

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

INVENSENSE, INC.,

Plaintiff,

v.

STMICROELECTRONICS, INC.,  
STMICROELECTRONICS N.V. and  
DOES 1 through 9, inclusive,

Defendants.

Civil Action No. 2:13-cv-405-JRG

**JURY TRIAL DEMANDED**

**SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff InvenSense, Inc. (“InvenSense”), for its second amended complaint against Defendants STMicroelectronics, Inc. (“STI”), STMicroelectronics N.V. (“STNV”), and DOES 1 through 9, alleges as follows:

**INTRODUCTION**

1. InvenSense has instituted the present action against the Defendants identified herein to prevent the unfair and unlawful exploitation of its intellectual property. InvenSense seeks an injunction against Defendants’ unlawful conduct, as well as an award of its actual damages and attorneys’ fees as provided by law.

2. InvenSense develops and sells revolutionary micro-electro-mechanical system (“MEMS”) devices, which incorporate motion sensors, such as accelerometers and gyroscopes, with mixed-signal integrated circuits and proprietary algorithms and firmware that intelligently calibrate, process and synthesize sensor output for use within larger products. InvenSense’s gyroscopes are included in consumer products made and sold by InvenSense’s more than one hundred and thirty customers, including handheld gaming devices, smart phones and tablets, digital still and video cameras, digital television and set-top box remote controls, toys, navigation

devices, and other consumer electronics devices.

3. InvenSense is a Delaware corporation with its principal place of business at 1197 Borregas Avenue, Sunnyvale, CA 94089. Founded in 2003, and taken public in 2011, InvenSense has been recognized as “dominat[ing] the 3-axis gyroscope market for [] original equipment manufacturers....” InvenSense is a pioneer and global market leader in motion interface devices that detect and track an object’s motion in three-dimensional space. InvenSense employs over 260 people, with engineering design teams and management employed in the United States of America.

4. In STI’s verified complaint filed with the United States International Trade Commission (“USITC”) in investigation no. 337-TA-876, alleging patent infringement by InvenSense (“the 876 Complaint”), STI admitted that it is a Delaware corporation with its principal place of business at 750 Canyon Drive, Coppell, TX 75019. Upon information and belief, STI is a wholly owned subsidiary of STNV, a company incorporated in The Netherlands, with its Analog, MEMS and Sensors Group business primarily located in Italy. As of December 31, 2012, STNV reported that less than 3% of total employees are employed in the United States of America and the remaining 97% of employees are located in Asia, Europe and the Mediterranean area. Upon information and belief, the vast majority of STI’s employees in the United States do not perform research and development, but serve primarily sales-related and customer support roles related to products designed and manufactured in Asia and Europe. STI’s registered agent for service of process is The Corporation Trust Company, located at Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801, (302) 658-7581.

5. STI’s Vice President, Secretary and General Counsel Steven Rose signed a verification of the 876 Complaint, stating in part, “I, Steven K. Rose, ... am duly authorized to execute this verification on behalf of [STI]. I have read the complaint and am aware of its

contents... I hereby certify as follows: 1. The allegations of the Complaint are well grounded in fact and have evidentiary support, or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery...” Upon information and belief, and based at least upon his biography on the [www.st.com](http://www.st.com) website, Mr. Rose is employed by both STI and STNV.

6. STI admitted in the 876 Complaint that it “devotes thousands of United States employee hours and millions of dollars in the United States identifying new uses for ST’s MEMS devices, creating and adapting MEMS devices for emerging applications, supporting its products, and working with customers (and potential customers) to integrate ST’s MEMS technology into downstream products such as laptop computers, smart phones, game controllers, and other consumer devices.”

7. STI admitted in the 876 Complaint that, “In the United States, [STI] has made and continues to make substantial investments relating to ST’s MEMS devices through design-in engineering, testing, troubleshooting, quality control, customer support, service and repair, and technical sales and marketing.”

8. STI admitted in the 876 Complaint that, “As discussed in greater detail in the Confidential Declaration of Rino Peruzzi, attached as Confidential Exhibit 47, [STI] has made significant domestic investments in plant, equipment, labor and capital, and engineering, research and development relating to products practicing the Asserted Patents and in further exploiting [STI]’s patented technology.” Pursuant to Rule 11(b)(3), it is likely that this admission will lead to the discovery of further facts supporting jurisdiction and venue in the Eastern District of Texas, after a reasonable opportunity for further investigation or discovery.

9. STI admitted in the 876 Complaint that the products identified in the statement quoted in the preceding paragraph as “products practicing the Asserted Patents” include at least

the accused L3G4200D products; additionally, STI stated that “many other ST MEMS devices practice the Asserted Patents.” Pursuant to Rule 11(b)(3), it is likely that these statements will lead to the discovery of further facts supporting jurisdiction and venue in the Eastern District of Texas, after a reasonable opportunity for further investigation or discovery.

10. STI admitted in the 876 Complaint that “[STI] has made and continues to make significant investments in the United States in plant, equipment, labor and capital, as well as substantial investments in the United States in engineering, research and development relating to articles protected by the Asserted Patents. These activities include at least domestic research, engineering (including design-in engineering), testing, technical marketing, and repair and service relating to ST’s MEMS devices protected by the Asserted Patents.” Pursuant to Rule 11(b)(3), it is likely that these statements will lead to the discovery of further facts supporting jurisdiction and venue in the Eastern District of Texas, after a reasonable opportunity for further investigation or discovery.

11. Upon information and belief, in ECF No. 19 in this case, STI admitted that it has “10 relevant employees in Santa Clara[, California]” and that the Santa Clara, California office “employs the teams responsible for technical marketing, design-in, and sales support to ST[I]’s principal U.S. customers for the accused products...” In ECF No. 19, STI did not identify a single employee in California (or any other office) that performs the functions identified in the preceding four paragraphs including design-in engineering, testing, troubleshooting, quality control, service and repair, engineering, research and development, and domestic research. Pursuant to Rule 11(b)(3), it is likely that discovery will lead to further facts showing that individuals responsible for such functions at STI are based in STI’s Texas facilities, after a reasonable opportunity for further investigation or discovery.

12. STI admitted in the 876 Complaint, “As further described in Confidential Exhibit

47, [STI] engages in substantial research and development work that exploits the technology protected by the Asserted Patents in the United States in its facility in Coppell, Texas. The research resulted in the invention disclosed by [U.S. Patent No. 7,450,332] as well as several MEMS devices under-development that practice one or more of the Asserted Patents.” Upon information and belief, the accused LSM330DLC is one such device that practices the alleged invention of the ‘332 patent. STI also admitted that “many other ST MEMS devices practice the Asserted Patents.” The referenced Confidential Exhibit 47 includes a declaration by Rino Peruzzi. Mr. Peruzzi also submitted a declaration in this case, i.e., ECF No. 19-2. Upon information and belief, and based upon publicly available information, Mr. Peruzzi is employed by both STI and STNV. Pursuant to Rule 11(b)(3), it is likely that these statements will lead to the discovery of further facts supporting jurisdiction and venue in the Eastern District of Texas, after a reasonable opportunity for further investigation or discovery.

13. STI admitted in the 876 Complaint, “As further described in Confidential Exhibit 47, [STI]’s domestic investments relating to the Asserted Patents takes place in various facilities it maintains throughout the United States, including at least its facilities located in Coppell, Texas ...” Upon information and belief, these investments relate to one or more of the accused products in this case. Pursuant to Rule 11(b)(3), it is likely that this statement will lead to the discovery of further facts supporting jurisdiction and venue in the Eastern District of Texas, after a reasonable opportunity for further investigation or discovery.

14. In ECF No. 19 in this case, STI admitted, “[S]ome of [STI]’s accused gyroscopes may end up in downstream devices sold in the Eastern District of Texas...” In ECF No. 19, STI admitted that “Apple” is one of “ST[I]’s principal U.S. customers for the accused products.” In ECF No. 19, STI admitted that STI sells the accused products “for use in U.S. customers’ downstream products (such as the iPhone and iPad).” Upon information and belief, STI has full

knowledge that STI's accused products are incorporated in the Apple Inc. iPhone and iPad devices. Upon information and belief, STI has full knowledge that, based upon Apple Inc.'s reported sales of 116.5 million iPhone devices and 57 million iPad devices since September 2012, STI's accused products are offered for sale into, sold into and used within every state and judicial district of the United States. Upon information and belief, STI sells its accused products to Apple Inc. with the expectation and knowledge that such products will be incorporated within Apple iPhone and iPad devices that will be sold in large volumes in the Eastern District of Texas,.

15. Apple iPhone and iPad devices, each containing one of the accused products, are available for sale and regularly sold in the Eastern District of Texas.

16. Upon information and belief, STNV is a corporation organized under the laws of The Netherlands with its principal place of business at WTC Schiphol Airport, Schiphol Boulevard 265, 1118 BH Schiphol Airport, The Netherlands. STNV's agent for service of process in the United States is Corporation Service Company (CSC), 80 State Street, Albany, NY 12207.

17. In ECF No. 19 in this case, STI admitted that "development and manufacturing of the accused products occurs" abroad and that "the accused products are designed, developed, and manufactured abroad (primarily in Europe)." Upon information and belief, the referenced design, development, and manufacture are performed by one or more of STNV and DOES 1 through 9 acting in concert with STI. Pursuant to Rule 11(b)(3), it is likely that these statements will lead to the discovery of further facts showing that STNV and/or DOES 1 through 9 acting in concert with STI are responsible for the design, development, and manufacture of the accused products, after a reasonable opportunity for further investigation or discovery.

18. In ECF No. 19 in this case, STI admitted that "The accused devices are developed

and manufactured abroad in Europe by [STI]-affiliates...” Upon information and belief, the referenced development and manufacture are performed by one or more of STNV and DOES 1 through 9 acting in concert with STI. Pursuant to Rule 11(b)(3), it is likely that these statements will lead to the discovery of further facts showing that STNV and/or DOES 1 through 9 acting in concert with STI are responsible for the development and manufacture of the accused products, after a reasonable opportunity for further investigation or discovery.

19. In ECF No. 19 in this case, STI admitted that Arrow and Avnet are STI’s “approved distributors of MEMS Devices.” STI also admitted that Arrow and Avnet each “maintain sales locations in Plano, Texas.” Upon information and belief, one or more of STI, STNV and DOES 1 through 9 acting in concert with one another and having knowledge of the infringement claims herein encourage Arrow and Avnet to offer for sale and/or sell the accused MEMS devices through all of their sales offices, including their offices in Plano, Texas. Pursuant to Rule 11(b)(3), it is likely that STI’s statements will lead to the discovery of further facts supporting jurisdiction and venue in the Eastern District of Texas, after a reasonable opportunity for further investigation or discovery.

20. In ECF No. 19 in this case, STI admitted, “ST[I]’s foreign parent maintains a global website through which potential customers can access information regarding distributors for certain of its MEMS devices and other products...” In ECF No. 19 in this case, STI admitted that the www.st.com website “is exclusively owned and maintained by [STI]’s corporate parent.” Upon information and belief, at least the website at www.st.com, through which customers can purchase the accused MEMS Devices are owned and controlled by one or more of STNV and DOES 1 through 9 and operated in concert with STI. Pursuant to Rule 11(b)(3), it is likely that discovery will lead to further facts showing that STNV and/or DOES 1 through 9 own and/or control the website www.st.com, through which customers can purchase the accused MEMS

Devices from one or more of STI, STNV and/or DOES 1 through 9 acting in concert, after a reasonable opportunity for further investigation or discovery.

21. Publicly available records, such as <http://whois.domaintools.com/st.com> < viewed August 1, 2013> indicate that the website domain [www.st.com](http://www.st.com) is registered to “STMicroelectronics” with an address of “39 Chemin du champ-des-Filles, Plan-les-Ouates, Geneve, 1228, Geneve, Switzerland” and that the administrator of the domain is “Colin Long” of “STMicroelectronics” with an address of “190, Avenue Celestin Coq – Zone Industrie, Rousset, 13106, Rousset, France.” On the first page of STNV’s Form 20-F Annual Report, dated March 4, 2013, STNV identifies the following as the company contact person, “Carlo Bozotti, 39, chemin du Champ des Filles, 1228 Plan-Les-Ouates, Geneva, Switzerland.” Upon information and belief, the STNV contact person works at the same address and facility as the administrator of the [www.st.com](http://www.st.com). Upon information and belief, Mr. Bozotti is the President and CEO of STNV. Upon information and belief, one or more of STNV and/or DOES 1 through 9 acting in concert with STI operates the [www.st.com](http://www.st.com) website through which customers can purchase the accused MEMS devices.

22. STI, STNV and/or DOES 1 through 9 act in concert with one another to sell the accused products for incorporation into consumer electronics devices manufactured by Samsung. Upon information and belief, these accused products are sold to Samsung with the expectation and knowledge that such products will be incorporated into Samsung consumer electronics devices such as the Samsung Galaxy S4 for sale in the Eastern District of Texas. Upon information and belief, STI and STNV have full knowledge that, based upon Samsung’s large sales volume, STI’s and STNV’s accused products are sold into every state and district of the United States. Upon information and belief, STI and STNV act in concert and sell their accused products to Samsung with the expectation and knowledge that such products will be incorporated

within Samsung devices such as the Samsung Galaxy S4 devices that will be sold in large volumes in the Eastern District of Texas,.

23. Samsung Galaxy S4 devices containing the accused products are available for sale and regularly sold in the Eastern District of Texas.

24. InvenSense is ignorant of the true names and capacities of Defendants sued herein as Does 1 through 9, inclusive, and therefore sues said Defendants by such fictitious names. InvenSense will amend this Complaint, if necessary, to allege their true names and capacities when ascertained.

### **JURISDICTION AND VENUE**

25. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338(a), (b) because this action arises under the patent laws of the United States of America.

26. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(c)(3), which provides that “a defendant not resident in the United States may be sued in any judicial district...” *See also Ashbury Int’l. Group, Inc. v. Cadex Defence, Inc.*, No. 3:11-cv-79 (W.D. Va. Sept. 20, 2012) (“The Supreme Court has expressly held that this provision, rather than § 1400(b), applies to foreign corporations in patent cases. *See Brunette Mach. Works, Ltd. v. Kockum Indus., Inc.*, 406 U.S. 706, 714 (1972) (holding in a patent infringement case against a Canadian corporation that venue was governed by § 1391(d) [now codified at § 1391(c)(3)], rather than by § 1400(b)).”) (brackets in original). Defendant STNV is not resident in the United States. The residency of DOES 1 through 9 is currently unknown.

27. Venue is also proper in this judicial district pursuant to 28 U.S.C. §§1391(b), (c) and 1400(b) as defendants, including at least STI and STNV, have invoked the benefits and protections of this court by purposefully bringing litigation within this district, committed acts of

patent infringement in this judicial district, and, upon information and belief, continue to commit such acts in this judicial district, entitling InvenSense to relief as set forth below.

28. This Court has jurisdiction over Defendants STI and STNV because STNV acting in concert with STI has purposefully directed activities at residents of this forum, Plaintiff's claims arise out of or relate to those activities, and assertion of personal jurisdiction is reasonable and fair. *See, e.g., Nuance Comms. v. Abbyy Software House*, 626 F.3d 1222, 1231 (Fed. Cir. 2010). STI and STNV work in concert to design, manufacture, and sell the accused MEMS products for incorporation into end products including Apple iPhone, Apple iPad, and Samsung Galaxy S4 devices with knowledge that such devices are intended for sale to residents of the Eastern District of Texas. Apple iPhone, Apple iPad, and Samsung Galaxy S4 devices incorporating the accused MEMS products have been and continue to be offered for sale and sold to residents of the Eastern District of Texas. Upon information and belief, other products incorporating the accused MEMS products have been and continue to be offered for sale and sold to residents of the Eastern District of Texas. Plaintiff InvenSense's claims of patent infringement relate to, among other things, the sale and offer for sale of the accused MEMS products and the active inducement of and contribution to such sales by STI, STNV and DOES 1 through 9 acting in concert with one another.

29. Jurisdiction and venue are also proper over Defendants, including STI and STNV, for at least the reasons set forth in paragraphs 1 through 24, which are incorporated herein by reference.

### **FACTUAL ALLEGATIONS**

30. In its decade-long history, InvenSense has developed a reputation for cutting-edge innovation.

31. From its founding in 2003, through 2005, InvenSense developed and refined its groundbreaking manufacturing platform, the patented “Nasiri-Fabrication” platform.

32. In 2006, InvenSense introduced the world’s first integrated MEMS dual axis gyroscope. In 2007, InvenSense’s IDG-1000 was chosen for image stabilization in the world’s first Blu-Ray disc camcorders.

33. In 2008, InvenSense’s IDG-1100 became the smallest-foot-print integrated dual-axis gyroscope and the IDG-600™ was featured in the Nintendo Wii MotionPlus™ accessory.

34. STI did not enter the consumer MEMS gyroscope market until 2008, when STI attempted to catch up to InvenSense in the growing consumer electronics market.

35. In 2009, InvenSense introduced the world’s first dual-axis MEMS gyroscopes for 3D remote controls and PC mice and the world’s first single chip 3-axis digital gyroscope available for under \$3.

36. STI did not introduce a two-axis gyroscope for the consumer electronics market until 2009.

37. In 2010, InvenSense unveiled the world’s first Motion Processing Unit™ (“MPU”) with a digital 3-axis gyroscope and sensor fusion. InvenSense also announced the world’s first MotionProcessor™ with an integrated 3-axis gyroscope, 3-axis accelerometer and 9-axis MotionFusion™.

38. In 2010, STI introduced its first 3-axis gyroscope for the consumer electronics market, while InvenSense’s patent application on this technology was pending.

39. In 2011, InvenSense introduced its world’s first MotionApps™ platform for embedded system developers.

40. In 2012, InvenSense introduced the world’s first fully integrated 9-axis MotionTracking device for mobile devices including smartphones, tablets, game controllers and

wearable sensors. InvenSense's 9-axis device includes gyroscope, accelerometer and compass functions.

41. And in 2013, InvenSense has continued its ground-breaking innovation by introducing the world's lowest profile 6-axis MotionTracking™ device, the world's lowest power 9-axis MotionTracking™ device, and many other innovative products.

42. The total market size for motion processors is expected to grow to 1.4 billion units by 2014. And shipments of gyroscopes for smartphones are expected to grow from approximately 49 million units in 2010 to over 358 million units by 2014.

43. In this growing market, InvenSense seeks to protect the unlawful and unauthorized exploitation and use of its innovative patented technology through the claims set forth herein.

### **FIRST CLAIM FOR RELIEF**

(Infringement of U.S. Patent No. 8,347,717)  
(Against All Defendants)

44. InvenSense incorporates by reference paragraphs 1 through 43 above.

45. On January 8, 2013, United States Patent No. 8,347,717 (the '717 patent) was duly and legally issued for an invention entitled: "Extension-Mode Angular Velocity Sensor." InvenSense is the assignee of the '717 patent and continues to hold all rights and interest in the '717 patent. A copy of the '717 patent is attached hereto as **Exhibit A**.

46. Defendants have directly infringed and continue to directly infringe at least claim 1 of the '717 patent through their manufacture, use, sale, importation and/or offer for sale of unlicensed products including, but not limited to, LSM330DLC, LSM330, L3G4200D, A3G4250D, STEVAL-MKI122V1, STEVAL-MKI123V1, and upon information and belief

L3GD20, L3G3250, LSM330DL, STEVAL-MKI124V1, STEVAL-MKI119V1, STEVAL-MKI107V2, STEVAL-MKI108V2, STEVAL-MKI127V1. InvenSense anticipates that additional infringing products will be found and will duly accuse such products as discovery progresses.

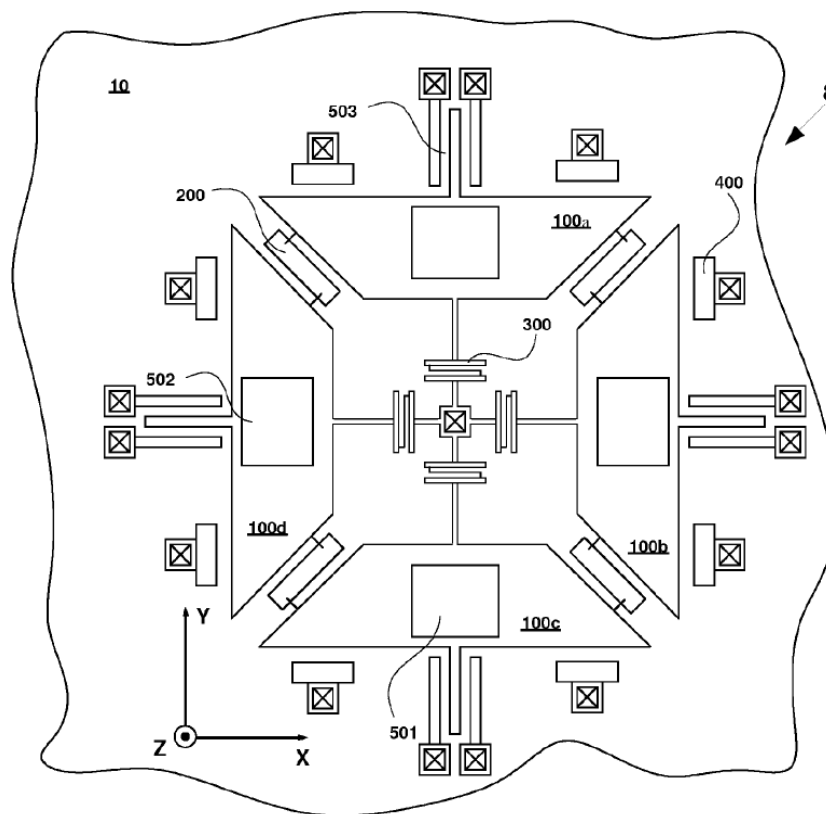
47. Defendants STI and STNV have had actual knowledge of the ‘717 patent and their acts of infringement of the ‘717 patent at least since May 15, 2013, the date upon which STI (a wholly owned subsidiary of STNV) was served with the original complaint in this action.

48. Defendant STI has informed InvenSense that STI has studied InvenSense’s patents and patent applications. Upon information and belief based upon STI’s statements, STI and STNV had actual knowledge of the ‘717 patent prior to May 15, 2013.

49. Defendants STI and STNV have actively induced and continue to actively induce others to infringe the ‘717 patent. At least Defendant STI’s and STNV’s advertisements and marketing materials, including but not limited to internet websites and product data sheets, encourage customers to infringe the ‘717 patent through use, sale, offers for sale, and/or importation of products incorporating the identified products. As of the filing date of this amended complaint, STI’s and STNV’s internet websites and product data sheets have remained available and have continued to encourage customers to infringe the ‘717 patent. For example, the website at [www.st.com](http://www.st.com) encourages customers to purchase and use “eval” boards incorporating one or more of the accused products via a “Buy Direct” option and notes, “Introducing the eSTore dedicated initially to offer the convenience of buying boards and development kits directly from our site. Supported by our logistics and order fulfillment partner, the eSTore makes possible a quick and simple access to our available inventory of development kits and boards.” See <http://www.st.com/web/en/estore/5109fb000cf2b5daeffcff64> <viewed August 2013>.

50. Defendants STI and STNV have contributed to and continue to contribute to the infringement of the '717 patent. The identified products are especially made or especially adapted for incorporation in a patented device or apparatus and for use in a manner that infringes the '717 patent, are not staple articles or commodities of commerce, and are not suitable for substantial noninfringing use.

51. An exemplary figure, i.e., FIG. 1a, of the '717 patent is reproduced below along with Figure 4 of STI's and STNV's Technical Article TA0343, titled "Everything about STMicroelectronics' 3-axis digital MEMS gyroscopes" and dated July 2011, illustrating at least one manner in which STI and STNV are infringing InvenSense's '717 patent:



**FIG. 1a**

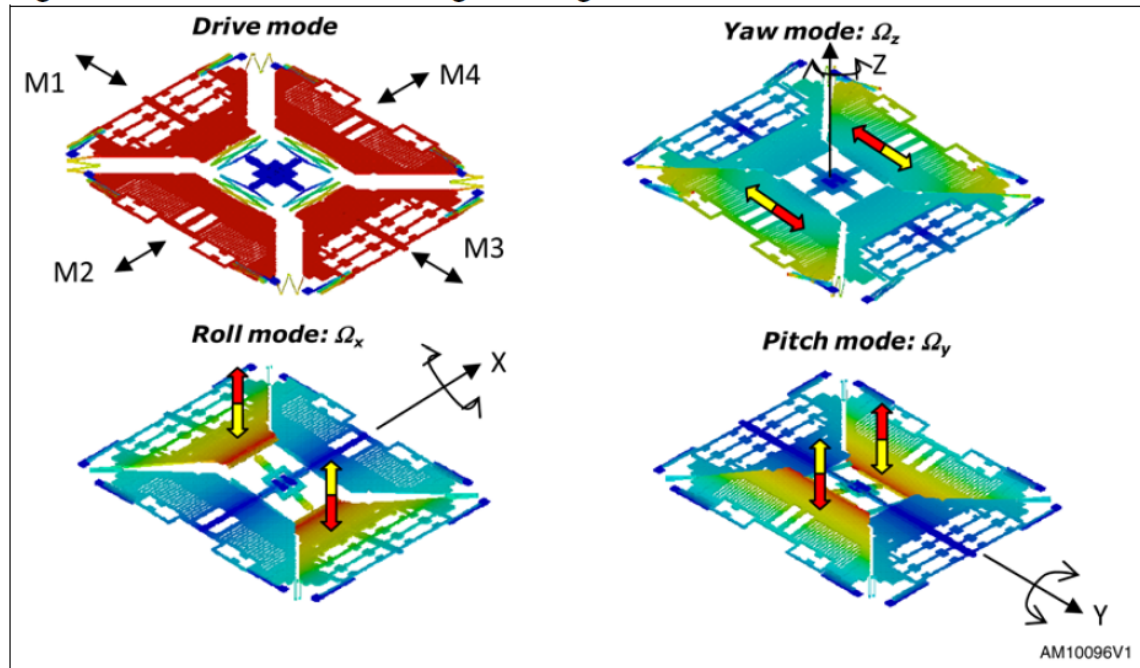
**Figure 4. Demonstration of single driving mass**

Figure 4 shows how the beating heart structure works.

52. Defendants' infringement of the '717 patent has caused and continues to cause damage to InvenSense in an amount to be determined at trial.

53. Defendants' infringement as herein alleged will continue to cause immediate and irreparable harm to InvenSense for which there is no adequate remedy at law, unless this Court enjoins and restrains such activities.

54. STI's and STNV's infringement of the '717 patent is willful. Despite STI and STNV having had knowledge of the '717 patent and STI's and STNV's infringement of the '717 patent at least since May 15, 2013, STI and STNV have knowingly and willfully continued to make, use, offer for sale, sell and/or import products that infringe the '717 patent. Upon information and belief, STI and STNV had knowledge of the '717 patent and their infringement thereof prior to the filing of the complaint in this action and have willfully been infringing the '717 patent since STI (a wholly owned subsidiary of STNV) first obtained knowledge thereof.

55. Defendants are liable to InvenSense for infringement of the '717 patent pursuant

to 35 U.S.C. §271.

**SECOND CLAIM FOR RELIEF**

(Infringement of U.S. Patent No. 8,351,773)  
(Against All Defendants)

56. InvenSense incorporates by reference paragraphs 1 through 43 above.

57. On January 8, 2013, United States Patent No. 8,351,773 (the ‘773 patent) was duly and legally issued for an invention entitled: “Motion Sensing and Processing on Mobile Devices.” InvenSense is the assignee of the ‘773 patent and continues to hold all rights and interest in the ‘773 patent. A certificate of correction of the ‘773 patent issued on July 9, 2013. A copy of the ‘773 patent (including the certificate of correction) is attached hereto as **Exhibit B**.

58. Defendants have directly infringed and continue to directly infringe at least claim 1 of the ‘773 patent through their manufacture, use, sale, importation and/or offer for sale of unlicensed products including, but not limited to, LSM330. InvenSense anticipates that additional infringing products will be found and will duly accuse such products as discovery progresses.

59. Defendants STI and STNV have had actual knowledge of the ‘773 patent and STI’s and STNV’s acts of infringement of the ‘773 patent at least since May 15, 2013, the date upon which STI (a wholly owned subsidiary of STNV) was served with the original complaint in this action.

60. Defendant STI has informed InvenSense that STI has studied InvenSense’s patents and patent applications. Upon information and belief based upon STI’s statements, STI and STNV had actual knowledge of the ‘773 patent prior to May 15, 2013.

61. Defendants STI and STNV have actively induced and continue to actively induce others to infringe the ‘773 patent. At least Defendants STI’s and STNV’s advertisements and

marketing materials, including but not limited to internet websites and product data sheets, encourage customers to infringe the ‘773 patent through use, sale, offers for sale, and/or importation of products incorporating the identified products. As of the filing date of this amended complaint, STI’s and STNV’s internet websites and product data sheets have remained available and have continue to encourage customers to infringe the ‘773 patent.

62. Defendants STI and STNV have contributed to and continue to contribute to the infringement of the ‘773 patent. The identified products are especially made or especially adapted for incorporation in a patented device or apparatus and for use in a manner that infringes the ‘773 patent, are not staple articles or commodities of commerce, and are not suitable for substantial noninfringing use.

63. Defendants’ infringement of the ‘773 patent has caused and continues to cause damage to InvenSense in an amount to be determined at trial.

64. Defendants’ infringement as herein alleged will continue to cause immediate and irreparable harm to InvenSense for which there is no adequate remedy at law, unless this Court enjoins and restrains such activities.

65. STI’s and STNV’s infringement of the ‘773 patent is willful. Despite STI and STNV having had knowledge of the ‘773 patent and STI’s and STNV’s infringement of the ‘773 patent at least since May 15, 2013, STI and STNV have knowingly and willfully continued to make, use, offer for sale, sell and/or import products that infringe the ‘773 patent. Upon information and belief, STI and STNV had knowledge of the ‘773 patent and its infringement thereof prior to the filing of the complaint in this action and have willfully been infringing the ‘773 patent since STI (a wholly owned subsidiary of STNV) first obtained knowledge thereof.

66. Defendants are liable to InvenSense for infringement of the ‘773 patent pursuant to 35 U.S.C. §271.

**THIRD CLAIM FOR RELIEF**

(Infringement of U.S. Patent No. 8,250,921)  
(Against All Defendants)

67. InvenSense incorporates by reference paragraphs 1 through 43 above.

68. On August 28, 2012, United States Patent No. 8,250,921 (the ‘921 patent) was duly and legally issued for an invention entitled: “Integrated Motion Processing Unit (MPU) With MEMS Inertial Sensing and Embedded Digital Electronics.” InvenSense is the assignee of the ‘921 patent and continues to hold all rights and interest in the ‘921 patent. A copy of the ‘921 patent is attached hereto as **Exhibit C**.

69. Defendants have directly infringed and continue to directly infringe at least claim 1 of the ‘921 patent through their manufacture, use, sale, importation and/or offer for sale of unlicensed products including, but not limited to, LSM330. InvenSense anticipates that additional infringing products will be found and will duly accuse such products as discovery progresses.

70. Defendants STI and STNV have had actual knowledge of the ‘921 patent and STI’s and STNV’s acts of infringement of the ‘921 patent at least since May 15, 2013, the date upon which STI (a wholly owned subsidiary of STNV) was served with the original complaint in this action.

71. Defendant STI has informed InvenSense that STI has studied InvenSense’s patents and patent applications. Upon information and belief based upon STI’s statements, STI and STNV had actual knowledge of the ‘921 patent prior to May 15, 2013.

72. Defendants STI and STNV have actively induced and continue to actively induce others to infringe the ‘921 patent. At least Defendant STI’s and STNV’s advertisements and marketing materials, including but not limited to internet websites and product data sheets,

encourage customers to infringe the '921 patent through use, sale, offers for sale, and/or importation of products incorporating the identified products.

73. Defendants STI and STNV have contributed to and continue to contribute to the infringement of the '921 patent. The identified products are especially made or especially adapted for incorporation in a patented device or apparatus and for use in a manner that infringes the '921 patent, are not staple articles or commodities of commerce, and are not suitable for substantial noninfringing use.

74. Defendants' infringement of the '921 patent has caused and continues to cause damage to InvenSense in an amount to be determined at trial.

75. Defendants' infringement as herein alleged will continue to cause immediate and irreparable harm to InvenSense for which there is no adequate remedy at law, unless this Court enjoins and restrains such activities.

76. STI's and STNV's infringement of the '921 patent is willful. Despite STI and STNV having had knowledge of the '921 patent and STI's and STNV's infringement of the '921 patent at least since May 15, 2013, STI and STNV have knowingly and willfully continued to make, use, offer for sale, sell and/or import products that infringe the '921 patent. Upon information and belief, STI and STNV had knowledge of the '921 patent and their infringement thereof prior to the filing of the complaint in this action and have willfully been infringing the '921 patent since STI (a wholly owned subsidiary of STNV) first obtained knowledge thereof.

77. Defendants are liable to InvenSense for infringement of the '921 patent pursuant to 35 U.S.C. §271.

#### **PRAYER FOR RELIEF**

WHEREFORE, InvenSense prays for the following relief:

1. That judgment be entered in favor of InvenSense that the accused Defendants have infringed directly, infringed through inducement, and contributed to infringement and continue to infringe the '717, '773, and '921 patents in violation of 35 U.S.C. §271;
2. That InvenSense be granted an accounting of all damages sustained as a result of the Defendants' infringement of InvenSense's patents as herein alleged;
3. That InvenSense be awarded actual damages with prejudgment interest according to proof, and enhanced damages pursuant to 35 U.S.C. § 284 and as provided by law;
4. That a permanent injunction be issued pursuant to 35 U.S.C. §283 enjoining the Defendants, their officers, agents, servants, employees and all other persons acting in concert or participation with them from further infringement of InvenSense's patents;
5. That STI's and STNV's infringement be deemed willful;
6. That this case be decreed an "exceptional case" within the meaning of 35 U.S.C. §285, and that reasonable attorneys' fees, expenses, and costs be awarded to InvenSense; and
7. That InvenSense be awarded such further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

InvenSense hereby demands a jury trial as to all issues triable to a jury.

Dated: September 10, 2013

Respectfully submitted,  
TUROCY & WATSON LLP

By: /s/ Eric H. Findlay

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ATTORNEYS FOR PLAINTIFF  
INVENSENSE, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2013, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Eric H. Findlay

Eric H. Findlay