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9 TELA INNOVATIONS, INC.

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

TELA INNOVATIONS, INC.,)	CASE NO.
)	
Plaintiff,)	COMPLAINT FOR PATENT
)	INFRINGEMENT
v.)	
)	
ASUSTeK COMPUTER INC., ASUS)	DEMAND FOR JURY TRIAL
COMPUTER INTERNATIONAL,)	
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Tela Innovations, Inc. (“Tela” or “Plaintiff”) hereby submits its Complaint for Patent Infringement against Defendants ASUSTeK Computer Inc. and ASUS Computer International, (“ASUS” or “Defendants”) and alleges as follows:

NATURE OF ACTION

1. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to obtain damages resulting from Defendants’ unauthorized and ongoing actions, in the state of California and elsewhere, of making, having made, using, selling, having sold, 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 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 ASUSTeK Computer Inc.**

7 9. ASUSTeK Computer, Inc. is a foreign corporation organized and existing under the
 8 laws of Taiwan, with its principal place of business at No. 15, Li-Te Rd., Beitou District, Taipei 112,
 9 Taiwan.

10 **C. Defendant ASUS Computer International**

11 10. ASUS Computer International is a corporation organized and existing under the laws
 12 of the state of California, with its principal place of business located at 800 Corporate Way,
 13 Fremont, California 94539. Defendant ASUS Computer International is a subsidiary of or otherwise
 14 controlled by Respondent ASUSTeK Computer Inc. Defendant ASUS Computer International may
 15 be served through its registered agent for service of process – CT Corporation System, 818 West
 16 Seventh Street, Suite 930, Los Angeles, CA 90017.

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 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).
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COUNT I

(INFRINGEMENT OF THE '966 PATENT)

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

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

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

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

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

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

COUNT II

(INFRINGEMENT OF THE '012 PATENT)

20. Tela re-alleges and incorporates by reference the allegations in the foregoing 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.

Wherefore, Tela requests the following relief:

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

1 Dated December 19, 2018

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