	Case5:15-cv-00290 Document1 File	ed01/21/15 Page1 of 11	
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11 12	New York, NY 10036 Telephone: (212) 209-4800 Facsimile: (212) 209-4801 Attorneys for Plaintiff,		
13	NXP B.V.		
14 15	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION		
16	SANJOSE		
17	NXP B.V.,	CASE NO.:	
18	Plaintiff,	COMPLAINT FOR PATENT	
19	vs.	INFRINGEMENT	
20 21	MARVELL SEMICONDUCTOR, INC. and MARVELL TECHNOLOGY GROUP LTD.,	DEMAND FOR JURY TRIAL	
22	Defendants.		
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	COMPLAINT FOR PAT	ENT INFRINGEMENT	

1	Plaintiff NXP B.V ("NXP" or "Plaintiff"), by its undersigned counsel, Brown Rudnick		
2	LLP, files this complaint against Defendants, Marvell Technology Group Ltd. and Marvell		
3	Semiconductor, Inc. (collectively, "Marvell"), alleging as follows:		
4	NATURE OF THE ACTION		
5	1. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1, <i>et</i>		
6	<i>seq.</i> , from Marvell's direct infringement and indirect infringement of United States Patent No.		
7	5,939,791 ("the '791 patent"); United States Patent No. 7,039,133 ("the '133 patent"); United		
8	States Patent No. 8,185,050 ("the '050 patent"); and United States Patent No. 8,203,432 ("the		
9	'432 patent'') (collectively, "the patents-in-suit").		
10	<u>PARTIES</u>		
11	2. Plaintiff NXP B.V. is a corporation organized and existing under the laws of The		
12	Netherlands with its principal place of business at High Tech Campus 60, 5656 AG, Eindhoven,		
13	The Netherlands.		
14	3. NXP is a holding company whose collective assets constitute one of the largest		
15	semiconductor manufacturers worldwide. NXP was the semiconductor division of its former		
16	parent company, Koninklijke Philips Electronics, from which it was spun off in 2006. NXP		
17	products are incorporated in automobiles, television sets, set-top boxes, and mobile telephones,		
18	and in security solutions for bank cards, electronic ID cards, passports and health cards.		
19	4. NXP is a renowned pioneer in the field of Near Field Communication ("NFC")		
20	technology, which enables consumers everywhere to exchange data using radio technology over		
21	short distances of just a few centimeters. Indeed, NXP co-invented NFC technology. In general,		
22	NFC enables two devices to wirelessly exchange many types of data at close range. NFC can be		
23	used as an access key for services that include cashless payments, paperless admission tickets,		
24	online banking, online streaming or downloading of content, keyless hotel room access, and more.		
25	5. NXP is the largest supplier of NFC controller chips worldwide. Moreover, NXP		
26	has led the development and standardization of NFC as a rapidly growing solution for secure		
27	short-range connectivity.		
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	COMPLAINT FOR PATENT INFRINGEMENT 2		

1	6.	Upon information and belief, Defendant Marvell Semiconductor, Inc. is a	
2	corporation organized and existing under the laws of the State of California, with a principal place		
3	of business listed at 5488 Marvell Lane, Santa Clara, California.		
4	7.	Upon information and belief, Defendant Marvell Technology Group Ltd. is a	
5	corporation organized and existing under the laws of Bermuda, with a principal place of business		
6	listed at 22 V	ictoria Street, Hamilton HM 12, Bermuda.	
7		JURISDICTION AND VENUE	
8	8.	This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and	
9	1338(a).		
10	9.	Upon information and belief, this Court has personal jurisdiction over Marvell	
11	Semiconduct	or, Inc. because it resides in the State of California and in this judicial district and	
12	regularly con	ducts business within this state and judicial district. Upon information and belief,	
13	Marvell Semi	conductor, Inc. designs, tests, demonstrates, advertises, directly distributes, offers	
14	for sale, and s	sells its products and services within this state and judicial district.	
15	10.	Upon information and belief, this Court has personal jurisdiction over Marvell	
16	Technology (	Group Ltd. because it has committed, and continues to commit, acts of infringement	
17	in violation o	f 35 U.S.C. § 271 by placing infringing products into the stream of commerce with	
18	knowledge ar	nd/or understanding that such products are used and sold in the State of California	
19	and in this ju	dicial district, in a manner that infringes the patents-in-suit, thereby causing damage	
20	to NXP. Upon information and belief, Marvell Technology Group Ltd. knowingly induced, and		
21	continues to knowingly induce, infringement within this state and judicial district by contracting		
22	with others to sell infringing products, and ultimately selling such products, that Marvell		
23	Technology (	Group Ltd. knew or should have known would be distributed and ultimately used	
24	within this sta	ate and judicial district. Upon information and belief, Marvell Technology Group	
25	Ltd. derives s	ubstantial revenue from interstate commerce, including from the sale of these	
26	infringing pro	oducts, and/or expected or should reasonably have expected its actions to have	
27	consequences within this state and judicial district.		
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111.Marvell Technology Group Ltd. has also purposefully availed itself of the2privilege of litigating in this state and judicial district by filing a lawsuit in this Court.

3 12. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b)
4 because Marvell is subject to personal jurisdiction in this district and has committed acts of direct
5 and indirect patent infringement in this district.

6

### FACTUAL BACKGROUND

7 13. On August 17, 1999, the '791 patent, entitled "ELECTRICALLY CONDUCTIVE
8 INTERCONNECTS FOR INTEGRATED CIRCUITS," was duly and lawfully issued by the
9 United States Patent and Trademark Office ("USPTO"). NXP is the sole and rightful owner of all
10 rights, title and interest in the '791 patent, including the right to sue for past infringement. A true
11 and correct copy of the '791 patent is attached hereto as Exhibit A.

12 14. On May 2, 2006, the '133 patent, entitled "DATA CARRIER HAVING MEANS
13 FOR SYNCHRONIZATION WITH A RECEIVED DATA STREAM," was duly and lawfully
14 issued by the USPTO. NXP is the sole and rightful owner of all rights, title and interest in the
15 '133 patent, including the right to sue for past infringement. A true and correct copy of the '133
16 patent is attached hereto as Exhibit B.

17 15. On May 22, 2012, the '050 patent, entitled "COEXISTANCE DEVICE
18 COMMUNICATION BETWEEN A BLUETOOTH DEVICE AND A WIRELESS LOCAL

AREA NETWORK DEVICE," was duly and lawfully issued by the USPTO. NXP is the sole and
rightful owner of all rights, title and interest in the '050 patent, including the right to sue for past
infringement. A true and correct copy of the '050 patent is attached hereto as Exhibit C.

16. On June 19, 2012, the '432 patent, entitled "METHOD OF READING A
PLURALITY OF NON-CONTACT DATA CARRIERS, INCLUDING AN ANTI-COLLISION
SCHEME," was duly and lawfully issued by the USPTO. NXP is the sole and rightful owner of
all rights, title and interest in the '432 patent, including the right to sue for past infringement. A
true and correct copy of the '432 patent is attached hereto as Exhibit D.

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COMPLAINT FOR PATENT INFRINGEMENT

#### 1 COUNT I 2 (Infringement of the '791 Patent) 3 17. Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein. 4 18. NXP has not licensed or otherwise authorized Marvell to make, use, offer for sale, 5 sell, or import any products that embody the inventions of the '791 patent. 19. 6 Marvell has and continues to directly infringe one or more claims of the '791 7 patent, either literally or under the doctrine of equivalents, by making, using, offering to sell, 8 selling and/or importing into the United States infringing integrated circuits with near field 9 communication capability ("NFC Chips"), including for example, the Marvell Avastar 88W8887 10 and 88W8897-802.11ac integrated circuits ("the Avastar Chips"), without authority and in 11 violation of 35 U.S.C. § 271. 12 20. Marvell has and continues to indirectly infringe one or more claims of the '791 13 patent by knowingly and intentionally inducing others to directly infringe, either literally or under 14 the doctrine of equivalents, by making, using, selling, offering to sell and/or importing devices 15 incorporating Marvell's infringing NFC Chips. For example, Marvell, with knowledge that the 16 Avastar Chips infringe the '791 patent, knowingly and intentionally induced, and continues to 17 knowingly and intentionally induce, direct infringement of the '791 patent by selling the Avastar 18 88W8897 chips, and providing product information and other assistance in using the Avastar 19 88W8897 chips, with the intent that they be incorporated in the Xbox One® gaming consoles 20 sold, offered for sale and imported into the United States by Microsoft Corporation and used by 21 consumers and others within the United States. 22 21. NXP has suffered damages as a result of Marvell's direct and indirect infringement 23 of the '791 patent in an amount to be proved at trial. NXP has suffered, and will continue to suffer, irreparable harm as a result of 24 22. 25 Marvell's infringement of the '791 patent, for which there is no adequate remedy at law, unless

26 Marvell's infringement is enjoined by this Court.

27 23. Marvell has been aware of its infringement of the '791 patent since at least January
 28 9, 2015, when NXP notified Marvell that the Avastar 88W8897 infringes at least one claim of the COMPLAINT FOR PATENT INFRINGEMENT

'791 patent. Upon information and belief, Marvell does not reasonably believe that the NFC
 Chips do not infringe the '791 patent or that the '791 patent is invalid. Accordingly, Marvell's
 infringement of the '791 patent was and continues to be willful and deliberate, entitling NXP to
 an award of treble damages, reasonable attorney fees, and costs in bringing this action.

### COUNT II

### (Infringement of the '133 Patent)

Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.
NXP has not licensed or otherwise authorized Marvell to make, use, offer for sale,
sell, or import any products that embody the inventions of the '133 patent.

Marvell has and continues to directly infringe one or more claims of the '133
 patent, either literally or under the doctrine of equivalents, by making, using, offering to sell,
 selling and/or importing into the United States the infringing NFC Chips, including for example,
 the infringing Avastar Chips, without authority and in violation of 35 U.S.C. § 271.

14 27. Marvell has and continues to indirectly infringe one or more claims of the '133 15 patent by knowingly and intentionally inducing others to directly infringe, either literally or under 16 the doctrine of equivalents, by making, using, selling, offering to sell and/or importing devices 17 incorporating Marvell's infringing NFC Chips. For example, Marvell, with knowledge that the 18 Avastar Chips infringe the '133 patent, knowingly and intentionally induced, and continues to 19 knowingly and intentionally induce, direct infringement of the '133 patent by selling the Avastar 20 88W8897 chips, and providing product information and other assistance in using the Avastar 21 88W8897 chips, with the intent that they be incorporated in the Xbox One® gaming consoles 22 sold, offered for sale and imported into the United States by Microsoft Corporation and used by 23 consumers and others within the United States.

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24 28. NXP has suffered damages as a result of Marvell's direct and indirect infringement
25 of the '133 patent in an amount to be proved at trial.

26 29. NXP has suffered, and will continue to suffer, irreparable harm as a result of
27 Marvell's infringement of the '133 patent, for which there is no adequate remedy at law, unless
28 Marvell's infringement is enjoined by this Court.

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1	30. Marvell has been aware of its infringement of the '133 patent since at least May		
2	14, 2014, when NXP notified Marvell that the Avastar 88W8897 infringes at least one claim of		
3	the '133 patent. Upon information and belief, Marvell does not reasonably believe that the NFC		
4	Chips do not infringe the '133 patent or that the '133 patent is invalid. Accordingly, Marvell's		
5	infringement of the '133 patent was and continues to be willful and deliberate, entitling NXP to		
6	an award of treble damages, reasonable attorney fees, and costs in bringing this action.		
7	<u>COUNT III</u>		
8	(Infringement of the '050 Patent)		
9	31. Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.		
10	32. NXP has not licensed or otherwise authorized Marvell to make, use, offer for sale,		
11	sell, or import any products that embody the inventions of the '050 patent.		
12	33. Marvell has and continues to directly infringe one or more claims of the '050		
13	patent, either literally or under the doctrine of equivalents, by making, using, offering to sell,		
14	selling and/or importing into the United States the infringing NFC Chips, including for example,		
15	the infringing Avastar Chips, without authority and in violation of 35 U.S.C. § 271.		
16	34. Marvell has and continues to indirectly infringe one or more claims of the '050		
17	patent by knowingly and intentionally inducing others to directly infringe, either literally or under		
18	the doctrine of equivalents, by making, using, selling, offering to sell and/or importing devices		
19	incorporating Marvell's infringing NFC Chips. For example, Marvell, with knowledge that the		
20	Avastar Chips infringe the '050 patent, knowingly and intentionally induced, and continues to		
21	knowingly and intentionally induce, direct infringement of the '050 patent by selling the Avastar		
22	88W8897 chips, and providing product information and other assistance in using the Avastar		
23	88W8897 chips, with the intent that they be incorporated in the Xbox One® gaming consoles		
24	sold, offered for sale and imported into the United States by Microsoft Corporation and used by		
25	consumers and others within the United States.		
26	35. NXP has suffered damages as a result of Marvell's direct and indirect infringement		
27	of the '050 patent in an amount to be proved at trial.		
28	///		
	COMPLAINT FOR PATENT INFRINGEMENT		

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36. NXP has suffered, and will continue to suffer, irreparable harm as a result of
 Marvell's infringement of the '050 patent, for which there is no adequate remedy at law, unless
 Marvell's infringement is enjoined by this Court.

37. Marvell has been aware of its infringement of the '050 patent since at least
September 4, 2014, when NXP notified Marvell that the Avastar 88W8897 infringes at least one
claim of the '050 patent. Upon information and belief, Marvell does not reasonably believe that
the NFC Chips do not infringe the '050 patent or that the '050 patent is invalid. Accordingly,
Marvell's infringement of the '050 patent was and continues to be willful and deliberate, entitling
NXP to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

## 10 11

## COUNT IV

### (Infringement of the '432 Patent)

38. Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.
39. NXP has not licensed or otherwise authorized Marvell to make, use, offer for sale,
sell, or import any products that embody the inventions of the '432 patent.

- 40. Marvell has and continues to directly infringe one or more claims of the '432
  patent, either literally or under the doctrine of equivalents, by making, using, offering to sell,
  selling and/or importing into the United States the infringing NFC Chips, including for example,
  the infringing Avastar Chips, without authority and in violation of 35 U.S.C. § 271.
- 19 41. Marvell has and continues to indirectly infringe one or more claims of the '432 20 patent by knowingly and intentionally inducing others to directly infringe, either literally or under 21 the doctrine of equivalents, by making, using, selling, offering to sell and/or importing devices 22 incorporating Marvell's infringing NFC Chips. For example, Marvell, with knowledge that the 23 Avastar Chips infringe the '432 patent, knowingly and intentionally induced, and continues to 24 knowingly and intentionally induce, direct infringement of the '432 patent by selling the Avastar 25 88W8897 chips, and providing product information and other assistance in using the Avastar 26 88W8897 chips, with the intent that they be incorporated in the Xbox One® gaming consoles 27 sold, offered for sale and imported into the United States by Microsoft Corporation and used by 28 consumers and others within the United States.

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1	42.	NXP has suffered damages as a result of Marvell's direct and indirect infringement	
2	of the '432 patent in an amount to be proved at trial.		
3	43.	NXP has suffered, and will continue to suffer, irreparable harm as a result of	

4	Marvell's infringement of the '432 patent, for which there is no adequate remedy at law, unless		
5	Marvell's infringement is enjoined by this Court.		
6	44. Marvell has been aware of its infringement of the '432 patent since at least May		
7	14, 2014, when NXP notified Marvell that the Avastar 88W8897 infringes at least one claim of		
8	the '432 patent. Upon information and belief, Marvell does not reasonably believe that the NFC		
9	Chips do not infringe the '432 patent or that the '432 patent is invalid. Accordingly, Marvell's		
10	infringement of the '432 patent was and continues to be willful and deliberate, entitling NXP to		
11	an award of treble damages, reasonable attorney fees, and costs in bringing this action.		
12	PRAYER FOR RELIEF		
13	WHEREFORE, NFC prays for relief against Marvell as follows:		
14	a. Entry of judgment declaring that Marvell has directly and/or indirectly infringed		
15	each of the patents-in-suit;		
16	b. Entry of judgment declaring that Marvell's infringement of the patents-in-suit has		
17	been willful and deliberate;		
18	c. An order pursuant to 35 U.S.C. § 283 permanently enjoining Marvell, its officers,		
19	agents, servants, employees, attorneys, and those persons in active concert or participation with it,		
20	from further acts of infringement of the patents-in-suit;		
21	d. An order awarding damages sufficient to compensate NFC for Marvell's		
22	infringement of the patents-in-suit, but in no event less than a reasonable royalty, together with		
23	interest and costs;		
24	e. An order awarding NXP treble damages under 35 U.S.C. § 284 as a result of		
25	Marvell's willful and deliberate infringement of the patents-in-suit;		
26	f. Entry of judgment declaring that this case is exceptional and awarding NXP its		
27	costs and reasonable attorney fees under 35 U.S.C. § 285; and		
28	///		

COMPLAINT FOR PATENT INFRINGEMENT

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1	g. Such other and furth	er relief as	the Court deems just and proper.
2 3	DATED: January 21, 2015	Resp BRC	pectfully submitted, DWN RUDNICK LLP
4			
5		Dur	/c/ Donald Duc
6		By:	/s/ Ronald Rus RONALD RUS
7			Attorneys for Plaintiff, NXP B.V.
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1	DEMAN	ND FO	R JURY TRIAL
2	Pursuant to Rule 38(b) of the Fede	eral Ru	les of Civil Procedure, Plaintiff hereby demands a
3	trial by jury on all issues triable of right by a jury.		
4			
5	DATED: January 21, 2015 Respectfully submi BROWN RUDNIC		ctfully submitted, VN RUDNICK LLP
6			
7		By: /	's/ Ronald Rus
8		Ī	RONALD RUS Attorneys for Plaintiff,
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