

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

MARINER IC INC.,	§	
	§	
Plaintiff,	§	Case No.
	§	
v.	§	<b>JURY TRIAL DEMANDED</b>
	§	
HUAWEI DEVICE USA INC., HUAWEI	§	
DEVICE CO., LTD. and HUAWEI DEVICE	§	
(DONGGUAN) CO., LTD.,	§	
	§	
Defendants.	§	
	§	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Mariner IC Inc. (“Mariner” or “Plaintiff”), for its Amended Complaint against Defendants Huawei Device USA Inc., Huawei Device Co., Ltd., and Huawei Device (Dongguan) Co., Ltd. (collectively, “Defendants” or “Huawei”), alleges as follows:

**THE PARTIES**

1. Mariner is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 100 W. Houston Street, Marshall, Texas 75670.

2. Upon information and belief, Defendant Huawei Device USA Inc. is a Texas corporation with its principal place of business located at 5700 Tennyson Parkway, Suite 600, Plano, Texas 75024, and may be served with process through its registered agent, C. T. Corporation System at 1999 Bryan St., Ste. 2900, Dallas, Texas 75201. Upon information and belief, Defendant Huawei Device USA Inc. maintains a regular and established place of business within this Judicial District at 5700 Tennyson Parkway, Suite 600, Plano, Texas 75024. Upon

information and belief, Huawei Device USA Inc. is a wholly-owned subsidiary of Huawei Technologies Co., Ltd.

3. Upon information and belief, Defendant Huawei Device Co., Ltd. is a Chinese corporation that does business in Texas, directly or through intermediaries, and maintains its principal place of business in Bantian, Longgang District, Shenzhen, China, 518129. Upon information and belief, Huawei Device Co., Ltd. does business in Texas and in this Judicial District, directly or through intermediaries, and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in this Judicial District. Upon information and belief, Huawei Device Co., Ltd. is a wholly-owned subsidiary of Huawei Technologies Co., Ltd.

4. Upon information and belief, Defendant Huawei Device (Dongguan) Co., Ltd. is a Chinese corporation that does business in Texas, directly or through intermediaries, and maintains its principal place of business at Songshan Lake Science and Technology Industrial Zone, Dongguan, Guangdong, China, 523808. Upon information and belief, Huawei Device (Dongguan) Co., Ltd does business in Texas and in this Judicial District, directly or through intermediaries, and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in this Judicial District. Upon information and belief, Huawei Device (Dongguan) Co., Ltd. is a wholly-owned subsidiary of Huawei Technologies Co., Ltd.

### **JURISDICTION**

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

6. This Court has personal jurisdiction over Defendants. Defendants regularly conduct business and have committed acts of patent infringement and/or have induced acts of patent infringement by others in this Judicial District and/or have contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

7. Venue is proper in this Judicial District with respect to Defendant Huawei Device USA Inc. pursuant to 28 U.S.C. §§ 1391 and 1400(b) because, among other things, Defendant Huawei Device USA Inc. is subject to personal jurisdiction in this Judicial District, has a regular and established place of business in this Judicial District, has purposely transacted business involving the accused products in this Judicial District, including sales to one or more customers in Texas, and certain of the acts complained of herein, including acts of patent infringement, occurred in this Judicial District.

8. Venue is proper in this Judicial District with respect to Defendants Huawei Device Co., Ltd. and Huawei Device (Dongguan) Co., Ltd. pursuant to 28 U.S.C. § 1391 because, among other things, Defendants Huawei Device Co., Ltd. and Huawei Device (Dongguan) Co., Ltd. are foreign defendants not resident in the United States, and thus may be sued in any judicial district pursuant to 28 U.S.C. § 1391(c)(3).

9. Defendants are subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and Judicial

District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

**PATENTS-IN-SUIT**

10. On July 22, 1997, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 5,650,666 (the “’666 Patent”) entitled “Method and Apparatus for Preventing Cracks in Semiconductor Die.” A true and correct copy of the ’666 Patent is available at:

<http://pdfpiw.uspto.gov/.piw?Docid=5650666&idkey=NONE&homeurl=http%3A%252F%252Fpatft.uspto.gov%252Fnethtml%252FPTO%252Fpatimg.htm>.

11. On December 8, 1998, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 5,846,874 (the “’874 Patent”) entitled “Method and Apparatus for Preventing Cracks in Semiconductor Die.” A true and correct copy of the ’874 Patent is available at:

<http://pdfpiw.uspto.gov/.piw?PageNum=0&docid=05846874&IDKey=&HomeUrl=http%3A%2F%2Fpdfpiw.uspto.gov%2F>.

12. Mariner is the sole and exclusive owner of all right, title and interest in the ’666 Patent and ’874 Patent (together, the “Patents-in-Suit”), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. Mariner also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

13. The Patents-in-Suit generally cover anchor structures that are placed in the corners and around the edges of a semiconductor die to prevent cracks in the die due to stress. The anchor structures are positioned at approximately a 45-degree angle to the sides of the die and are comprised of at least a substrate layer, a metal layer and an oxide layer. The placement of the anchor structures more uniformly distributes stresses along the anchor preventing cracks at the corners of the die.

14. Semiconductors using anchor structures of the type taught and disclosed in the Patents-in-Suit are found in many high definition televisions, tablets, media players, routers, cellular devices, hard drives, touch screen controllers, and other widely available products. These semiconductors include chips from Marvell Technology Group Ltd. (“Marvell”), Qualcomm Inc. (“Qualcomm”) and other semiconductor manufacturers that contain the anchor structures of the ’666 and ’874 Patents. These semiconductors are found in products such as Huawei Ascend smartphones.

15. On information and belief, Huawei has known about the ’666 and ’874 Patents prior to November 22, 2015.

16. On information and belief, Huawei is in the business of selling electronic devices, including smartphones, accused of infringement herein.

17. Mariner has at all times complied with the marking provisions of 35 U.S.C. § 287 with respect to the Patents-in-Suit. On information and belief, prior assignees and licensees have also complied with the marking provisions of 35 U.S.C. § 287.

**COUNT I**  
**(Infringement of the ’666 Patent)**

18. Paragraphs 1 through 17 are incorporated herein by reference as if fully set forth in their entirety.

19. Mariner has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '666 Patent.

20. Defendants have and continue to directly infringe the '666 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '666 Patent. Upon information and belief, these products include products that utilize semiconductor devices that contain the anchor structures of the '666 Patent. On information and belief, and by way of example, these products include Huawei smartphone products that include semiconductor devices that utilize anchor structures according to the '666 Patent. By way of example, infringing products include Huawei Ascend smartphones containing Marvell and Qualcomm semiconductors that include anchor structures according to the '666 Patent. These products infringe at least claim 1 of the '666 Patent.

21. On information and belief, the semiconductors that are components of Huawei's products, such as the Marvell and other semiconductors, include a semi-conductor die having corner areas and edges, each with open fields in which no active busses or circuits are located. These semiconductors further include a substrate layer, a first metal layer disposed over the substrate layer, and an oxide layer disposed over the first metal layer. The anchor structures included in these semiconductors are placed in an open field of a corner area and positioned to be approximately perpendicular to a force vector impinging on the semiconductor die at approximately a 45 degree angle with respect to an imaginary line passing horizontally through the semiconductor die.

22. Defendants have indirectly infringed one or more claims of the '666 Patent by knowingly and intentionally inducing others, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States products that include infringing technology such as Huawei Ascend smartphones that practice the systems and methods covered by the '666 Patent.

23. Defendants, with knowledge that these products, or the use thereof, infringe the '666 Patent knowingly and intentionally induced direct infringement of the '666 Patent by providing these products such as the Huawei Ascend smartphones that practice the systems and methods covered by the '666 Patent to end users for use in an infringing manner.

24. Defendants induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '666 Patent, but while remaining willfully blind to the infringement.

25. Mariner has suffered damages as a result of Defendants' direct infringement of the '666 Patent in an amount to be proved at trial.

26. Mariner has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '666 Patent, for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

**COUNT II**  
**(Infringement of the '874 Patent)**

27. Paragraphs 1 through 17 are incorporated herein by reference as if fully set forth in their entireties.

28. Mariner has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '874 Patent.

29. Defendants have and continue to directly infringe the '874 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling and/or importing into the United States products made by the method claimed in one or more claims of the '874 Patent. Upon information and belief, these products include products that utilize semiconductor devices that contain the anchor structures of the '874 Patent. On information and belief, and by way of example, these products include Huawei smartphone products that include semiconductor devices that utilize anchor structures according to the '874 Patent. By way of example, infringing products include Huawei Ascend smartphones containing Marvell and Qualcomm semiconductors that include anchor structures according to the '874 Patent. These products infringe at least claim 1 of the '874 Patent.

30. On information and belief, the semiconductors that are components of Huawei's products, such as the Marvell and other semiconductors, include a semi-conductor die having corner areas and edges, each with open fields in which no active busses or circuits are located. These semiconductors further include a substrate layer, a first metal layer disposed over the substrate layer, and an oxide layer disposed over the first metal layer. The anchor structures included in these semiconductors are placed in an open field of a corner area and positioned to be approximately perpendicular to a force vector impinging on the semiconductor die at approximately a 45 degree angle with respect to an imaginary line passing horizontally through the semiconductor die.

31. Defendants have indirectly infringed one or more claims of the '874 Patent by knowingly and intentionally inducing others, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the



United States products that include infringing technology such as the Huawei Ascend that practice the systems and methods covered by the '874 Patent.

32. Defendants, with knowledge that these products, or the use thereof, infringe the '666 Patent knowingly and intentionally induced direct infringement of the '874 Patent by providing these products such as the Huawei Ascend that practice the systems and methods covered by the '874 Patent to end users for use in an infringing manner.

33. Defendants induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '874 Patent, but while remaining willfully blind to the infringement.

34. Mariner has suffered damages as a result of Defendants' direct infringement of the '874 Patent in an amount to be proved at trial.

35. Mariner has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '874 Patent, for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury for all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Mariner prays for relief against Defendants as follows:

a. Entry of judgment declaring that Defendants have directly infringed one or more claims of each of the Patents-in-Suit;

b. An order awarding damages sufficient to compensate Mariner for Defendants' infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, together with

interest and costs;

c. Entry of judgment declaring that this case is exceptional and awarding Mariner its costs and reasonable attorney fees under 35 U.S.C. § 285; and

d. Such other and further relief as the Court deems just and proper.

Dated: September 25, 2018

Respectfully submitted,

/s/ Alfred R. Fabricant  
Alfred R. Fabricant  
NY Bar No. 2219392  
Email: afabricant@brownrudnick.com  
Peter Lambrianakos  
NY Bar No. 2894392  
Email: plambrianakos@brownrudnick.com  
Vincent J. Rubino, III  
NY Bar No. 4557435  
Email: vrubino@brownrudnick.com  
Shahar Harel  
NY Bar No. 4573192  
Email: sharel@brownrudnick.com  
**BROWN RUDNICK LLP**  
7 Times Square  
New York, NY 10036  
Telephone: (212) 209-4800  
Facsimile: (212) 209-2801

Justin Kurt Truelove  
Texas Bar No. 24013653  
Email: kurt@truelovelawfirm.com  
**TRUELOVE LAW FIRM, PLLC**  
100 West Houston  
Marshall, Texas 75670  
Telephone: 903-938-8321  
Facsimile: 903-215-8510

**ATTORNEYS FOR PLAINTIFF  
MARINER IC INC.**