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ANZA TECHNOLOGY, INC.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Anza Technology, Inc.,

Plaintiff,

v.

Novatel Wireless, Inc.,

Defendant.

Case No. '16CV0585 MMARBB

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff Anza Technology, Inc. ("Anza" or "Plaintiff"), by and through its undersigned counsel, complains and alleges against Defendant Novatel Wireless, Inc. ("Novatel" or "Defendant") as follows:

NATURE OF THE ACTION

1. This is a civil action for infringement of a patent arising under the laws of the United States relating to patents, 35 U.S.C. § 101, *et seq.*, including, without limitation, 35 U.S.C. §§ 271, 281. Plaintiff Reiber seeks a preliminary and permanent injunction and monetary damages for patent infringement.

JURISDICTION AND VENUE

2. This court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a) and pursuant to the patent laws of the United States of America, 35 U.S.C. § 101, *et seq.*

3. Venue properly lies within the Southern District of California pursuant to the provisions of 28 U.S.C. §§ 1391(b), (c), and (d) and 1400(b). On information and belief, Defendant conducts substantial business directly and/or through third parties or agents in this judicial district by selling and/or offering to sell the infringing products and/or by conducting other business in this judicial district. Furthermore, Plaintiff is informed and believes that Defendant is headquartered and has its principal place of business in this district, engages in business in this district, and that Plaintiff has been harmed by Defendant's conduct, business transactions and sales in this district.

4. This Court has personal jurisdiction over Defendant because, on information and belief, Defendant is headquartered and maintains an office at 9645 Scranton Road, San Diego, California. Also, Plaintiff is informed and believes that Defendant transacts continuous and systematic retail business within the State of California and the Southern District of California. This Court has personal jurisdiction over the Defendant because Plaintiff is informed and believes that this Defendant's infringing activities, including, without limitation, the making, using, selling and/or offers for sale of infringing products occur in the State of California and the Southern District of California. In particular, Defendant admits to selling its infringing product at local retail stores within the Southern District at Sprint Wireless stores, Verizon Wireless stores, AT&T Wireless stores and Best Buy. Finally, this Court has personal jurisdiction over Defendant because, on information and belief, Defendant has made, used, sold and/or offered for sale its infringing products and placed such infringing products in the stream of interstate commerce with the expectation that such infringing products would be made, used,

1 sold and/or offered for sale within the State of California and the Southern District
2 of California.

3 5. Upon information and belief, certain of the products manufactured by
4 or for Defendant have been and/or are currently designed and/or offered for sale by
5 Defendant through an in-house sales and marketing team operating out of San
6 Diego, California.

7 **PARTIES**

8 6. Plaintiff Anza is a corporation organized and existing under the laws
9 of the State of California with an office and principal place of business at 4121
10 Citrus Avenue, Suite 4, Rocklin, California 95677. Anza is a designer,
11 manufacturer and seller of bonding tools, ESD tools and other products directed to
12 the manufacture and assembly of electronics, in particular the bonding of
13 electrostatic-sensitive devices (ESDs).

14 7. Upon information and belief, Defendant Novatel is a corporation
15 organized and existing under the laws of the State of Delaware, with a principal
16 place of business at 9645 Scranton Road, San Diego, California 92121.

17 **THE ACCUSED PRODUCTS**

18 8. The Defendant's accused products for purposes of the asserted patents
19 include but are not limited to its wireless hardware based Mobile to Mobile
20 ("M2M") and Mobile Broadband products sold under a Novatel brand or as
21 manufactured and sold under other brands that are manufactured utilizing a "flip-
22 chip" bonding process (the "Accused Products").

23 9. Plaintiff is informed and believes and thereupon alleges that
24 Defendant designs, manufactures and/or assembles products that depend on high
25 density Integrated Circuit ("IC") chips that require special Electrostatic Discharge
26 ("ESD") handling in the Accused Products assembly process.

27 10. Plaintiff is informed and believes and thereupon alleges that
28 Defendant specifies that the Accused Products be manufactured and/or assembled

1 to certain standards of ESD controls as published by ANSI, JEDEC, the IEC and/or
2 the ESDA.

3 **THE ASSERTED PATENTS**

4 11. On October 24, 2006, the United States Patent and Trademark Office
5 (“USPTO”) duly and legally issued United States Patent No. 7,124,927 B2 entitled
6 “FLIP CHIP BONDING TOOL AND BALL PLACEMENT CAPILLARY” (“the
7 ’927 patent”). Steven F. Reiber is the patent’s sole named inventor and Plaintiff is
8 owner, by assignment, of the entire right, title and interest in and to the ’927 patent
9 and vested with the right to bring this suit for damages and other relief. A true and
10 correct copy of the ’927 patent is attached hereto as Exhibit “A.”

11 12. On June 24, 2008, the USPTO duly and legally issued United States
12 Patent No. 7,389,905 B2 entitled “FLIP CHIP BONDING TOOL TIP” (“the ’905
13 patent”). Steven F. Reiber is the patent’s sole named inventor and Plaintiff is
14 owner, by assignment, of the entire right, title and interest in and to the ’905 patent
15 and vested with the right to bring this suit for damages and other relief. A true and
16 correct copy of the ’905 patent is attached hereto as Exhibit “B.”

17 **COUNT ONE**

18 **INFRINGEMENT OF THE ’927 PATENT BY DEFENDANT**

19 13. Plaintiff re-alleges and incorporates by reference each of the
20 allegations set forth in paragraphs 1 through 12 above.

21 14. Defendant has knowledge of infringement of the ’927 patent since at
22 least the filing of this complaint.

23 15. The Accused Products utilize a flip chip bonding technique during
24 manufacture and/or assembly. Flip chip bonding is used for packaging integrated
25 circuit devices utilized in the Accused Products and dissipative materials are
26 required during handling so as to reduce electrostatic discharge damage to
27 important components.

28 16. Flip chip bonding in the manner described in claim 16 of the ’927

1 patent has become the standard for mounting ESD-sensitive devices in order to
2 decrease parasitic resistance, inductance, and capacitance. The method of claim 16
3 of the '927 patent to reduce damage to ESD-sensitive devices is reflected in a
4 number of manufacturing standards, including, *e.g.*, the ANSI ESD S20.20
5 standard. By way of example, the ANSI standard specifies that current state of the
6 art manufacturing techniques involving ESD sensitive devices require the use of
7 tools that utilize dissipative materials, *i.e.*, materials that ANSI defines as having a
8 resistance value between 1×10^4 and 1×10^{11} ohms surface or volume resistance.
9 Such specification from the standard is within the range set forth in the '927 patent.
10 Plaintiff believes and alleges that other applicable ESD standards require
11 substantially similar resistance values.

12 17. Plaintiff is informed and believes and thereon alleges that Defendant
13 manufacturers and assembles the Accused Products or contracts with others to
14 manufacture and assemble the Accused Products in compliance with one or more
15 of these ESD standards.

16 18. In addition, Plaintiff is informed and believes and thereon alleges that
17 Defendant manufactures and assembles the Accused Products utilizing conductive
18 adhesive, such as solder, as packaging interconnects in the Accused Products. The
19 packaging interconnects are formed over the wafer in the form of bumps or balls,
20 spherical in shape, which bumps are electrically and thermally conductive. The
21 packaging interconnects – or solder balls – are heated and pressed against die or
22 substrate pads to form a conductive bump or contact point between the die and the
23 flex.

24 19. The Accused Products, alone or in combination with other products,
25 directly or alternatively, under the doctrine of equivalents, therefore infringe each
26 of the limitations of independent claim 16 of the '927 patent in violation of 35
27 U.S.C. § 271(g) when Defendant imports into the United States or offers to sell,
28 sells, or uses within the United States a product which is made by the processes

described above.

COUNT TWO

INFRINGEMENT OF THE '905 PATENT BY DEFENDANT

20. Plaintiff re-alleges and incorporates by reference each of the allegations set forth in paragraphs 1 through 12 above.

21. Defendant has knowledge of infringement of the '905 patent since at least the filing of this complaint.

22. The Accused Products utilize a flip chip bonding technique during manufacture and/or assembly. Flip chip bonding is used for packaging integrated circuit devices utilized in the Accused Products and dissipative materials are required during handling so as to reduce electrostatic discharge damage to important components.

23. Flip chip bonding in the manner described in claims 53 and 55 of the '905 patent has become the standard for mounting ESD-sensitive devices in order to reduce parasitic resistance, inductance, and capacitance. The methods of claims 53 and 55 of the '905 patent are reflected in a number of manufacturing standards, including, *e.g.*, the ANSI ESD S20.20 standard. By way of example, the ANSI standard specifies that the current state of the art manufacturing techniques involving ESD sensitive devices utilize tools with dissipative materials, *i.e.*, materials that ANSI defines as having a resistance value between 1×10^4 and 1×10^{11} ohms surface or volume resistance. Such specification from the standard is within the range set forth in the '905 patent. Plaintiff believes and alleges that other applicable ESD standards require substantially similar resistance values.

24. Plaintiff is informed and believes and thereon alleges that Defendant manufacturers and assembles the Accused Products or contracts with others to manufacture and assemble the Accused Products in compliance with one or more of these ESD standards.

25. In addition, Plaintiff is informed and believes and thereon alleges that

1 Defendant manufactures and assembles the Accused Products utilizing conductive
 2 adhesives per the method described by claim 53 and 55 of the '905 patent.
 3 Conductive adhesive, such as solder, is used as packaging interconnects in the
 4 Accused Products. The packaging interconnects are formed over the wafer in the
 5 form of bumps or balls, spherical in shape, which bumps are electrically and
 6 thermally conductive. The packaging interconnects – or solder balls – are heated
 7 and pressed against die or substrate pads to form a conductive bump or contact
 8 point between the die and the flex.

9 26. The Accused Products, alone or in combination with other products,
 10 directly or alternatively under the doctrine of equivalents infringe each of the
 11 limitations of independent claims 53 and 55 of the '905 patent in violation of 35
 12 U.S.C. § 271(g) when Defendant imports into the United States or offers to sell,
 13 sells, or uses within the United States a product which is made by the processes
 14 described above.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff prays for relief and judgment as follows:

- 17 1. That Defendant has infringed the Patents-in-Suit;
- 18 2. Compensation for all damages caused by Defendant's infringement of
 19 the Patents-in-Suit to be determined at trial;
- 20 3. A finding that this case is exceptional and an award of reasonable
 21 attorneys fees pursuant to 35 U.S.C. § 285;
- 22 4. Granting Plaintiff pre-and post-judgment interest on its damages,
 23 together with all costs and expenses; and,
- 24 5. Awarding such other relief as this Court may deem just and proper.

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HANDAL & ASSOCIATES

Dated: March 8, 2016

By: /s/ Gabriel G. Hedrick

Gabriel G. Hedrick

Attorneys for Plaintiff

Anza Technology, Inc.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all claims.

HANDAL & ASSOCIATES

Dated: March 8, 2016

By: /s/ Gabriel G. Hedrick

Gabriel G. Hedrick

Attorneys for Plaintiff

Anza Technology, Inc.