

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NORTH STAR INNOVATIONS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No.: _____
)	
MICROSOFT CORPORATION,)	JURY TRIAL DEMANDED
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

North Star Innovations, Inc. (“North Star”), by and through its attorneys, files this Complaint for Patent Infringement against Defendant, Microsoft Corporation (“Microsoft”), and avers as follows:

PARTIES

1. North Star is a corporation organized and existing under the laws of Delaware, with its principal place of business located at 600 Anton Blvd., Suite 1350, Costa Mesa, CA 92626, and further having a registered office at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. North Star is the owner, through assignment, of the entire right, title and interest in United States Patent Nos. 5,892,777, entitled "APPARATUS AND METHOD FOR OBSERVING THE MODE OF A MEMORY DEVICE" ("the '777 Patent"), and 5,893,752, entitled "PROCESS FOR FORMING A SEMICONDUCTOR DEVICE" ("the '752 Patent").

2. Microsoft is a corporation organized and existing under the laws of Delaware, having its principal place of business at 1 Microsoft Way, Redmond, Washington 98052. Microsoft’s registered agent for service of process in the State of Delaware is Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

3. Upon information and belief, at all times relevant to this action, Microsoft has

been engaged in the business of manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, computer products that employ an apparatus and/or method for observing a control register in a memory device of the computer product.

4. Upon information and belief, at all times relevant to this action, Microsoft has been engaged in the business of manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, products that include integrated circuit devices that are manufactured using various semiconductor manufacturing processes.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1 et seq. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and § 1338(a).

6. This Court has personal jurisdiction over Defendant in this district, in that Defendant, directly or through their agents, are residents of, and/or have regularly conducted business activities in this district; have committed infringing activities in this district by manufacturing, using, marketing, offering for sale, selling and/or importing products and systems that infringe the '777 and '752 Patents ("the Patents-in-suit"); and/or have placed products and systems that infringe the Patents-in-suit in the stream of commerce with the knowledge and intent that they would be used, offered for sale and/or sold by others in this district.

7. Venue is proper pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

GENERAL ALLEGATIONS

8. The '777 Patent was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on April 6, 1999, naming Michael Nesheiwat, Roger Grass, and

Arthur O'Donnell as inventors, and Motorola, Inc. as assignee. A true and correct copy of the '777 Patent is attached as Exhibit "A" hereto.

9. The '777 Patent relates to an apparatus and method for observing a control register in a memory device.

10. The '752 Patent was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on April 13, 1999, naming Jiming Zhang and Dean J. Denning as inventors, and Motorola, Inc. as assignee. A true and correct copy of the '752 Patent is attached as Exhibit "B" hereto.

11. The '752 Patent relates to a process for forming a semiconductor device.

12. The Patents-in-suit as issued by the USPTO are valid and enforceable.

13. The Patents-in-suit were ultimately assigned to North Star, and North Star is the exclusive and current owner of all rights, title and interest in the Patents-in-suit, and is entitled to enforce the Patents-in-suit against infringers, including by commencing the present action.

14. Microsoft has engaged and continues to engage in acts of infringement under 35 U.S.C. § 271, *inter alia*, by manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, computer products that employ a method for observing a control register in a memory device of the computer product that embodies each element of at least one (1) claim of the '777 Patent, including, without limitation, Independent Claim 1, either literally or under the doctrine of equivalents.

15. By way of example only, one of the infringing products that Microsoft has specifically manufactured, used, offered for sale and/or sold in the United States, and/or imported into the United States for sale, and continues to manufacture, use, offer for sale and/or sell in the United States, and/or import into the United States for sale, is the Microsoft 12.3 in.

Surface Pro 4, Model No.: 1724.

16. Microsoft has engaged and continues to engage in acts of infringement under 35 U.S.C. § 271, *inter alia*, by manufacturing, using, offering for sale and/or selling in the United States, and/or importing into the United States, products that include integrated circuit devices that are manufactured using a method for forming semiconductor devices that embodies each element of at least one (1) claim of the '752 Patent, including, without limitation, Independent Claim 18, either literally or under the doctrine of equivalents.

17. By way of example only, one of the infringing products that Microsoft has specifically manufactured, used, offered for sale and/or sold in the United States, and/or imported into the United States for sale, and continues to manufacture, use, offer for sale and/or sell in the United States, and/or import into the United States for sale, is the Microsoft Xbox One console that includes the Microsoft DVD Controller IC, Part No.: MSODDDSP02.

18. Microsoft does not have a license or other authorization to practice the claims set forth in the Patents-in-suit.

CLAIM FOR PATENT INFRINGEMENT

19. North Star incorporates by reference and in their entirety the averments set forth in paragraphs 1 through 18, inclusive, of this Complaint.

20. Microsoft has manufactured, used, offered for sale, sold and/or imported into the United States for sale, and continues to manufacture, use, offer for sale, sell and/or import into the United States for sale, computer products that infringe at least Claim 1 of the '777 Patent.

21. Microsoft has manufactured, used, offered for sale, sold and/or imported into the United States for sale, and continues to manufacture, use, offer for sale, sell and/or import into the United States for sale, products that include integrated circuit devices that are manufactured

using a method that infringes at least Claim 18 of the '752 Patent.

DAMAGES

22. North Star incorporates by reference and in their entirety the averments set forth in paragraphs 1 through 21, inclusive, of this Complaint.

23. Microsoft has caused and will continue to cause North Star substantial damage by virtue of its infringing activities.

24. North Star is entitled to recover from Microsoft the damages it has sustained as a result of Microsoft's infringing activities.

DEMAND FOR JURY TRIAL

25. North Star hereby demands a trial by jury of all issues triable of right before a jury.

PRAYER FOR RELIEF

WHEREFORE, North Star respectfully requests the following relief:

- a) That this Court enter judgment in favor of North Star and against Microsoft that Microsoft has infringed the Patents-in-suit;
- b) That this Court award North Star all damages adequate to compensate North Star for the harm it has suffered as a result of Microsoft's infringement of the Patents-in-suit, together with pre- and post-judgment interest and costs as fixed by the Court, all pursuant to 35 U.S.C. § 284;
- c) In the event that evidence is adduced through discovery or at trial that Microsoft's infringement was willful and deliberate, that this Court award North Star enhanced damages pursuant to 35 U.S.C. § 284;
- d) In the event that circumstances warrant a declaration that this case be

declared to be exceptional, that this Court award North Star its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and

- e) That this Court award to North Star such other and further relief as this Court deems to be just and proper.

Dated: July 29, 2016

Respectfully submitted,

PHILLIPS GOLDMAN MCLAUGHLIN &
HALL, P.A.

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