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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN JOSE DIVISION**

17 NXP B.V.,

18 Plaintiff,

19 vs.

20 MARVELL SEMICONDUCTOR, INC. and
21 MARVELL TECHNOLOGY GROUP LTD.,

22 Defendants.

CASE NO.:

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

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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, *et*
6 *seq.*, 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 **PARTIES**

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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1 11. Marvell Technology Group Ltd. has also purposefully availed itself of the
2 privilege 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
19 AREA NETWORK DEVICE," was duly and lawfully issued by the USPTO. NXP is the sole and
20 rightful owner of all rights, title and interest in the '050 patent, including the right to sue for past
21 infringement. A true and correct copy of the '050 patent is attached hereto as Exhibit C.

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

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COUNT I

(Infringement of the '791 Patent)

17. Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.

18. 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 '791 patent.

19. Marvell has and continues to directly infringe one or more claims of the '791 patent, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States infringing integrated circuits with near field communication capability ("NFC Chips"), including for example, the Marvell Avastar 88W8887 and 88W8897—802.11ac integrated circuits ("the Avastar Chips"), without authority and in violation of 35 U.S.C. § 271.

20. Marvell has and continues to indirectly infringe one or more claims of the '791 patent by knowingly and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, selling, offering to sell and/or importing devices incorporating Marvell's infringing NFC Chips. For example, Marvell, with knowledge that the Avastar Chips infringe the '791 patent, knowingly and intentionally induced, and continues to knowingly and intentionally induce, direct infringement of the '791 patent by selling the Avastar 88W8897 chips, and providing product information and other assistance in using the Avastar 88W8897 chips, with the intent that they be incorporated in the Xbox One® gaming consoles sold, offered for sale and imported into the United States by Microsoft Corporation and used by consumers and others within the United States.

21. NXP has suffered damages as a result of Marvell's direct and indirect infringement of the '791 patent in an amount to be proved at trial.

22. NXP has suffered, and will continue to suffer, irreparable harm as a result of Marvell's infringement of the '791 patent, for which there is no adequate remedy at law, unless Marvell's infringement is enjoined by this Court.

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

1 '791 patent. Upon information and belief, Marvell does not reasonably believe that the NFC
2 Chips do not infringe the '791 patent or that the '791 patent is invalid. Accordingly, Marvell's
3 infringement of the '791 patent was and continues to be willful and deliberate, entitling NXP to
4 an award of treble damages, reasonable attorney fees, and costs in bringing this action.

5 **COUNT II**

6 **(Infringement of the '133 Patent)**

7 24. Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.

8 25. NXP has not licensed or otherwise authorized Marvell to make, use, offer for sale,
9 sell, or import any products that embody the inventions of the '133 patent.

10 26. Marvell has and continues to directly infringe one or more claims of the '133
11 patent, either literally or under the doctrine of equivalents, by making, using, offering to sell,
12 selling and/or importing into the United States the infringing NFC Chips, including for example,
13 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.

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.

1 g. Such other and further relief as the Court deems just and proper.

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DATED: January 21, 2015

Respectfully submitted,
BROWN RUDNICK LLP

By: /s/ Ronald Rus
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Attorneys for Plaintiff,
NXP B.V.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues triable of right by a jury.

DATED: January 21, 2015

Respectfully submitted,
BROWN RUDNICK LLP

By: /s/ Ronald Rus
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