

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NORTH STAR INNOVATIONS INC.,	§	
	§	
Plaintiff,	§	C.A. No. _____
	§	
v.	§	JURY TRIAL DEMANDED
	§	
SHARP CORPORATION,	§	
	§	
Defendant.	§	

COMPLAINT

Plaintiff NORTH STAR INNOVATIONS INC. (“Plaintiff”) files this Original Complaint against Defendant SHARP CORPORATION (“Defendant”) alleging as follows:

I. THE PARTIES

1. Plaintiff is a Delaware corporation with its principal place of business at Plaza Tower, 600 Anton Boulevard, Suite 1350, Costa Mesa, CA 92626. Plaintiff is a subsidiary of Wi-LAN Technologies Inc.

2. Defendant is a Japanese corporation with a principal place of business at 22-22 Nagaike-cho, Abeno-ku, Osaka 545-8522, Japan.

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).

4. Defendant has had minimum contacts with the District of Delaware such that this venue is fair and reasonable. Defendant has committed such purposeful acts and/or transactions in this District that it reasonably should know and expect that it could be hailed into this Court as a consequence of such activity. Defendant has transacted and, at the time of the filing of this Complaint, is transacting business within the District of Delaware.

5. Further, Defendant manufactures and/or assembles products that are and have been used, offered for sale, sold, and/or purchased in the District of Delaware. Defendant directly and/or through its distribution network, places infringing products or systems within the stream of commerce, which stream is directed at this District, with the knowledge and/or understanding that those products will be sold and/or used in the District of Delaware.

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 12, 2005, United States Patent No. 6,917,555 (“the ‘555 Patent”) was duly and legally issued for an “INTEGRATED CIRCUIT POWER MANAGEMENT FOR REDUCING LEAKAGE CURRENT IN CIRCUIT ARRAYS AND METHOD THEREFOR.” A true and correct copy of the ‘555 Patent is attached hereto as Exhibit “A” and made a part hereof.

8. On August 24, 1999, United States Patent No. 5,943,274 (“the ‘274 Patent”) was duly and legally issued for a “METHOD AND APPARATUS FOR AMPLIFYING A SIGNAL TO PRODUCE A LATCHED DIGITAL SIGNAL.” A true and correct copy of the ‘274 Patent is attached hereto as Exhibit “B” and made a part hereof.

9. The ‘555 and ‘274 Patents are referred to as the “Patents-in-Suit.” Generally speaking, the ‘555 Patent relates to integrated circuits, and more specifically relates to a novel power management design that, among other things, minimizes current leakage within an integrated circuit. And, again generally speaking, the ‘274 Patent relates to a method and apparatus used in an output stage of memory in an integrated circuit, and more specifically is used to amplify a signal to produce a latched signal.

10. Plaintiff is the owner of all right, title and interest in and to the Patents-in-Suit, with all rights to enforce it against infringers and to collect damages for all relevant times, including the right to prosecute this action.

11. Defendant, without authority, consent, right, or license, and in direct infringement of the Patents-in-Suit, manufactures, has manufactured, makes, has made, uses, imports, has imported, markets, sells, or offers for sale systems or products that infringe one or more claims of the Patents-in-Suit. By way of example only, Defendant's SC040U04 product, and any other similarly structured or functioning products that include an integrated circuit having a power management design in accordance with the '555 Patent ("Accused Products"), directly infringe at least Claim 15 of the '555 Patent. The Accused Products infringe the '555 Patent because, at a minimum, they comprise an integrated circuit having a power management design with processing circuitry, a plurality of memory bit cells, circuitry that is peripheral to the memory bit cells, and control circuitry that is capable of selectively removing electrical connectivity to the power supply terminal of the peripheral circuitry, all of which are arranged in an infringing manner in accordance with Claim 15 of the '555 Patent. By providing the circuit in this configuration, the chip experiences, among other things, a lower amount of current leakage as described as a key advantage of the novel '555 Patent circuit design.

12. Further, and by way of example only, Defendant's SC040U04 product, and any other similarly structured or functioning products that include an integrated circuit having an output stage of memory designed in accordance with the '274 Patent ("Accused Products"), infringe at least Claims 1, 2, 4, 9 and 11 of the '274 Patent. The Accused Products infringe the '274 Patent because, at a minimum, they comprise an output stage of memory having a timing circuit, a differential amplifier responsive to the timing circuit, an impedance control circuit, a

level converter responsive to the differential amplifier and impedance control circuit, and a clock-free latch responsive to the level converter, all of which are arranged in an infringing manner in accordance with Claims 1, 2, 4, 9 and 11 of the '274 Patent. By providing the circuit in this configuration, the chip experiences, among other things, a more efficient design and economy of parts, as well as increased speed, as described as a key advantage of the novel '274 Patent circuit design.

13. Further, Defendant induces infringement of one or more of the claims of the Patent-in-Suit by others and is therefore liable for its indirect infringement. Specifically, by way of example only, Defendant provides Accused Products to be incorporated into consumer electronic products and used within the United States. For example, Defendant provides its Accused Products as a main component of the Nintendo 3DS consumer electronic product, and that product is sold within the United States. Defendant has had knowledge of, or was willfully blind to, the Patent-in-Suit and knowledge of, or was willfully blind, to the fact that its actions would induce infringement since at least as early as the filing of this Complaint.

14. Defendant possessed a specific intent to induce infringement by, at a minimum, providing product briefs, specification sheets and/or instructions to its customers, including Nintendo, on how to incorporate the Accused Products into consumer electronic products in a way that would infringe the Patent-in-Suit.

15. Alternatively, Defendant has purposefully and voluntarily placed, or caused or encouraged to be placed, infringing products into the stream of commerce with the expectation that its products will be purchased by end users in the United States.

16. Plaintiff expressly reserves the right to assert additional claims of the Patents-in-Suit.

17. 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. Based on Defendant's objective recklessness, Plaintiff is further entitled to enhanced damages under 35 U.S.C. § 284.

IV. JURY DEMAND

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

V. 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 '555 and '274 Patents have been directly infringed, either literally or under the doctrine of equivalents, by Defendant, or judgment that one or more of the claims of the '555 and '274 Patents have been directly infringed by others and indirectly infringed by Defendant, to the extent Defendant induced such direct infringement by others;
- b. Judgment that Defendant accounts 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 their infringement, 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.

- d. 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;
- e. 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; and
- f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: May 12, 2016

Respectfully submitted,

Of Counsel:

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