SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
Including Professional Corporations
ELIZABETH S. BALFOUR, Cal. Bar No. 213994
DANIEL N. YANNUZZI, Cal. Bar No. 196612
MICHAEL MURPHY, Cal. Bar No. 234695
12275 El Camino Real, Suite 200
San Diego, California 92130-2006
Telephone: 858.720.8900
Facsimile: 858.509.3691

VINSON & ELKINS LLP
DAVID B. WEAVER (pro hac vice pending)
2801 Via Fortuna, Suite 200
Austin, TX 78746-7568
Tel: 512-542-8400
Fax: 512-542-8612
dweaver@velaw.com

Attorneys for SILICON LABORATORIES, INC.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SAN DIEGO

SILICON LABORATORIES INC., Plaintiff, vs. MAXLINEAR, INC., Defendant.	Case No. '12CV1765 WQHWVG COMPLAINT FOR PATENT INFRINGEMENT **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Silicon Laboratories Inc. ("Silicon Labs") hereby files this Complaint against Defendant MaxLinear, Inc. ("MaxLinear") for infringement of U.S. Patent No. 7,035,607 ("the '607 patent").

PARTIES

1. Plaintiff Silicon Labs is a Delaware corporation with its principal place of business at 400 West Cesar Chavez, Austin, Texas 78701.

2. Defendant MaxLinear is a Delaware corporation with its principal place of business and corporate headquarters at 2051 Palomar Airport Road, Suite 100, Carlsbad, California 92011.

JURISDICTION AND VENUE

3. This Complaint arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction over this action under 35 U.S.C. §§ 271 *et seq.*, 28 U.S.C. §§ 1331 and 1338(a).

4. Personal Jurisdiction over MaxLinear is proper because, *inter alia*, MaxLinear's principal place of business is located in the State of California and within this District.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b) because a substantial part of the events giving rise to the claims at issue occurred in this district.

SILICON LABS

6. Silicon Labs was founded in 1996 to design and manufacture mixed signal integrated circuits. Silicon Labs has a long history developing semiconductor based integrated circuits that are more reliable, smaller, and use less power to run than their predecessors.

7. Silicon Labs created the first embedded modem with silicon direct access arrangement technology; the first integrated radio frequency synthesizer; the first integrated complementary metal-oxide-semiconductor ("CMOS") subscriber line interface circuit; the first CMOS FM tuner; and the first successful hybrid TV tuner for integrated digital television.

8. Silicon Labs' products can be found in a wide variety of electronic devices, including portable audio devices, digital televisions, cable set-top boxes, GPS devices, wireless routers, and

cellular handsets. Silicon Labs' innovations have helped enable these devices to become smaller, more reliable, and more efficient.

9. Silicon Labs continues to innovate in this field and invests heavily in research and development.

10. Silicon Labs performs research and development in its Sunnyvale, California campus, employing approximately 80 scientists, engineers, and other personnel.

TELEVISION TUNERS

11. Television tuners must perform a complex process. The tuner must separate an, often faint, electromagnetic signal at a particular frequency from a vast collection of signals at diverse frequencies and differing power levels. This collection of signals includes a different frequency for each television channel along with potentially interfering frequencies such as Wi-Fi, Bluetooth, and cellular signals.

12. The job of the tuner is further complicated because television manufacturers expect the tuner to be able to tune different types of television signals. Most countries, including the United States, have some channels that are broadcast in analog form and others that are broadcast in digital form. In addition, different regions broadcast television signals in different formats. These formats include NTSC and PAL/SECAM for analog TV and DVB-T2/C2/T/C, ISDB-T/C, ATSC/QAM and DTMB for digital TV.

13. Historically, tuning has been performed by mixer oscillator phase-locked loop ("MOPLL") CAN tuners. These tuners consist of a printed circuit board that often requires more than 150 separate components.

14. These large MOPLL CAN tuners are being displaced by integrated silicon TV tuners that can rest comfortably on the face of a dime. Before the transition could begin in earnest, however, the silicon TV tuners needed to match the performance of the older CAN tuners.

15. Silicon Labs has been instrumental in the development of silicon TV tuners that can match, or even surpass, the performance of MOPLL CAN tuners. Silicon Labs holds over 200 U.S. patents related to fundamental RF and television technology.

16. Silicon Labs has developed, manufactures, and sells a number of silicon TV tuner

products. Among these are the Si2156 and Si2158 Worldwide Digital and Analog TV Tuners.

17. The Si2156 and Si2158 tuners surpass the performance of MOPLL CAN tuners while supporting worldwide analog and digital TV standards.

THE '607 PATENT

18. On April 25, 2006, United States Patent No. 7,035,607 ("the '607 patent"), titled "Systems and Methods for Providing an Adjustable Reference Signal to RF Circuitry," was duly and legally issued to Silicon Labs. The '607 patent is owned by Silicon Labs. A copy of the '607 patent is attached as Exhibit 1.

19. To operate properly, a TV tuner requires a consistent and accurate reference frequency. Without the reference frequency, the tuner would not be able to reliably identify a given signal at a particular frequency from the other signals at similar frequencies.

20. The reference frequency is typically generated from a vibrating quartz crystal. These crystals are typically sold at specific vibration frequencies and the frequency can vary somewhat depending on the operating conditions of the crystal, such as its temperature.

21. It is often desirable for a TV manufacturer to tune, or "pull," this reference frequency. This pulling has typically been done by adding external load capacitors to the crystal oscillator circuit. But this method requires additional components external to the TV tuner.

22. Silicon Labs invented circuitry for providing adjustable capacitance in a crystal oscillator circuit. One benefit of this circuitry is that it allowed the adjustable capacitance to be integrated within the silicon TV tuner, eliminating the need for adjustable external capacitors. Silicon Labs patented this invention in the '607 patent.

23. The Si2156 and Si2158 products include crystal oscillator circuitry that is patented in the '607 patent.

MAXLINEAR

24. MaxLinear manufactures and/or sells a number of products, including, but not limited to, MxL101, MxL111, MxL131, MxL135, MxL201, MxL203, MxL241, MxL242 MxL256, MxL258, MxL261, MxL265, MxL267, MxL301, MxL601, MxL602, MxL603, MxL605, MxL703, MxL751, MxL800SM, MxL801SM, MxL805SM, MxL806SM, MxL810SM, MxL800SM-EVK,

MxL5003, MxL5007, MxL7001, MxL7002, and MaxLinear's S/S2 satellite receiver products..

25. Among these is the MxL601 TV tuner. Upon information and belief, MaxLinear began manufacture and sale of the MxL601 product in mid to late 2011. The MxL601 product competes with Silicon Labs' Si2156 and Si2158 products.

26. Upon information and belief, MaxLinear sells the MxL601 product to customers in the United States.

27. Furthermore, MaxLinear sells the MxL601 product to customers outside the United States with knowledge that these customers will incorporate the MxL601 product into their own devices (such as televisions) and with knowledge that the customers will import their devices that contain the MxL601 product into the United States for sale to and use by end users within the United States.

28. For example, MaxLinear's May 2012 investor presentation[1] shows that approximately 10 percent of its revenue is generated from sales to customers within the United States and approximately 30 percent of its revenue is generated for sales of products in which the end user is within the United States.

29. MaxLinear announced in November 2011 that it would supply the MxL601 to Sharp Corp. ("Sharp") for implementation into its TVs.

30. MaxLinear's sales of the MxL601 to Sharp displaced Silicon Labs sales to Sharp of Silicon Labs' Si2156 product.

31. MaxLinear sold devices to Sharp with the knowledge that Sharp would incorporate the MxL601 product into its TVs and then import those TVs into the United States for sale to end users who would use those TVs within the United States.

32. When the MxL601 was announced, Silicon Labs suspected that MaxLinear used some of Silicon Labs' patented technology. As such, Silicon Labs diligently sought product samples and datasheets for analysis.

[1] Attached as Exhibit 2, at 21 (retrieved on July 17, 2012 from http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9NDY2ODgwfENoaWxkSUQ9NDk2NjA5fFR5cGU9MQ==&t=1).

33. Silicon Labs purchased a 2012 model Sharp TV at Best Buy in Austin, Texas. The purchased TV was disassembled and found to include the MxL601 product.

34. Because of the potential overlap between the intellectual property developed by Silicon Labs and the MxL601 product, as well as other MaxLinear products, Silicon Labs also sent MaxLinear an inquiry letter on March 26, 2012, highlighting Silicon Labs' prior work in this area and requesting assurances that MaxLinear was not infringing Silicon Labs' intellectual property.

35. In response, counsel for MaxLinear sent Silicon Labs a letter on April 2, 2012 requesting additional information. MaxLinear stated that, upon receipt of the information it would "review the information and schedule a time to meet with Silicon Labs' representatives to address the patent(s) identified by Silicon Labs."

36. On May 3, 2012 Silicon Labs sent MaxLinear a letter providing additional information about Silicon Labs' patented technology. In this letter, Silicon Labs provided a list of 19 patents that are "exemplary" of Silicon Labs' more than 200 issued U.S. RF and TV patents. Silicon Labs also requested "assurances that MaxLinear products, in particular the MXL301 and MXL601 products, do not implement any of Silicon Labs' patented technology."

37. Rather than "schedule a time to meet with Silicon Labs' representatives to address the patent(s) identified by Silicon Labs" as promised in its April 2 letter, MaxLinear filed a complaint for declaratory judgment in this District on May 13, 2012. *See* Case No. 3:12CV1161-H-MDD.

38. The '607 patent is not among the 19 patents at issue in the suit filed by MaxLinear.

39. On May 22, 2012, Silicon Labs sent MaxLinear a letter requesting datasheets and product samples for the MaxLinear Products. Upon information and belief, MaxLinear provides datasheets and product samples to third parties, including prospective customers.

40. On May 25, 2012, MaxLinear responded to Silicon Labs' letter by refusing to provide the requested information.

41. Silicon Labs performed an analysis of the MxL601. This analysis was completed in July 2012.

42. The MxL601 product includes the crystal oscillator tuning circuitry that was invented by Silicon Labs and patented by Silicon Labs in the '607 patent.

43. Among MaxLinear's products is the MxL242 cable tuner.

44. Upon information and belief, MaxLinear sells the MxL242 product to customers in the United States.

45. Furthermore, MaxLinear sells the MxL242 product to customers outside the United States with knowledge that these customers will incorporate the MxL242 product into their own devices (such as cable modems and set-top boxes) and with knowledge that the customers will import their devices that contain the MxL242 product into the United States for sale to and use by end users within the United States.

46. In September 2011, Silicon Labs purchased an Arris TM802G Telephony Modem online from Austin, Texas for delivery to Austin, Texas. The purchased modem was disassembled and found to include the MxL242 product.

47. The Arris TM802G modem is a currently available for purchase via Amazon.com at http://www.amazon.com/Arris-TM802G-Telephony-Modem/dp/B005O3PLF2

48. The MxL242 product is configured to be coupled to a crystal.

49. On information and belief, the MxL242 product comprises capacitors that are configured to adjust the resonance frequency of a crystal oscillator circuit.

50. On information and belief, the MxL242 product contains a frequency synthesizer.

51. On information and belief, the MxL242 product is configured to provide a reference frequency from a crystal oscillator circuit to a frequency synthesizer.

52. Among MaxLinear's products are the MxL201 and MxL301 TV tuners.

53. MaxLinear's December 3, 2009 press briefing presentation shows that the MxL201 is related to the MxL301 and MxL241.[2]

54. On information and belief, the architecture of the MxL601 is derived from the MxL201 and MxL301.

55. Upon information and belief, MaxLinear sells the MxL301 product to customers in the United States.

[2] Attached as Exhibit 3, at 12 (retrieved on July 17, 2012 from http://www.eefocus.com/data/09-12/27_1261129166/File/1261131346.pdf).

56. Furthermore, MaxLinear sells the MxL301 product to customers outside the United States with knowledge that these customers will incorporate the MxL301 product into their own devices (such as cable modems and set-top boxes) and with knowledge that the customers will import their devices that contain the MxL301 product into the United States for sale to and use by end users within the United States.

57. On information and belief, the MxL301 product is configured to be coupled to a crystal.

58. On information and belief, the MxL301 product comprises capacitors that are configured to adjust the resonance frequency of a crystal oscillator circuit.

59. On information and belief, the MxL301 product contains a frequency synthesizer.

60. On information and belief, the MxL301 product is configured to provide a reference frequency from a crystal oscillator circuit to a frequency synthesizer.

61. Upon information and belief, MaxLinear sells the MxL201 product to customers in the United States.

62. Furthermore, MaxLinear sells the MxL201 product to customers outside the United States with knowledge that these customers will incorporate the MxL201 product into their own devices (such as cable modems and set-top boxes) and with knowledge that the customers will import their devices that contain the MxL201 product into the United States for sale to and use by end users within the United States.

63. On information and belief, the MxL201 product is configured to be coupled to a crystal.

64. On information and belief, the MxL201 product comprises capacitors that are configured to adjust the resonance frequency of a crystal oscillator circuit.

65. On information and belief, the MxL201 product contains a frequency synthesizer.

66. On information and belief, the MxL201 product is configured to provide a reference frequency from a crystal oscillator circuit to a frequency synthesizer.

67. On information and belief, the architecture of the MxL242 is derived from the MxL201 and MxL241.

68. Upon information and belief, MaxLinear sells the MxL241 product to customers in the United States.

69. Furthermore, MaxLinear sells the MxL241 product to customers outside the United States with knowledge that these customers will incorporate the MxL241 product into their own devices (such as cable modems and set-top boxes) and with knowledge that the customers will import their devices that contain the MxL241 product into the United States for sale to and use by end users within the United States.

70. On information and belief, the MxL241 product is configured to be coupled to a crystal.

71. On information and belief, the MxL241 product comprises capacitors that are configured to adjust the resonance frequency of a crystal oscillator circuit.

72. On information and belief, the MxL241 product contains a frequency synthesizer.

73. On information and belief, the MxL241 product is configured to provide a reference frequency from a crystal oscillator circuit to a frequency synthesizer.

THE TV DESIGN CYCLE

74. TV manufacturers typically design their products early in a calendar year. They select their component suppliers in approximately the fall, and then manufacture their product for sale beginning early the following year.

75. Thus, TVs on sale in 2012 were designed in early 2011 and component suppliers were chosen in the fall of 2011.

76. Within the next few months, TV manufacturers will select their component suppliers for the 2013 calendar year.

77. MaxLinear announced its MxL601 product in the fall of 2011 such that it was available to TV manufacturers developing their 2012 models.

78. On information and belief, MaxLinear has offered the MxL601 product at a price substantially below the price Silicon Labs' has offered its Si2156 and Si2158 products.

79. MaxLinear has not licensed the '607 patent.

80. MaxLinear has not sought to license the '607 patent.

81. On information and belief, the MxL601's lower price was possible, at least in part, because it incorporated technology, such as the crystal oscillator circuitry disclosed and patented in the '607 patent, for which MaxLinear did not have to bear the research and development costs incurred by Silicon Labs.

82. Because of MaxLinear's infringement of the '607 patent Silicon Labs has been harmed in ways for which monetary damages are inadequate, such as price erosion, loss of goodwill, lost business opportunities, and lost reputation.

83. Because of MaxLinear's infringement of the '607 patent Silicon Labs has suffered monetary damages.

84. MaxLinear's continuing infringement will compounds the harm to Silicon Labs. This is particularly true in the next few months as TV manufacturers choose their component suppliers for the 2013 calendar year.

COUNT I

(Infringement of U.S. Patent No. 7,035,607 by MxL601)

85. Silicon Labs incorporates by reference paragraphs 1 through 84 above as if fully set forth herein.

86. To the extent that MaxLinear was unaware of the '607 patent prior to the date of this suit, this Complaint provides MaxLinear with notice of the '607 patent. MaxLinear has knowledge of the '607 patent and its infringement of the '607 patent.

87. On information and belief, MaxLinear intended its MxL601 product to be a replacement for Silicon Labs' Si2156 product, at least as early as November 2011.

88. On information and belief, MaxLinear, through its counsel, reviewed the '607 patent and its prosecution history on or before May 13, 2012.

89. On information and belief, MaxLinear, through its counsel, considered the effect, if any, of the prosecution history of the '607 patent on the scope of each of the claims of U.S. Patent No. 7,200,364.

90. On information and belief, MaxLinear knew or should have known of the '607 patent before MaxLinear sued Silicon Labs on May 13, 2012. *See* Case No. 3:12CV1161-H-MDD.

91. On information and belief, MaxLinear offers to sell the MxL601 product within the United States.

92. On information and belief, MaxLinear sells the MxL601 product within the United States.

93. On information and belief, MaxLinear imports the MxL601 product into the United States.

94. On information and belief, MaxLinear has previously tested the MxL601 product in the United States.

95. On information and belief, MaxLinear plans to continue to test the MxL601 product in the United States.

96. MaxLinear has been and is currently infringing and will continue to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the '607 patent by making, using, offering to sell, and selling within the United States and/or importing into the United States the MxL601 product.

97. MaxLinear has been and is currently actively inducing and encouraging infringement, and will continue to actively induce and encourage infringement, of one or more claims of the '607 patent. MaxLinear has knowledge of the '607 patent and that the MxL601 product, on its own and/or when incorporated into devices, such as televisions, infringes the '607 patent. MaxLinear has induced and encouraged the direct infringement of the patent by its customers and end users by directing them and encouraging them to make, use, sell, and offer to sell within the United States and/or to import into the United States one or more devices that embody the patented invention and that incorporate the MxL601 product.

98. MaxLinear has and is currently contributorily infringing, and will continue to contributorily infringe, one or more claims of the '607 patent.

99. The apparatus and method claims of the '607 patent are directly infringed by MaxLinear's United States customers and end users in the United States. These customers and end users use the MxL601 product to practice methods that are patented in the '607 patent.

100. The MxL601 product embodies all, or a majority, of the elements of the infringed

claims and is thus a material part of the patented invention and is not staple article or commodity of commerce suitable for substantial noninfringing use.

101. MaxLinear knew and does now know that devices incorporating the MxL601 product infringe the '607 patent. MaxLinear knew and does now know that use of those devices infringes the '607 patent.

102. As a direct and proximate consequence of MaxLinear's direct and indirect infringement of the '607 patent, Silicon Labs has suffered and will continue to suffer irreparable injury and damages for which Silicon Labs is entitled to relief.

103. MaxLinear has continued to infringe and will continue to infringe despite its knowledge of the '607 patent and its infringement of the '607 patent.

104. MaxLinear's acts of infringement have been objectively reckless making this case exceptional and entitling Silicon Labs to enhanced damages and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

COUNT II

(Infringement of U.S. Patent No. 7,035,607 by MxL242)

105. Silicon Labs incorporates by reference paragraphs 1 through 104 above as if fully set forth herein.

106. On information and belief, MaxLinear offers to sell the MxL242 product within the United States.

107. On information and belief, MaxLinear sells the MxL242 product within the United States.

108. On information and belief, MaxLinear imports the MxL242 product into the United States.

109. On information and belief, MaxLinear has previously tested the MxL242 product in the United States.

110. On information and belief, MaxLinear plans to continue to test the MxL242 product in the United States.

111. MaxLinear has been and is currently infringing and will continue to directly infringe,

either literally or under the doctrine of equivalents, one or more claims of the '607 patent by making, using, offering to sell, and selling within the United States and/or importing into the United States the MxL242 product.

112. MaxLinear has been and is currently actively inducing and encouraging infringement, and will continue to actively induce and encourage infringement, of one or more claims of the '607 patent. MaxLinear has knowledge of the '607 patent and that the MxL242 product, on its own and/or when incorporated into devices, such as televisions, infringes the '607 patent. MaxLinear has induced and encouraged the direct infringement of the patent by its customers and end users by directing them and encouraging them to make, use, sell, and offer to sell within the United States and/or to import into the United States one or more devices that embody the patented invention and that incorporate the MxL242 product.

113. MaxLinear has and is currently contributorily infringing, and will continue to contributorily infringe, one or more claims of the '607 patent.

114. The apparatus and method claims of the '607 patent are directly infringed by MaxLinear's United States customers and end users in the United States. These customers and end users use the MxL242 product to practice methods that are patented in the '607 patent.

115. The MxL242 product embodies all, or a majority, of the elements of the infringed claims and is thus a material part of the patented invention and is not staple article or commodity of commerce suitable for substantial noninfringing use.

116. MaxLinear knew and does now know that devices incorporating the MxL242 product infringe the '607 patent. MaxLinear knew and does now know that use of those devices infringes the '607 patent.

117. As a direct and proximate consequence of MaxLinear's direct and indirect infringement of the '607 patent, Silicon Labs has suffered and will continue to suffer irreparable injury and damages for which Silicon Labs is entitled to relief.

118. MaxLinear has continued to infringe and will continue to infringe despite its knowledge of the '607 patent and its infringement of the '607 patent.

119. MaxLinear's acts of infringement have been objectively reckless making this case

exceptional and entitling Silicon Labs to enhanced damages and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

COUNT III

(Infringement of U.S. Patent No. 7,035,607 by MxL241)

120. Silicon Labs incorporates by reference paragraphs 1 through 119 above as if fully set forth herein.

121. On information and belief, MaxLinear offers to sell the MxL241 product within the United States.

122. On information and belief, MaxLinear sells the MxL241 product within the United States.

123. On information and belief, MaxLinear imports the MxL241 product into the United States.

124. On information and belief, MaxLinear has previously tested the MxL241 product in the United States.

125. On information and belief, MaxLinear plans to continue to test the MxL241 product in the United States.

126. MaxLinear has been and is currently infringing and will continue to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the '607 patent by making, using, offering to sell, and selling within the United States and/or importing into the United States the MxL241 product.

127. MaxLinear has been and is currently actively inducing and encouraging infringement, and will continue to actively induce and encourage infringement, of one or more claims of the '607 patent. MaxLinear has knowledge of the '607 patent and that the MxL241 product, on its own and/or when incorporated into devices, such as televisions, infringes the '607 patent. MaxLinear has induced and encouraged the direct infringement of the patent by its customers and end users by directing them and encouraging them to make, use, sell, and offer to sell within the United States and/or to import into the United States one or more devices that embody the patented invention and that incorporate the MxL241 product.

128. MaxLinear has and is currently contributorily infringing, and will continue to contributorily infringe, one or more claims of the '607 patent.

129. The apparatus and method claims of the '607 patent are directly infringed by MaxLinear's United States customers and end users in the United States. These customers and end users use the MxL241 product to practice methods that are patented in the '607 patent.

130. The MxL241 product embodies all, or a majority, of the elements of the infringed claims and is thus a material part of the patented invention and is not staple article or commodity of commerce suitable for substantial noninfringing use.

131. MaxLinear knew and does now know that devices incorporating the MxL241 product infringe the '607 patent. MaxLinear knew and does now know that use of those devices infringes the '607 patent.

132. As a direct and proximate consequence of MaxLinear's direct and indirect infringement of the '607 patent, Silicon Labs has suffered and will continue to suffer irreparable injury and damages for which Silicon Labs is entitled to relief.

133. MaxLinear has continued to infringe and will continue to infringe despite its knowledge of the '607 patent and its infringement of the '607 patent.

134. MaxLinear's acts of infringement have been objectively reckless making this case exceptional and entitling Silicon Labs to enhanced damages and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

COUNT IV

(Infringement of U.S. Patent No. 7,035,607 by MxL201)

135. Silicon Labs incorporates by reference paragraphs 1 through 134 above as if fully set forth herein.

136. On information and belief, MaxLinear offers to sell the MxL201 product within the United States.

137. On information and belief, MaxLinear sells the MxL201 product within the United States.

138. On information and belief, MaxLinear imports the MxL201 product into the United

States.

139. On information and belief, MaxLinear has previously tested the MxL201 product in the United States.

140. On information and belief, MaxLinear plans to continue to test the MxL201 product in the United States.

141. MaxLinear has been and is currently infringing and will continue to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the '607 patent by making, using, offering to sell, and selling within the United States and/or importing into the United States the MxL201 product.

142. MaxLinear has been and is currently actively inducing and encouraging infringement, and will continue to actively induce and encourage infringement, of one or more claims of the '607 patent. MaxLinear has knowledge of the '607 patent and that the MxL201 product, on its own and/or when incorporated into devices, such as televisions, infringes the '607 patent. MaxLinear has induced and encouraged the direct infringement of the patent by its customers and end users by directing them and encouraging them to make, use, sell, and offer to sell within the United States and/or to import into the United States one or more devices that embody the patented invention and that incorporate the MxL201 product.

143. MaxLinear has and is currently contributorily infringing, and will continue to contributorily infringe, one or more claims of the '607 patent.

144. The apparatus and method claims of the '607 patent are directly infringed by MaxLinear's United States customers and end users in the United States. These customers and end users use the MxL201 product to practice methods that are patented in the '607 patent.

145. The MxL201 product embodies all, or a majority, of the elements of the infringed claims and is thus a material part of the patented invention and is not staple article or commodity of commerce suitable for substantial noninfringing use.

146. MaxLinear knew and does now know that devices incorporating the MxL201 product infringe the '607 patent. MaxLinear knew and does now know that use of those devices infringes the '607 patent.

147. As a direct and proximate consequence of MaxLinear's direct and indirect infringement of the '607 patent, Silicon Labs has suffered and will continue to suffer irreparable injury and damages for which Silicon Labs is entitled to relief.

148. MaxLinear has continued to infringe and will continue to infringe despite its knowledge of the '607 patent and its infringement of the '607 patent.

149. MaxLinear's acts of infringement have been objectively reckless making this case exceptional and entitling Silicon Labs to enhanced damages and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

COUNT V

(Infringement of U.S. Patent No. 7,035,607 by MxL301)

150. Silicon Labs incorporates by reference paragraphs 1 through 149 above as if fully set forth herein.

151. On information and belief, MaxLinear offers to sell the MxL301 product within the United States.

152. On information and belief, MaxLinear sells the MxL301 product within the United States.

153. On information and belief, MaxLinear imports the MxL301 product into the United States.

154. On information and belief, MaxLinear has previously tested the MxL301 product in the United States.

155. On information and belief, MaxLinear plans to continue to test the MxL301 product in the United States.

156. MaxLinear has been and is currently infringing and will continue to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the '607 patent by making, using, offering to sell, and selling within the United States and/or importing into the United States the MxL301 product.

157. MaxLinear has been and is currently actively inducing and encouraging infringement, and will continue to actively induce and encourage infringement, of one or more claims of the '607

patent. MaxLinear has knowledge of the '607 patent and that the MxL301 product, on its own and/or when incorporated into devices, such as televisions, infringes the '607 patent. MaxLinear has induced and encouraged the direct infringement of the patent by its customers and end users by directing them and encouraging them to make, use, sell, and offer to sell within the United States and/or to import into the United States one or more devices that embody the patented invention and that incorporate the MxL301 product.

158. MaxLinear has and is currently contributorily infringing, and will continue to contributorily infringe, one or more claims of the '607 patent.

159. The apparatus and method claims of the '607 patent are directly infringed by MaxLinear's United States customers and end users in the United States. These customers and end users use the MxL301 product to practice methods that are patented in the '607 patent.

160. The MxL301 product embodies all, or a majority, of the elements of the infringed claims and is thus a material part of the patented invention and is not staple article or commodity of commerce suitable for substantial noninfringing use.

161. MaxLinear knew and does now know that devices incorporating the MxL301 product infringe the '607 patent. MaxLinear knew and does now know that use of those devices infringes the '607 patent.

162. As a direct and proximate consequence of MaxLinear's direct and indirect infringement of the '607 patent, Silicon Labs has suffered and will continue to suffer irreparable injury and damages for which Silicon Labs is entitled to relief.

163. MaxLinear has continued to infringe and will continue to infringe despite its knowledge of the '607 patent and its infringement of the '607 patent.

164. MaxLinear's acts of infringement have been objectively reckless making this case exceptional and entitling Silicon Labs to enhanced damages and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

PRAYER FOR RELIEF

WHEREFORE PLAINTIFF Silicon Labs prays for a judgment as follows:

a) that MaxLinear's MxL601, MxL301, MxL201, MxL242 and MxL241 products infringe

the '607 patent;

b) that use of MaxLinear's MxL601, MxL301, MxL201, MxL242 and MxL241 products infringe the '607 patent;

c) that a preliminary injunction be issued against further direct or indirect infringement of the '607 patent by MaxLinear, and its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, through making, using, selling, or importing the MxL601 product;

d) that a permanent injunction be issued against further direct or indirect infringement of the '607 patent by MaxLinear and its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, through making, using, selling, or importing the MxL601, MxL301, MxL201, MxL242 and MxL241 products;

e) that MaxLinear account and pay actual damages, but no less than a reasonable royalty, to Silicon Labs to compensate for MaxLinear's infringement as provided by 35 U.S.C. § 284;

f) that MaxLinear's infringement was willful;

g) that MaxLinear pay treble damages in light of its willful infringement as provided by 35 U.S.C. § 284;

h) that this is an exceptional case and that, as a result, Silicon Labs is entitled to recover its attorneys' fees pursuant to 35 U.S.C. § 285;

i) that MaxLinear pay interest and costs to Silicon Labs as provided for by 35 U.S.C. § 284; and

j) such other and further relief as the Court may deem just and fair.

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DEMAND FOR A JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Silicon Labs demands a jury trial on all issues triable of right by a jury.

Dated: July 17, 2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Elizabeth S. Balfour
ELIZABETH S. BALFOUR
DANIEL N. YANNUZZI
MICHAEL MURPHY
Attorneys for Plaintiff
SILICON LABORATORIES, INC.

JS 44 (Rev. 09/11)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS
SILICON LABORATORIES, INC.

(b) County of Residence of First Listed Plaintiff Santa Clara
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Daniel N. Yannuzzi, Sheppard Mullin Richter & Hampton LLC
12275 El Camino Real, Suite 200, San Diego, CA 92130
Tel: 858-720-8900

DEFENDANTS
MAXLINEAR, INC.

County of Residence of First Listed Defendant San Diego
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*
James C. Yoon, WILSON SONSINI GOODRICH & ROSATI P.C.
650 Page Mill Road, Palo Alto, CA 94304-1050
Tel: 650-493-9300

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ❒ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ❒ 2 U.S. Government Defendant
- ❒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	❒ 1	❒ 1	Incorporated *or* Principal Place of Business In This State	❒ 4	❒ 4
Citizen of Another State	❒ 2	❒ 2	Incorporated *and* Principal Place of Business In Another State	❒ 5	❒ 5
Citizen or Subject of a Foreign Country	❒ 3	❒ 3	Foreign Nation	❒ 6	❒ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ❒ 110 Insurance
- ❒ 120 Marine
- ❒ 130 Miller Act
- ❒ 140 Negotiable Instrument
- ❒ 150 Recovery of Overpayment & Enforcement of Judgment
- ❒ 151 Medicare Act
- ❒ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ❒ 153 Recovery of Overpayment of Veteran's Benefits
- ❒ 160 Stockholders' Suits
- ❒ 190 Other Contract
- ❒ 195 Contract Product Liability
- ❒ 196 Franchise

REAL PROPERTY
- ❒ 210 Land Condemnation
- ❒ 220 Foreclosure
- ❒ 230 Rent Lease & Ejectment
- ❒ 240 Torts to Land
- ❒ 245 Tort Product Liability
- ❒ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ❒ 310 Airplane
- ❒ 315 Airplane Product Liability
- ❒ 320 Assault, Libel & Slander
- ❒ 330 Federal Employers' Liability
- ❒ 340 Marine
- ❒ 345 Marine Product Liability
- ❒ 350 Motor Vehicle
- ❒ 355 Motor Vehicle Product Liability
- ❒ 360 Other Personal Injury
- ❒ 362 Personal Injury - Med. Malpractice

PERSONAL INJURY
- ❒ 365 Personal Injury - Product Liability
- ❒ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ❒ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ❒ 370 Other Fraud
- ❒ 371 Truth in Lending
- ❒ 380 Other Personal Property Damage
- ❒ 385 Property Damage Product Liability

CIVIL RIGHTS
- ❒ 440 Other Civil Rights
- ❒ 441 Voting
- ❒ 442 Employment
- ❒ 443 Housing/ Accommodations
- ❒ 445 Amer. w/Disabilities - Employment
- ❒ 446 Amer. w/Disabilities - Other
- ❒ 448 Education

PRISONER PETITIONS
- ❒ 510 Motions to Vacate Sentence

Habeas Corpus:
- ❒ 530 General
- ❒ 535 Death Penalty
- ❒ 540 Mandamus & Other
- ❒ 550 Civil Rights
- ❒ 555 Prison Condition
- ❒ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ❒ 625 Drug Related Seizure of Property 21 USC 881
- ❒ 690 Other

LABOR
- ❒ 710 Fair Labor Standards Act
- ❒ 720 Labor/Mgmt. Relations
- ❒ 740 Railway Labor Act
- ❒ 751 Family and Medical Leave Act
- ❒ 790 Other Labor Litigation
- ❒ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ❒ 462 Naturalization Application
- ❒ 463 Habeas Corpus - Alien Detainee (Prisoner Petition)
- ❒ 465 Other Immigration Actions

BANKRUPTCY
- ❒ 422 Appeal 28 USC 158
- ❒ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ❒ 820 Copyrights
- ☒ 830 Patent
- ❒ 840 Trademark

SOCIAL SECURITY
- ❒ 861 HIA (1395ff)
- ❒ 862 Black Lung (923)
- ❒ 863 DIWC/DIWW (405(g))
- ❒ 864 SSID Title XVI
- ❒ 865 RSI (405(g))

FEDERAL TAX SUITS
- ❒ 870 Taxes (U.S. Plaintiff or Defendant)
- ❒ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ❒ 375 False Claims Act
- ❒ 400 State Reapportionment
- ❒ 410 Antitrust
- ❒ 430 Banks and Banking
- ❒ 450 Commerce
- ❒ 460 Deportation
- ❒ 470 Racketeer Influenced and Corrupt Organizations
- ❒ 480 Consumer Credit
- ❒ 490 Cable/Sat TV
- ❒ 850 Securities/Commodities/ Exchange
- ❒ 890 Other Statutory Actions
- ❒ 891 Agricultural Acts
- ❒ 893 Environmental Matters
- ❒ 895 Freedom of Information Act
- ❒ 896 Arbitration
- ❒ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ❒ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ❒ 2 Removed from State Court ❒ 3 Remanded from Appellate Court ❒ 4 Reinstated or Reopened ❒ 5 Transferred from another district *(specify)* ❒ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
35 U.S.C. §§ 271 et seq., 28 U.S.C. §§ 1331 and 1338(a)

Brief description of cause:
Patent infringement

VII. REQUESTED IN COMPLAINT:

❒ CHECK IF THIS IS A **CLASS ACTION** UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ❒ No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE Larry Alan Burns DOCKET NUMBER 12CV1161 LAB MDD

DATE 07/17/2012

SIGNATURE OF ATTORNEY OF RECORD /s/ Elizabeth S. Balfour

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE