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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SKYWORKS SOLUTIONS, INC.,)	Civil Action No. 14-cv-00010 SI
Plaintiff,)	
v.)	PLAINTIFF SKYWORKS
KINETIC TECHNOLOGIES, INC.,)	SOLUTION, INC.'S FIRST
Defendant.)	AMENDED COMPLAINT FOR
)	PATENT INFRINGEMENT;
)	DEMAND FOR JURY TRIAL
)	

1 Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), Plaintiff Skyworks
2 Solutions, Inc. (“Skyworks”) brings this First Amended Complaint for Patent Infringement
3 against Defendant Kinetic Technologies, Inc. (“Kinetic”) and alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is an action for patent infringement arising under the Patent Laws of the
6 United States, 35 U.S.C. § 100 *et seq.*

7 **INTRADISTRICT ASSIGNMENT**

8 2. This action is an intellectual property action subject to district-wide
9 assignment pursuant to Local Civil Rules 3-2(c) and 3-5(b).

10 **PARTIES**

11 3. Plaintiff Skyworks Solutions, Inc. is a Delaware corporation with its principal
12 place of business at 20 Sylvan Road, Woburn, Massachusetts 01801. Skyworks maintains
13 extensive facilities in California and this Judicial District, including facilities for
14 semiconductor design, manufacturing, sales, marketing, support, operations, quality, and
15 supply chain operations in Milpitas, Santa Clara, Newbury Park, and Irvine, California.

16 4. Upon information and belief, Kinetic is a California corporation with its
17 principal place of business in this Judicial District at 1185 Bordeaux Drive, Suite D,
18 Sunnyvale, California 94089.

19 **JURISDICTION**

20 5. This Court has jurisdiction over this patent infringement action under 28
21 U.S.C. §§ 1331 and 1338(a).

22 6. Kinetic is subject to the personal jurisdiction of this Court for the claims
23 asserted herein. Upon information and belief, Kinetic has its principal place of business in
24 this Judicial District.

25 7. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391(b) and
26 (c) and § 1400(b). Upon information and belief, Kinetic has its principal place of business in
27 this Judicial District and has committed acts of infringement in this Judicial District.

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FACTUAL BACKGROUND

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2 8. Skyworks is an innovator of high performance analog semiconductors.
3 Leveraging its core technologies, Skyworks supports wireless networking, smartphone and
4 tablet applications. Skyworks' product portfolio includes, among other products, amplifiers,
5 lighting and display solutions, mixers, modulators, power dividers and combiners, power
6 management devices, and switches.

7 9. Skyworks has a large and diversified patent portfolio of hundreds of patents
8 covering its innovative and proprietary technologies.

9 10. On April 5, 2011, the United States Patent and Trademark Office duly and
10 lawfully issued U.S. Patent No. 7,921,320, entitled "Single Wire Serial Interface" ("the '320
11 Patent"). A true and correct copy of the '320 Patent is attached hereto as Exhibit 1.

12 11. On September 17, 2013, the United States Patent and Trademark Office duly
13 and lawfully issued U.S. Patent No. 8,539,275, entitled "Single Wire Serial Interface" ("the
14 '275 Patent"). A true and correct copy of the '275 Patent is attached hereto as Exhibit 2.

15 12. The '320 Patent was initially assigned from the employee inventors thereof to
16 Advanced Analogic Technologies, Inc. ("AATI"). In 2012, Skyworks acquired AATI.

17 13. The '275 Patent is assigned to Skyworks Solutions, Inc.

18 14. Skyworks is the owner by assignment of all right, title, and interest in the '320
19 and '275 Patents.

20 15. Kinetic designs, develops, and markets semiconductor products for the
21 consumer, computing, and communications markets, including certain LED driver products
22 for use in devices, such as wireless communication devices, and provides detailed design
23 specifications regarding the fabrication, manufacture, test and assembly, implementation, use,
24 and performance of such LED driver products.

25 16. On or before February 2012, Kinetic introduced a high efficiency LED driver
26 product family, including the KTD253 product family.

27 17. Kinetic solicits customers to contact Kinetic for samples and pricing of its
28 products.

1 18. Kinetic employs a Director of Marketing to promote its products.

2 19. Kinetic sells its products through its local sales offices in Sunnyvale,
3 California; Shanghai, China; Zhonghe City, Taiwan; and Korea.

4 20. Upon information and belief, Kin Shum (“Shum”) is an officer, director,
5 employee, and/or founder of Kinetic.

6 21. Before founding Kinetic, Shum was an employee and director of AATI. Shum
7 was employed by AATI from 2003 until 2006. His last position at AATI was Director of
8 Strategic Marketing. During the term of his employment with AATI, his responsibilities
9 included project management for new products in the power management market, including
10 LED driver products, defining new products, setting up new product approval processes,
11 implementing product concepts, and implementing project schedules.

12 22. During his employment at AATI, Shum was named as an inventor on a patent
13 application titled “USB Battery Charger” filed by AATI, subsequently published as U.S.
14 Patent Application Publication No. 2006/0033474.

15 23. Upon information and belief, Jan Nilsson (“Nilsson”) is an officer, director,
16 employee, and/or founder of Kinetic.

17 24. Before founding Kinetic, Nilsson was an employee and vice president of
18 AATI. Nilsson was employed by AATI from 2001 until 2006. His last position at AATI was
19 Vice President of Marketing and Business Development.

20 25. During his employment at AATI, Nilsson was named as an inventor of the
21 ’320 Patent. Nilsson is also named as an inventor on the ’275 Patent.

22 26. Upon information and belief, Kinetic, Shum, and Nilsson were aware that
23 AATI filed patent applications covering its products.

24 27. Upon information and belief, Kinetic, Shum, and Nilsson were aware that
25 AATI developed, made, and sold LED driver products.

26 28. Upon information and belief, Kinetic, Shum, and Nilsson knew or should have
27 known of the ’320 and ’275 Patents.

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1 29. On March 20, 2013, Skyworks filed a complaint alleging that Kinetic
2 infringed the '320 Patent, entitled *Skyworks Solutions, Inc. v. Kinetic Techs., Inc.*, Case No.
3 1:13-cv-10655-GAO in the District of Massachusetts (“the Massachusetts Action”).

4 30. On September 17, 2013, Skyworks filed a motion to amend its complaint in
5 the Massachusetts Action to additionally allege that Kinetic infringed the '275 Patent.

6 31. Kinetic had actual notice of the '320 Patent at least as early as March 20,
7 2013, and the '275 Patent at least as early as September 17, 2013, both dates prior to the
8 filing of this action.

9 **FIRST CLAIM FOR RELIEF – INFRINGEMENT**

10 **OF U.S. PATENT NO. 7,921,320**

11 32. Skyworks re-alleges and incorporates by reference the allegations contained in
12 Paragraphs 1 through 31 above as though fully set forth herein.

13 33. Upon information and belief, Kinetic, and/or those acting in concert with
14 Kinetic, have made, used, offered to sell, sold, and/or imported into the United States and this
15 Judicial District, and placed into the stream of commerce, LED driver products, including but
16 not limited to those with integrated circuit die identifications AADAA, 9B003-F, 9B003-D,
17 and 9A002-B, which are marketed and sold as part numbers KTD101, KTD102, KTD253,
18 KTD259, KTD262, and/or devices, such as wireless communication devices, that incorporate
19 such products, that infringe at least one claim of the '320 Patent in violation of 35 U.S.C. §
20 271.

21 34. Upon information and belief, Kinetic, and/or those acting in concert with
22 Kinetic, with actual knowledge of the '320 Patent before the filing of this action, contributed
23 to the infringement of the '320 Patent, by having its direct and indirect customers sell, offer
24 for sale, use, and import into the United States and this Judicial District, and placing into the
25 stream of commerce, LED driver products, including but not limited to those with integrated
26 circuit die identifications AADAA, AADAA, 9B003-F, 9B003-D, and 9A002-B, which are
27 marketed and sold as part numbers KTD101, KTD102, KTD253, KTD259, KTD262, and/or

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1 devices, such as wireless communication devices, that incorporate such products, with
2 knowledge that such products infringe the '320 Patent.

3 35. Upon information and belief, Kinetic's LED driver products are especially
4 made or adapted for infringing the '320 Patent, and have no substantially non-infringing uses.

5 36. Upon information and belief, Kinetic, and/or those acting in concert with
6 Kinetic, with actual knowledge of the '320 Patent before the filing of this action, have
7 intentionally induced infringement of the '320 Patent, by having its direct and indirect
8 customers sell, offer for sale, use, and import into the United States and this Judicial District,
9 and placing into the stream of commerce, LED driver products, including but not limited to
10 those with integrated circuit die identifications AADAA, AADAA, 9B003-F, 9B003-D, and
11 9A002-B, which are marketed and sold as part numbers KTD101, KTD102, KTD253,
12 KTD259, KTD262, and/or devices, such as wireless communication devices, that incorporate
13 such products, with knowledge that such products infringe the '320 Patent.

14 37. Upon information and belief, Kinetic sells its LED driver products to
15 customers, with the knowledge and intent that its customers would infringe the '320 Patent.

16 38. Upon information and belief, as of its founding, Kinetic was aware of the
17 existence of the parent application that led to the '320 Patent.

18 39. Kinetic had actual notice of the '320 Patent since at least March 20, 2013,
19 before the filing of this action, and acted despite an objectively high likelihood that its actions
20 constituted infringement of a valid patent.

21 40. Upon information and belief, Kinetic's infringement of the '320 Patent has
22 been, and continues to be, willful, deliberate, and intentional by continuing its acts of
23 infringement with knowledge of the '320 Patent and thus acting in reckless disregard of
24 Skyworks' patent rights.

25 41. As a consequence of Kinetic's infringement of the '320 Patent, Skyworks has
26 suffered and will continue to suffer harm and injury, including monetary damages in an
27 amount to be determined at trial.

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1 42. Upon information and belief, unless enjoined Kinetic, and/or others acting on
2 behalf of Kinetic, will continue their infringing acts, thereby causing irreparable harm to
3 Skyworks for which there is no adequate remedy at law.

4 **SECOND CLAIM FOR RELIEF – INFRINGEMENT**
5 **OF U.S. PATENT NO. 8,539,275**

6 43. Skyworks re-alleges and incorporates by reference the allegations contained in
7 Paragraphs 1 through 42 above as though fully set forth herein.

8 44. Upon information and belief, Kinetic, and/or those acting in concert with
9 Kinetic, have made, used, offered to sell, sold, and/or imported into the United States and this
10 Judicial District, and placed into the stream of commerce, LED driver products, including but
11 not limited to those with integrated circuit die identifications AADAA, AADAA, 9B003-F,
12 9B003-D, and 9A002-B, which are marketed and sold as part numbers KTD101, KTD102,
13 KTD253, KTD259, KTD262, and/or devices, such as wireless communication devices, that
14 incorporate such products, that infringe at least one claim of the '275 Patent in violation of 35
15 U.S.C. § 271.

16 45. Upon information and belief, Kinetic, and/or those acting in concert with
17 Kinetic, with actual knowledge of the '275 Patent before the filing of this action, contribute to
18 the infringement of the '275 Patent, by having its direct and indirect customers sell, offer for
19 sale, use, and import into the United States and this Judicial District, and placing into the
20 stream of commerce, LED driver products, including but not limited to those with integrated
21 circuit die identifications AADAA, AADAA, 9B003-F, 9B003-D, and 9A002-B, which are
22 marketed and sold as part numbers KTD101, KTD102, KTD253, KTD259, KTD262, and/or
23 devices, such as wireless communication devices, that incorporate such products, with
24 knowledge that such products infringe the '275 Patent.

25 46. Upon information and belief, Kinetic's LED driver products are especially
26 made or adapted for infringing the '275 Patent, and have no substantially non-infringing uses.

27 47. Upon information and belief, Kinetic, and/or those acting in concert with
28 Kinetic, with actual knowledge of the '275 Patent before the filing of this action, intentionally

1 induce infringement of the '275 Patent, by having its direct and indirect customers sell, offer
2 for sale, use, and import into the United States and this Judicial District, and placing into the
3 stream of commerce, LED driver products, including but not limited to those with integrated
4 circuit die identifications AADAA, AADAA, 9B003-F, 9B003-D, and 9A002-B, which are
5 marketed and sold as part numbers KTD101, KTD102, KTD253, KTD259, KTD262, and/or
6 devices, such as wireless communication devices, that incorporate such products, with
7 knowledge that such products infringe the '275 Patent.

8 48. Upon information and belief, Kinetic sells its LED driver products to
9 customers, with the knowledge and intent that its customers would infringe the '275 Patent

10 49. Upon information and belief, as of its founding, Kinetic was aware of the
11 existence of the parent application that led to the '275 Patent.

12 50. Kinetic had actual notice of the '275 Patent since at least September 17, 2013,
13 before the filing of this action, and acted despite an objectively high likelihood that its actions
14 constituted infringement of a valid patent.

15 51. Upon information and belief, Kinetic's infringement of the '275 Patent is
16 willful, deliberate, and intentional by continuing its acts of infringement with knowledge of
17 the '275 Patent and thus acting in reckless disregard of Skyworks' patent rights.

18 52. As a consequence of Kinetic's infringement of the '275 Patent, Skyworks has
19 suffered and will continue to suffer harm and injury, including monetary damages in an
20 amount to be determined at trial.

21 53. Upon information and belief, unless enjoined Kinetic, and/or others acting on
22 behalf of Kinetic, will continue their infringing acts, thereby causing irreparable harm to
23 Skyworks for which there is no adequate remedy at law.

24 **DEMAND FOR JUDGMENT**

25 **WHEREFORE**, Skyworks prays for entry of judgment that:

26 A. Kinetic is liable for infringement, contributory infringement, and inducing
27 infringement of the '320 and '275 Patents under 35 U.S.C. § 271;

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1 B. Kinetic, and each of its affiliates, subsidiaries, officers, agents, servants,
2 employees, representatives, successors and assigns, and all other persons in active concert or
3 participation with Kinetic, shall be preliminarily and permanently enjoined from further
4 infringing, contributing to others' infringement, and inducing others to infringe the '320 and
5 '275 Patents under 35 U.S.C. § 283;

6 C. Kinetic shall pay damages to Skyworks resulting from Kinetic's infringement
7 of the '320 and '275 Patents pursuant to 35 U.S.C. § 284;

8 D. Kinetic's continuing infringement of the '320 and '275 Patents was and is
9 willful, justifying a trebling of the award of damages under 35 U.S.C. § 284, or such other
10 enhancement of the award of damages that the Court deems appropriate;

11 E. This action be determined to be an exceptional case and Skyworks be awarded
12 their attorneys' fees, costs, and expenses under 35 U.S.C. § 285;

13 F. Skyworks be entitled to pre-judgment and post-judgment interest and costs
14 against Kinetic, in accordance with 35 U.S.C. § 284; and

15 G. Skyworks be awarded such other and further relief as the Court may deem just
16 and proper.

17 Respectfully submitted,

18 KNOBBE, MARTENS, OLSON & BEAR, LLP

19
20 Dated: February 7, 2014

By: /s/ Michelle E. Armond

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JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff Skyworks Solutions, Inc. demands a trial by jury of all issues raised by this Amended Complaint that are triable by jury.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 7, 2014

By: /s/ Michelle E. Armond

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