

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MICRO DESIGN LLC,

Plaintiff,

v.

LENOVO (UNITED STATES) INC. and
LENOVO GROUP LIMITED,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Micro Design LLC (“Micro Design” or “Plaintiff”), for its Complaint against Defendant Lenovo (United States) Inc. and Lenovo Group Limited, collectively referred to as (“Lenovo” or “Defendants”), alleges the following:

NATURE OF THE ACTION

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

THE PARTIES

2. Plaintiff Micro Design is a limited liability company organized under the laws of the State of Delaware, with a place of business at 845 Tatnall Street, Wilmington, DE 19801.

3. Upon information and belief, Lenovo (United States) Inc. is a corporation organized and existing under the laws of the Delaware, with a place of business at Lenovo (United States) Inc., 1009 Think Place, Morrisville, NC 27560, and a registered agent for service of process at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801. Upon information and belief, Lenovo (United States) Inc. sells and offers to sell products and services throughout the United States, including in this judicial

district, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

4. Upon information and belief, Lenovo Group Limited is a corporation organized and existing under the laws of China, with a place of business at Lenovo Group Limited, No. 6 Chuang Ye Road, Shandi, Information Industry Base, Haidian District, Beijing, China, Post Code: 100085, and can be served at that address. Upon information and belief, Lenovo Group Limited sells and offers to sell products and services throughout the United States, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in the United States.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

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

8. Upon information and belief, Lenovo conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in North Carolina. Further, this Court has personal jurisdiction over Lenovo (United States) Inc. because it is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,437,535

9. The allegations set forth in the foregoing paragraphs 1 through 8 are incorporated into this First Claim for Relief.

10. On October 14, 2008, U.S. Patent No. 7,437,535 (“the ’535 patent”), entitled “Method and Apparatus for Issuing a Command to Store an Instruction and Load Resultant Data in a Microcontroller,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’535 patent is attached as Exhibit A.

11. Micro Design is the assignee and owner of the right, title and interest in and to the ’535 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

12. Upon information and belief, Lenovo has and continues to directly infringe one or more claims of the ’535 patent by making, using, selling, importing and/or providing and causing to be used microprocessors that contain the claimed combinations of the ’535 patent, including the processor and co-processor features, including, but not limited to memory accessing features, which products by way of example include ThinkStation C30, ThinkStation D30, and ThinkStation S30 (the “Accused Instrumentalities”).

13. Lenovo was made aware of the ’535 patent and its infringement thereof at least as early as their receipt of correspondence from Micro Design providing notice of the ’535 patent and Lenovo’s infringement thereof sent to Defendants on June 6, 2014. Each letter was sent by certified mail with return receipt requested or via Federal Express with notification of delivery requested. Micro Design has since received the return receipt from each Defendant, indicating that Defendants received the letters.

14. Upon information and belief, since at least the time they received notice, Lenovo has induced and continues to induce others to infringe at least one claim of the ’535 patent under

35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Lenovo's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least one claim of the '535 patent.

15. In particular, Lenovo's actions that aid and abet others such as their partners and customers to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, Lenovo has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Lenovo has had actual knowledge of the '535 patent and that their acts were inducing infringement of the '535 patent since at least the date Lenovo received notice that such activities infringed the '535 patent.

16. Despite Micro Design's notice to Lenovo regarding the '535 patent, Lenovo has continued to infringe the '535 patent. On information and belief, Lenovo's infringement has been and continues to be willful.

17. Micro Design has been harmed by Lenovo's infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Micro Design demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Micro Design demands judgment for itself and against Defendants as follows:

- A. An adjudication that Defendants have infringed the '535 patent;
- B. An award of damages to be paid by Lenovo adequate to compensate Micro Design for Lenovo's past infringement of the '535 patent, and any continuing or future

infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and

D. An award to Micro Design of such further relief at law or in equity as the Court deems just and proper.

Dated: June 27, 2014

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