registered to do business in the State of Texas and has appointed The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400, Wilmington, DE 19808, as its agent for service of process. On information and belief, Qualcomm Incorporated regularly conducts and transacts business in the United States, throughout the State of Texas, and within the Eastern District of Texas, either itself and/or

through one or more subsidiaries, affiliates, business divisions, or business units and has committed acts of infringement within the meaning of 28 U.S.C. § 1400(b).

3. On information and belief, Defendant Qualcomm Technologies Inc. is incorporated under the laws of California with its principal place of business at 5775 Morehouse Drive, San Diego, CA 92121. This defendant is registered to do business in the State of Texas and has appointed The Company Corporation, 2711 Centerville Road, Suite 400, Wilmington, DE 19808, as its agent for service of process. On information and belief, Qualcomm Technologies Inc. regularly conducts and transacts business in the United States, throughout the State of Texas, and within the Eastern District of Texas, either itself and/or through one or more subsidiaries, affiliates, business divisions, or business units and has committed acts of infringement within the meaning of 28 U.S.C. § 1400(b).

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, Qualcomm has transacted business in this district, and has committed acts of patent infringement in this district, by the making, using and/or selling at least the Qualcomm SNAPDRAGON S4, MSM8225, MSM8625, MSM8225Q, MSM8625Q, MSM8227, MSM8627, APQ8030, MSM8230, MSM8630, MSM8930, APQ8060A, MSM8260A, MSM8660A, MSM8960, MSM8960T, APQ8064, and MPQ8064 products.

6. On information and belief, Qualcomm are subject to this Court's general and specific personal jurisdiction because: Qualcomm have minimum contacts within the State of

Texas and the Eastern District of Texas and, pursuant to due process and/or the Texas Long Arm Statute, Qualcomm have purposefully availed themselves of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Qualcomm regularly conduct and solicit business within the State of Texas and within the Eastern District of Texas; and causes of action arise directly from Qualcomm's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,561,078

7. NCKU is the owner of all rights, title and interest to United States Patent No. 7,561,078 ("the '078 Patent") entitled "System and Method for Encoding A Data Sheet." The '078 Patent was issued on July 14, 2009 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '078 Patent was filed on November 9, 2007. Attached as Exhibit "A" is a copy of the '078 Patent.

8. The '078 Patent is generally directed to an improved encoding system for encoding a video data set.

9. On information and belief, Qualcomm has been and now is infringing the '078 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell devices using block-orientated motion compensation video compression as embodied in the ITU-T H.264 Standard, including the Qualcomm SNAPDRAGON S4, MSM8225, MSM8625, MSM8225Q, MSM8625Q, MSM8227, MSM8627, APQ8030, MSM8230, MSM8630, MSM8930, APQ8060A, MSM8260A, MSM8660A, MSM8960, MSM8960T, APQ8064, and MPQ8064 products.. Cisco is thus liable for infringement of the '078 Patent pursuant to 35 U.S.C. § 271.

10. To the extent that facts learned in discovery show that Qualcomm's infringement of the '078 Patent is or has been willful, NCKU reserves the right to request such a finding at the time of trial.

11. As a result of Qualcomm's infringement of the '078 Patent, NCKU has suffered monetary damages in an amount not yet determined, and NCKU will continue to suffer damages in the future unless Qualcomm's infringing activities are enjoined by this Court.

12. Unless a permanent injunction is issued enjoining Qualcomm and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '078 Patent, NCKU will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, NCKU respectfully requests that this Court enter:

A. A judgment in favor of NCKU that Qualcomm has infringed the '078 Patent, and that such infringement was willful;

B. A permanent injunction enjoining Qualcomm and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '078 Patent;

C. A judgment and order requiring Qualcomm to pay NCKU its damages, costs, expenses, and prejudgment and post-judgment interest for Qualcomm's infringement of the '078 Patent as provided under 35 U.S.C. § 284;

D. An award to NCKU for enhanced damages resulting from the knowing, deliberate, and willful nature of Qualcomm's prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to NCKU its reasonable attorneys' fees; and

F. Any and all other relief to which NCKU may show itself to be entitled.

DEMAND FOR JURY TRIAL

NCKU, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: June 5, 2013

Respectfully submitted,

By: /s/ Winston O. Huff
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**ATTORNEYS FOR PLAINTIFF,
NATIONAL CHENG KUNG UNIVERSITY**

CERTIFICATE OF FILING

I hereby certify that on this 5th day of June, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

/s/ Winston O. Huff
Winston O. Huff