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9 TELA INNOVATIONS, INC.

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13	TELA INNOVATIONS, INC.,)	CASE NO.
14	Plaintiff,)	COMPLAINT FOR PATENT
15	v.)	INFRINGEMENT
16	ACER INC., ACER AMERICA CORP.,)	DEMAND FOR JURY TRIAL
17	Defendants.)	

18 **COMPLAINT FOR PATENT INFRINGEMENT**

19 Plaintiff Tela Innovations, Inc. (“Tela” or “Plaintiff”) hereby submits its Complaint for
20 Patent Infringement against Defendants Acer Inc. and Acer America Corp.. (“Acer” or “Defendant”)
21 and alleges as follows:
22

23 **NATURE OF ACTION**

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25 1. This is an action for patent infringement under the patent laws of the United States,
26 35 U.S.C. §§ 271, *et seq.*, to obtain damages resulting from Defendants’ unauthorized and ongoing
27 actions, in the state of California and elsewhere, of making, having made, using, selling, having sold,
28 offering to sell, importing and/or having imported into the United States laptops, desktops, computer

1 tablets, all-in-one PCs, processors, notebooks, board-level computers, and servers, which contain an
2 Intel microprocessor or printed circuit board using Intel’s Tri-Gate technology at a 22nm process
3 node, a 14nm process node, or smaller and which infringe or enable the practice of one or more
4 claims of Tela’s United States Patent Nos. 7,943,966 (“the ’966 Patent”); 7,948,012 (“the ’012
5 Patent”); 10,141,334 (“the ’334 Patent”); 10,141,335 (“the ’335 Patent”); and 7,446,352 (“the ’352
6 Patent”) (collectively, the “Asserted Patents”).

7 2. This is an action for direct infringement. Upon information and belief, Defendants
8 make, have made, use, sell, have sold, offer to sell, import, and/or have imported into the United
9 States certain laptops, desktops, computer tablets, all-in-one PCs, processors, notebooks, board-level
10 computers, and servers, which contain an Intel microprocessor or printed circuit board using Intel’s
11 Tri-Gate technology at a 22nm process node, a 14nm process node, or smaller and which infringe or
12 enable the practice of one or more claims of the Asserted Patents, either literally or under the
13 doctrine of equivalents.

14 3. Tela asserts that Defendants directly infringe at least the following claims:

Asserted Patent	Asserted Claims
'966	1-35
'012	1-35
'334	1-30
'335	1-30
'352	1-31

THE PARTIES

A. Plaintiff Tela

4. Plaintiff Tela is a privately-held corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 475 Alberto Way, Suite 120, Los Gatos, California, 95032.

5. Tela has engaged in substantial engineering, research, and development related to integrated circuit design and has developed patented layout optimization technology that provides solutions to current integrated circuit manufacturing challenges. Tela has also licensed its patent portfolio, including the Asserted Patents, to some of the world's most prominent integrated circuit design and manufacturing companies, who have performed significant and substantial manufacturing, engineering, research, and development also related to integrated circuit design and manufacturing challenges.

6. Tela has developed and patented innovative design solutions for advanced integrated circuit manufacturing processes where lithography driven constraints require novel approaches to both digital circuit design and the physical implementation of these designs. Tela has created, and continues to create, technology to address critical technical and economic challenges facing the semiconductor industry. Tela's products, including cell libraries, layouts, and software products, and Tela's engineering services, enable integrated circuit designers to achieve improved performance, area, and power consumption characteristics as semiconductor processes continue to scale.

7. The efforts of Tela and its predecessor corporations have resulted in over 200 issued United States patents, including the Asserted Patents. Tela's development efforts also include numerous currently pending U.S. and foreign patent applications directed to Tela's layout optimization technology.

8. Tela has entered into substantial research and development agreements with United States government entities and various commercial parties having substantial operations based in the United States. Tela has made concerted efforts to deliver its patented technology and products to key semiconductor device makers, and has been the recipient of government contracts under which it

1 has made significant contributions towards developing its technology for use by private
2 semiconductor manufacturing companies and by the United States government. Tela's continued
3 success and investments in advancing its proprietary integrated circuit designs depend, in part, on its
4 ability to establish, maintain, and protect its proprietary technology through enforcement of its
5 intellectual property rights.

6 **B. Defendant Acer Inc.**

7 9. Acer, Inc. is a foreign corporation organized and existing under the laws of Taiwan,
8 with its principal place of business at 1F, Sec. 1, Xintai 5th Road, Xizhi, New Taipei City 221,
9 Taiwan.

10 **C. Defendant Acer America Corp.**

11 10. Acer America Corporation is a corporation organized and existing under the laws of
12 the state of California, with its principal place of business located at 333 West San Carlos Street, San
13 Jose, California 95110. Defendant Acer America Corporation is a subsidiary of or otherwise
14 controlled by Defendant Acer, Inc. Defendant Acer America Corporation may be served through its
15 registered agent for service of process – CT Corporation System located in California at 818 West
16 Seventh Street, Suite 930, Los Angeles, CA 90017.

17
18 **JURISDICTION AND VENUE**

19 11. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338
20 because this action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*

21 12. Upon information and belief, Defendants are subject to personal jurisdiction in the
22 Northern District of California at least because: (i) Defendants are incorporated in California; (ii)
23 Defendants have committed, and are committing, acts of infringement in California; and (iii)
24 Defendants regularly do or solicit business, engage in other persistent courses of conduct, and/or
25 derive substantial revenue from goods and services provided in California.

26 13. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b).
27
28

COUNT I

(INFRINGEMENT OF THE '966 PATENT)

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3 14. Tela re-alleges and incorporates by reference the allegations in the foregoing
4 paragraphs as if fully set forth herein.

5 15. On May 17, 2011, the '966 Patent was duly and legally issued for "Integrated Circuit
6 and Associated Layout with Gate Electrode Level Portion Including At Least Two Complementary
7 Transistor Forming Linear Conductive Segments and At Least One Non-Gate Linear Conductive
8 Segment." The '966 Patent is in full force and effect. A true and correct copy of the '966 Patent is
9 attached hereto as Exhibit 1 and made part hereof.

10 16. Tela is the assignee and owner of the '966 Patent with the exclusive right to enforce
11 the '966 Patent against Defendants and the exclusive right to collect damages from Defendants for
12 infringement of the '966 Patent for all relevant times, including the right to prosecute this action.

13 17. On information and belief, Defendants – without authority, consent, right, or license –
14 directly infringe, and have directly infringed, one or more claims of the '966 Patent either literally
15 and/or under the doctrine of equivalents, without authority, consent, right, or license, by making,
16 using, offering to sell, or selling within the United States, or importing into the United States, the
17 Accused Products.

18 18. As shown in the claim chart attached hereto as Exhibit 2, the Accused Products
19 practice all elements of at least Asserted Claim 2 of the '966 Patent. Exhibit 2 is representative of
20 the manner of infringement of all of Defendants' Accused Products.

21 19. As a result of Defendants' infringing conduct, Tela has suffered damages and will
22 continue to suffer damages in an amount that, by law, cannot be less than a reasonable royalty,
23 together with interest and costs as fixed by the Court under 35 U.S.C. § 284.

24
25 **COUNT II**

26 **(INFRINGEMENT OF THE '012 PATENT)**

27 20. Tela re-alleges and incorporates by reference the allegations in the foregoing
28 paragraphs as if fully set forth herein.

1 21. On May 24, 2011, the '012 Patent was duly and legally issued for “Semiconductor
2 Device Having 1965 nm Gate Electrode Level Region Including At Least Four Active Linear
3 Conductive Segments and At Least One Non-Gate Linear Conductive Segment.” The '012 Patent is
4 in full force and effect. A true and correct copy of the '012 Patent is attached hereto as Exhibit 3 and
5 made part hereof.

6 22. Tela is the assignee and owner of the '012 Patent with the exclusive right to enforce
7 the '012 Patent against Defendants and the exclusive right to collect damages from Defendants for
8 infringement of the '012 Patent for all relevant times, including the right to prosecute this action.

9 23. On information and belief, Defendants – without authority, consent, right, or license –
10 directly infringe, and have directly infringed, one or more claims of the '012 Patent either literally
11 and/or under the doctrine of equivalents, without authority, consent, right, or license, by making,
12 using, offering to sell, or selling within the United States, or importing into the United States, the
13 Accused Products.

14 24. As shown in the claim chart attached hereto as Exhibit 4, the Accused Products
15 practice all elements of at least Asserted Claim 2 of the '012 Patent. Exhibit 4 is representative of
16 the manner of infringement of all of Defendants’ Accused Products.

17 25. As a result of Defendants’ infringing conduct, Tela has suffered damages and will
18 continue to suffer damages in an amount that, by law, cannot be less than a reasonable royalty,
19 together with interest and costs as fixed by the Court under 35 U.S.C. § 284.

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21 **COUNT III**

22 **(INFRINGEMENT OF THE '334 PATENT)**

23 26. Tela re-alleges and incorporates by reference the allegations in the foregoing
24 paragraphs as if fully set forth herein. On November 27, 2018, the '334 Patent was duly and legally
25 issued for “Semiconductor Chip Including Region Having Rectangular-Shaped Gate Structures and
26 First-Metal Structures.” The '334 Patent is in full force and effect. A true and correct copy of the
27 '334 Patent is attached hereto as Exhibit 5 and made part hereof.

1 using, offering to sell, or selling within the United States, or importing into the United States, the
2 Accused Products.

3 34. As shown in the claim chart attached hereto as Exhibit 8, the Accused Products
4 practice all elements of at least Asserted Claim 1 of the '335 Patent. Exhibit 8 is representative of
5 the manner of infringement of all of Defendants' Accused Products.

6 35. As a result of Defendants' infringing conduct, Tela has suffered damages and will
7 continue to suffer damages in an amount that, by law, cannot be less than a reasonable royalty,
8 together with interest and costs as fixed by the Court under 35 U.S.C. § 284.

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10 **COUNT V**

11 **(INFRINGEMENT OF THE '352 PATENT)**

12 36. Tela re-alleges and incorporates by reference the allegations in the foregoing
13 paragraphs as if fully set forth herein. On November 4, 2008, the '352 Patent was duly and legally
14 issued for "Dynamic Array Architecture." The '352 Patent is in full force and effect. A true and
15 correct copy of the '352 Patent is attached hereto as Exhibit 9 and made part hereof.

16 37. Tela is the assignee and owner of the '352 Patent with the exclusive right to enforce
17 the '352 Patent against Defendants and the exclusive right to collect damages from Defendants for
18 infringement of the '352 Patent for all relevant times, including the right to prosecute this action.

19 38. On information and belief, Defendants – without authority, consent, right, or license –
20 directly infringe, and have directly infringed, one or more claims of the '352 Patent either literally
21 and/or under the doctrine of equivalents, without authority, consent, right, or license, by making,
22 using, offering to sell, or selling within the United States, or importing into the United States, the
23 Accused Products.

24 39. As shown in the claim chart attached hereto as Exhibit 10, the Accused Products
25 practice all elements of at least Asserted Claim 1 of the '352 Patent. Exhibit 10 is representative of
26 the manner of infringement of all of Defendants' Accused Products.

1 40. As a result of Defendants’ infringing conduct, Tela has suffered damages and will
2 continue to suffer damages in an amount that, by law, cannot be less than a reasonable royalty,
3 together with interest and costs as fixed by the Court under 35 U.S.C. § 284.

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5 **PRAYER FOR RELIEF**

6 Wherefore, Tela requests the following relief:

- 7 A. Judgment that Defendants directly infringe one or more claims of the ’966, ’012,
8 ’334, ’335, and ’352 Patents literally and/or under the doctrine of equivalents;
- 9 B. Judgment that Defendants be held liable and ordered to account for and pay to Tela:
 - 10 1. Damages adequate to compensate Tela for Defendants’ infringement of the
11 ’966, ’012, ’334, ’335, and ’352 Patents, in an amount no less than a
12 reasonable royalty, pursuant to 35 U.S.C. § 284;
 - 13 2. Tela’s pre-judgment and post-judgment interest and costs pursuant to 35
14 U.S.C. § 284; and
 - 15 3. Tela’s reasonable attorneys’ fees under 35 U.S.C. § 285;
- 16 C. Judgment and an Order permanently enjoining Defendants, their officers, agents,
17 employees, and those acting in privity with them, from further direct infringement of
18 the ’966, ’012, ’334, ’335, and ’352 Patents; and
- 19 D. Judgment that Tela be granted such other and further relief as the Court may deem
20 just and proper under the circumstances.

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22 **JURY TRIAL DEMANDED**

23 Tela hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil
24 Procedure.

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1 Dated December 19, 2018

By: /s/ Thomas F. Fitzpatrick

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