

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ADVANCED DATA ACCESS LLC,

Plaintiff,

v.

ANALOG DEVICES, INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff ADVANCED DATA ACCESS LLC ("Plaintiff") files this Original Complaint against Defendant ANALOG DEVICES, INC. ("Defendant") alleging as follows:

I. THE PARTIES

1. Plaintiff ADVANCED DATA ACCESS LLC is a Limited Liability Company organized and existing under the laws of the State of Texas, with a principal place of business in Frisco, Texas.

2. Upon information and belief, ANALOG DEVICES, INC. ("ADI") is a Massachusetts corporation with a principal place of business located in Norwood, MA. Defendant ADI may be served with process by serving its Registered Agent, CT Corporation System, 155 Federal Street, Suite 700, Boston, MA 02110.

II. JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent. Federal question jurisdiction is conferred to this Court over such action under 28 U.S.C. §§ 1331 and 1338(a). Advanced Data Access LLC ("ADA" or "Plaintiff") is a subsidiary of Acacia Research Group LLC ("ARG"). Both ARG and ADA maintain their principal place of business in Frisco, Texas.

4. ARG (formerly known as Acacia Patent Acquisition Corp.) acquired United States Patent No. 5,781,497 (“the ‘497 Patent”) on June 28, 2007. Since that time, the ‘497 Patent has been successfully licensed and/or covenanted to various entities. Licensing efforts are ongoing through ADA.

5. Upon information and belief, Defendant has had minimum contacts with the Tyler Division of the Eastern District of Texas such that this venue is fair and reasonable. Defendant has committed such purposeful acts and/or transactions in this district that they reasonably should know and expect that they could be haled into this Court as a consequence of such activity. Upon information and belief, Defendant has transacted and, at the time of the filing of this Complaint, is transacting business within the Tyler Division of the Eastern District of Texas.

6. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

III. PATENT INFRINGEMENT

7. On July 14, 1998, United States Patent No. 5,781,497 (“the ‘497 Patent”) was duly and legally issued for “Random Access Memory Word Line Select Circuit Having Rapid Dynamic Deselect.” A true and correct copy of the ‘497 Patent is attached hereto as Exhibit “A” and made a part hereof.

8. By way of assignment, Plaintiff is the owner of all right, title and interest in and to the ‘497 Patent, with all rights to enforce the ‘497 Patent against infringers and to collect damages for all relevant times, including the right to prosecute this action.

9. The ‘497 Patent is referred to as the “Patent-in-Suit.”

10. Upon information and belief, Defendant manufactures, makes, has made, imports, has imported, markets, sells and/or uses products and/or systems that infringe one or more claims of the Patent-in-Suit.

11. More specifically, on information and belief, Defendant ADI, without authority, consent, right, or license, and in direct infringement of the '497 Patent, manufactures, uses, sells, imports, and/or offers for sale systems and/or products directly infringing one or more claims of the '497 Patent. By way of example only, its TigerSharc product, part number ADSP-TS201S, directly infringes at least claim 8 of the '497 Patent.

12. Plaintiff reserves the right to assert additional claims of the '497 Patent and reserves the right to assert additional patents.

13. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates for its infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

14. Upon information and belief, Defendant will continue its infringement of the Patent-in-Suit unless enjoined by the Court. Defendant's infringing conduct has caused Plaintiff irreparable harm and will continue to cause such harm without the issuance of an injunction.

IV. RELATED CASE

15. Defendant and the Court are hereby advised of the following related case: ADVANCED DATA ACCESS LLC v. NANYA TECHNOLOGY CORPORATION et al., Civil Action No. No. 6:11-cv-00473-LED, which was filed by ADA on September 9, 2011 and is currently pending in the United States District Court, Tyler Division, Eastern District of Texas. In

that action, ADA alleges infringement of the same '497 Patent described herein by various manufacturers of semiconductor chips.

V. JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of the Patent-in-Suit have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by others to whose infringement Defendant has contributed to and/or by others whose infringement has been induced by Defendant;
- b. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein;
- c. That Defendant's infringement be found to be willful from the time Defendant became aware of the infringing nature of its product, which is the time of filing of Plaintiff's Complaint, at the latest, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- d. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
- e. That Defendant be permanently enjoined from any further activity or conduct that infringes one or more claims of the Patent-in-Suit; and
- f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: November 14, 2011

Respectfully submitted,

/s/ Jonathan T. Suder
State Bar No. 19463350
David A. Skeels
State Bar No. 24041925
FRIEDMAN, SUDER & COOKE
Tindall Square Warehouse No. 1
604 East 4th Street, Suite 200
Fort Worth, Texas 76102
(817) 334-0400
Fax (817) 334-0401
jts@fsclaw.com
skeels@fsclaw.com

ATTORNEYS FOR PLAINTIFF