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13 IN THE UNITED STATES DISTRICT COURT
14 DISTRICT OF ARIZONA

15 Microchip Technology Inc.,

16 Plaintiff,

17 vs.

18 Delphi Automotive Systems, LLC

19 Defendant.

No. 2:16-cv-02817-DJH

FIRST AMENDED COMPLAINT

Jury Trial Demanded

20
21 Plaintiff Microchip Technology Inc. (“MTI”) files this first amended complaint
22 against Defendant Delphi Automotive Systems, LLC (“Delphi”) as set forth below.

23 **I. PARTIES**

24 1. Plaintiff Microchip Technology Inc. is a Delaware corporation with its
25 principal place of business located at 2355 West Chandler Blvd., Chandler, Arizona
26 85224-6199.
27
28



1 2. Defendant Delphi Automotive Systems, LLC is a Delaware limited
2 liability company with a principal place of business at 5725 Delphi Dr., Troy, Michigan
3 48098, and is a subsidiary of Delphi Automotive, PLC.

4 **II. ACTION**

5 3. This is an action for patent infringement arising under the laws of the
6 United States, 35 U.S.C. § 101 et seq.

7 **III. JURISDICTION AND VENUE**

8 4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
9 1338(a).

10 5. Delphi is subject to personal jurisdiction by virtue of its contacts with the
11 State of Arizona. As more fully described below, Delphi voluntarily sells products and
12 offers products for sale in this District and, in addition, sells products to be incorporated
13 into larger systems and products sold in this District, which are the subject of MTI's
14 claims of patent infringement.

15 6. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(c) and
16 1400(b).

17 **IV. FACTS**

18 7. U.S. Patent No. 7,523,243, entitled "Multi-Host USB Device Controller"
19 ("the '243 Patent"), was duly and legally issued by the U.S. Patent and Trademark
20 Office to Mark R. Bohm et al. on April 21, 2009. The '243 Patent discloses and claims
21 systems and methods for use with multi-host capable Universal Serial Bus ("USB")
22 device controllers. A true and correct copy of the '243 Patent is attached hereto as

23 **Exhibit A.**

24 8. U.S. Patent No. 7,627,708, entitled "Multi-Host USB Device" ("the '708
25 Patent"), was duly and legally issued by the U.S. Patent and Trademark Office to Mark
26 R. Bohm et al. on December 1, 2009. The '708 Patent discloses and claims systems and
27 methods for use with USB devices that may be configured and accessed by more than
28

1 one USB host. A true and correct copy of the '708 Patent is attached hereto as

2 **Exhibit B.**

3 9. U.S. Patent No. 7,478,191, entitled "Method for Automatically Switching
4 USB Peripherals Between USB Hosts" ("the '191 Patent"), was duly and legally issued
5 by the U.S. Patent and Trademark Office to Henry Wurzburg et al. on January 13, 2009.
6 The '191 Patent discloses and claims systems and methods for automatically switching
7 peripheral connectivity between two USB host devices based on respective connectivity
8 of the USB hosts. A true and correct copy of the '191 Patent is attached hereto as

9 **Exhibit C.**

10 10. Mark R. Bohm, Henry Wurzburg, and the other inventors assigned all
11 right, title, and interest in the '243 Patent, the '708 Patent, and the '191 Patent (the
12 "Asserted Patents") to Standard Microsystems Corporation.

13 11. On July 21, 2015, Standard Microsystems Corporation converted from a
14 corporation to a limited liability company, changing its name to Standard Microsystems,
15 LLC.

16 12. On August 5, 2016, Standard Microsystems, LLC assigned all right, title,
17 and interest in the Asserted Patents to MTI. MTI has been at all times since, and still is,
18 the owner of the Asserted Patents.

19 13. Delphi makes, uses, sells, offers to sell, and/or imports a Dual Role Hub
20 product, (also described by Delphi and others as the Multi-Port Breakout Box, Media
21 Hub, and/or Unwired Technology Media Hub) (collectively, "Delphi Dual Role Hub" or
22 "Hub") which implements multi-host type USB devices in an automotive infotainment
23 system environment and, specifically, provides a "host to host" device which enables
24 multi-host functionality, e.g., so that both the infotainment system head unit and a
25 smartphone can act as USB hosts in the system.

26 14. Upon information and belief, the Delphi Dual Role Hub was originally
27 designed by Unwired Technology LLC, a company that Delphi purchased in 2014. A
28 September 30, 2014 Delphi press release discusses Delphi's purchase of Unwired

1 Technology, explaining that “Unwired’s connectivity products provide two-way data
2 connections between smartphones and tablets and in-car infotainment systems, allowing
3 consumers to safely access content in the vehicle.” A true and correct copy of that site
4 (as visited on October 20, 2016) is attached as **Exhibit D** (available at
5 [http://investor.delphi.com/investors/press-releases/press-release-details/2014/Delphi-](http://investor.delphi.com/investors/press-releases/press-release-details/2014/Delphi-Signs-Definitive-Agreement-to-Acquire-Unwired-Technology-LLC/default.aspx)
6 [Signs-Definitive-Agreement-to-Acquire-Unwired-Technology-LLC/default.aspx](http://investor.delphi.com/investors/press-releases/press-release-details/2014/Delphi-Signs-Definitive-Agreement-to-Acquire-Unwired-Technology-LLC/default.aspx)).

7 15. According to Delphi’s website ([http://delphi.com/media/feature-](http://delphi.com/media/feature-stories/details/18th-PACE-Award-Dual-Role-Hub)
8 [stories/details/18th-PACE-Award-Dual-Role-Hub](http://delphi.com/media/feature-stories/details/18th-PACE-Award-Dual-Role-Hub)), the Delphi Dual Role Hub allows
9 the car radio and a user’s phone “to be recognized as ‘host’ devices simultaneously.” A
10 true and correct copy of that site (as visited on October 18, 2016) is attached as
11 **Exhibit E**.

12 16. According to the same Delphi website, the Delphi Dual Role Hub is “in
13 every mid- and high-level infotainment system for GM globally for model year 2015.
14 Next year, Delphi will solve that problem for more than 40 percent of all GM, Ford and
15 Chrysler products globally, representing 10 million units annually with the potential to
16 reach all OEMs globally.” See **Exhibit E**.

17 17. According to the same Delphi website, “Delphi’s solution is currently the
18 only known IC globally that has both hub functionality and host to host bridging”

19 18. On information and belief, Delphi markets and promotes the Delphi Dual
20 Role Hub in the video available at <https://vimeo.com/162512071> titled “New USB Hub
21 Helps Automakers’ Make Apple CarPlay™ Work Simultaneously with Other Devices”
22 (hereinafter, the “Delphi Promotional Video”).

23 19. The Delphi Promotional Video describes the Delphi Dual Role Hub as
24 follows: “CarPlay operates by simply connecting the Apple phone to a USB connector
25 in the car. When the Apple phone is connected, the infotainment system allows the
26 Apple phone to become the host of the USB communication and to stream content right
27 onto the screen. But when an automaker integrates Apple CarPlay into its infotainment
28 system, it must allow the Apple phone to be the host of the USB communication. This

1 is typically done by using an On-The-Go USB port on the head unit, which would
2 change from a host to a device to support the CarPlay session. Delphi has solved these
3 challenges by providing a USB hub that offers a unique way to bridge two hosts
4 together without these drawbacks. Now users can have their personal content replicated
5 in the vehicle while also allowing other passengers to use content at the same time from
6 a different device. This solution, called Dual Role Hub, gives automakers a unique way
7 to implement CarPlay and provide greater functionality with optimized packaging.
8 Delphi's USB hub with host-to-host bridge is integrated into USB media modules, like
9 the one in this vehicle. In this highly compact module, Delphi can perform the standard
10 USB hub function while accommodating Apple CarPlay. There are three key features
11 of the Delphi USB hub with host-to-host bridge. First, only one USB port is required to
12 access the USB hub from the head unit, which remains the host port. Second, the
13 Delphi USB hub with the host-to-host bridge allows either USB port on the module to
14 support CarPlay. Third, the USB port in the host-to-host system not used for CarPlay is
15 still active and can be used for accessing music on a USB drive, accessing map data for
16 the navigation system, or accessing another phone or iPhone.”

17 20. As driven, sold, and offered for sale in the state of Arizona, 2016 Cadillac
18 Escalade automobiles include Part No. 13596853, “Receptacle ASM-USB 2-port
19 w/REM.”

20 21. Part No. 13596853 for the 2016 Cadillac Escalade is available for
21 purchase through Arrowhead Cadillac, located at 8310 West Bell Road, Glendale,
22 Arizona 85083. A true and correct photograph of Part No. 13596853, purchased at
23 Arrowhead Cadillac, is attached as **Exhibit F**.

24 22. Part No. 13596853, purchased at Arrowhead Cadillac, is stamped with the
25 name “UNWIRED TECHNOLOGY.” A true and correct photograph of Part No.
26 13596853 that shows this stamp is attached as **Exhibit G**.

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1 23. Upon information and belief, Part No. 13596853 (i.e., the “Receptacle
2 ASM-USB 2-port w/REM”), purchased at Arrowhead Cadillac, is and/or includes the
3 Delphi Dual Role Hub as made and sold by Delphi.

4 24. On information and belief, the Accused Products are sold by Delphi with
5 knowledge they are incorporated in at least the following 2016 models: Cadillac
6 Escalade; Chevrolet Suburban and Tahoe; and GMC Yukon and Yukon XL.

7 25. A traditional USB hub (e.g., according to the USB specification) cannot
8 recognize two devices simultaneously as host devices.

9 26. The Delphi Dual Role Hub contains specially-designed circuitry that
10 allows the Hub to recognize the car radio and a user’s phone simultaneously as host
11 devices.

12 27. The specially-designed circuitry in the Delphi Dual Role Hub includes a
13 multi-host device controller that allows both the car radio and a user’s phone to
14 simultaneously access the Hub as hosts.

15 28. When a user’s phone is connected to the Delphi Dual Role Hub, it initially
16 connects as a USB device and not as a USB host.

17 29. In order to allow the user’s phone to be recognized as a host after it
18 initially connects to the Hub as a USB device, the Delphi Dual Role Hub includes
19 switching logic that controls the connections available to the car radio and the user’s
20 phone. This switching logic (and other circuitry) allows the two devices to be
21 simultaneously recognized as host devices.

22 30. The specially-designed circuitry in the Delphi Dual Role Hub includes at
23 least one USB device block that allows the Hub to recognize the car radio and a user’s
24 phone simultaneously as host devices. Monitoring the USB signaling (e.g., data
25 communications) on the connection between (1) the car radio and the Hub, and (2) the
26 Hub and a phone confirms the existence of at least one USB device block in the Hub.

27 31. The specially-designed circuitry in the Delphi Dual Role Hub includes at
28 least one USB function block that allows the Hub to recognize the car radio and a user’s

1 phone simultaneously as host devices. Monitoring the USB signaling (e.g., data
2 communications) between (1) the car radio and the Hub, and (2) the Hub and a phone
3 confirms the existence of at least one USB function block in the Hub.

4 32. At least since the filing date of MTI's Original Complaint on August 22,
5 2016, Delphi has had knowledge of the Asserted Patents and has been on notice of its
6 infringement of one or more claims of the Asserted Patents.

7 33. On January 12, 2015, MTI delivered a letter to Robert Voto, Vice
8 President of Engineering, and Joseph Damato, Managing Director, at Delphi Data
9 Connectivity (formerly Unwired Technology LLC), providing notice of the '243 Patent
10 and the '708 Patent, and identifying Delphi's USB device controllers developed by
11 Unwired Technology that are designed for multiple-host connectivity as covered by the
12 claims of those patents. A true and correct copy of the January 12, 2015 letter is
13 attached as **Exhibit H**.

14 34. On January 30, 2015, Delphi responded to the January 12, 2015 letter
15 above the signature of Craig A. Baldwin, North American Patent Counsel of Delphi.
16 This letter acknowledged the letter of January 12, 2015, and asserted that Delphi
17 reviewed the '243 Patent and the '708 Patent in view of Delphi's products and/or
18 products in development.

19 35. Delphi sells the Delphi Dual Role Hub to automotive manufacturers and
20 other entities with the knowledge and intent that the Hub will be incorporated in
21 automotive infotainment systems to be later incorporated and sold as part of an
22 automobile and/or other final products. The Hub alone infringes the Asserted Patents, is
23 material to practicing the Asserted Patents, has no substantial non-infringing uses, and is
24 known by Delphi to be especially made or especially adapted for use in an infringement
25 of the Asserted Patents.

26 36. Upon information and belief, Delphi tests the Delphi Dual Role Hub, for
27 example, by connecting more than one host to the Hub such that the Hub
28 simultaneously recognizes them as host devices.

1 37. Upon information and belief, Delphi's customers test the Delphi Dual
2 Role Hub, for example, by connecting more than one host to the Hub such that the Hub
3 simultaneously recognizes them as host devices.

4 **IV. INFRINGEMENT**

5 38. Delphi has and continues to infringe, induce the infringement of, and/or
6 contributorily infringe at least claim 1 of the '243 Patent, claim 3 of the '708 Patent, and
7 claim 7 of the '191 Patent.

8 39. End users of the Delphi Dual Role Hub, including Delphi's customers and
9 individuals using automobiles that include the Delphi Dual Role Hub, have been and
10 still are infringing the Asserted Patents by making, using, selling, offering to sell, and/or
11 importing the Delphi Dual Role Hub products and/or products that contain the Delphi
12 Dual Role Hub.

13 40. Delphi has been and still is inducing infringement and contributing to
14 infringement of the Asserted Patents by providing its Delphi Dual Role Hub products to
15 other entities with knowledge of the Asserted Patents and knowledge the Accused
16 Products will be part of additional infringing products made, used, sold, offered for sale,
17 and/or imported by Delphi's customers.

18 41. Delphi purchased Unwired Technology LLC because its "connectivity
19 products provide two-way data connections between smartphones and tablets and in-car
20 infotainment systems." The Delphi Dual Role Hub is, therefore, especially made for
21 use in an infringement of the Asserted Patents, as described above, by providing a USB
22 hub that can simultaneously recognize two hosts while maintaining connections to other
23 non-host devices plugged into the Hub. The Delphi Dual Role Hub has no substantial
24 non-infringing use because it is specifically designed, marketed, and sold to automobile
25 manufacturers for use in automobiles that support a multi-host system that allow end
26 users to use a phone as a host in the system while the car radio is also a host. On
27 information and belief, in the absence of reconfiguration, the Delphi Dual Role Hub
28 cannot be used for purposes other than infringing the Asserted Patents.

1 42. On information and belief, at least as early as the above dates when
2 Delphi learned of each of the Asserted Patents, Delphi actively induced its direct and
3 indirect customers, including for example and without limitation, automobile
4 manufacturers and end users such as those using the Hub in an automobile. Delphi's
5 acts of inducing infringement include marketing, promoting (including providing
6 instructions for use, e.g. the Delphi Promotional Video), selling, offering for sale, and/or
7 importing the Accused Products. On information and belief, at least as early as the
8 above dates when Delphi learned of each of the Asserted Patents, Delphi knew that the
9 activities of the foregoing third parties, including the activities taught by the
10 aforementioned marketing and promotional materials, constituted direct infringement of
11 the Asserted Patents and had specifically intended the foregoing third parties to directly
12 infringe the Asserted Patents through their using, testing, selling, offering for sale,
13 and/or importing the Accused Products.

14 43. At least since January 12, 2015, Delphi has been on notice of the '243
15 Patent and the '708 Patent. Delphi's infringement of the '243 Patent and the '708
16 Patent has been willful and deliberate since this date.

17 44. At least since August 22, 2016, Delphi has been on notice of the '191
18 Patent. Delphi's infringement of the '191 Patent has been willful and deliberate since
19 this date.

20 45. Upon information and belief, Delphi will continue to infringe, induce
21 infringement of, and contribute to infringement of the Asserted Patents unless enjoined
22 by this Court.

23 46. As a result of Delphi's infringement, MTI has suffered and will continue
24 to suffer damages in an amount to be proven at trial.

25 47. As a result of Delphi's infringement, MTI has suffered and will continue
26 to suffer irreparable harm unless Delphi is enjoined against such acts by this Court.

27 48. MTI is entitled to an award of its reasonable attorneys' fees, as provided
28 by 35 U.S.C. § 285.

1 **V. PRAYER FOR RELIEF**

2 WHEREFORE, MTI prays for judgment and seeks relief against Delphi as
3 follows:

- 4 (a) for a judgment that one or more claims of the Asserted Patents are
5 infringed by the Delphi Dual Role Hub products;
- 6 (b) for a judgment and award of all damages sustained by MTI as the result of
7 Delphi's infringement, including supplemental damages for any
8 continuing post-verdict infringement up until entry of the final Judgment
9 with an accounting as needed;
- 10 (c) for preliminary and permanent injunctions enjoining Delphi from making,
11 using, selling, offering to sell, and/or importing its Dual Role Hub
12 products for sale and/or combination into multi-host USB device products
13 and methods;
- 14 (d) for a judgment and an award of enhanced damages pursuant to 35 U.S.C.
15 § 284;
- 16 (e) for a judgment and an award of attorneys' fees pursuant to 35 U.S.C.
17 § 285 or as otherwise permitted by law;
- 18 (f) for a judgment and an award of all interest and costs incurred; and
19 (g) for a judgment and an award of such other and further relief as the Court
20 may deem just and proper.
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VI. JURY DEMAND

MTI demands a trial by jury.

DATED this 8th day of November, 2016.

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CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2016, I electronically transmitted the attached document(s) to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the parties who are CM/ECF registrants.

s/ Debra Huss