

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

TELA INNOVATIONS, INC.,

Plaintiff,

v.

LENOVO GROUP LTD., AND LENOVO
(UNITED STATES) INC.,
Defendants

AMENDED COMPLAINT

Civil Action No.1:18-cv-02025-MN

JURY TRIAL DEMANDED

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Tela Innovations, Inc. (“Tela” or “Plaintiff”) hereby submits its Amended Complaint for Patent Infringement against Defendants Lenovo Group Ltd., and Lenovo (United States) Inc. (“Lenovo” 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 Delaware 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 tablets, all-in-one PCs, processors, notebooks, board-level computers, and servers, which contain an Intel microprocessor or printed circuit board using Intel’s Tri-Gate technology at a 22nm process node, a 14nm process node, or smaller and which infringe or enable the practice of one or more claims of Tela’s United States Patent Nos. 7,943,966 (“the ’966 Patent”); 7,948,012 (“the ’012 Patent”); 10,141,334 (“the ’334 Patent”); 10,141,335 (“the ’335 Patent”); 7,446,352 (“the ’352 Patent”); and 10,186,523 (“the ’523 Patent”) (collectively, the “Asserted Patents”).

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

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
'523	1-28

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 has made significant contributions towards developing its technology for use by private semiconductor manufacturing companies and by the United States government. Tela's continued success and investments in advancing its proprietary integrated

circuit designs depend, in part, on its ability to establish, maintain, and protect its proprietary technology through enforcement of its intellectual property rights.

B. Defendant Lenovo Group Ltd.

9. Lenovo Group Ltd. is a foreign corporation organized and existing under the laws of China, with its principal place of business at Shangdi Information Industry Base, No. 6 Chuang Ye Road, Haidian District, 100085 Beijing, China.

C. Defendant Lenovo (United States) Inc.

10. Lenovo (United States) Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1009 Think Place, Morrisville, NC 27560. Defendant Lenovo (United States) Inc. is a subsidiary of or otherwise controlled by Defendant Lenovo Group Ltd. Defendant Lenovo (United States) Inc. may be served through its registered agent for service of process – The Corporation Trust Company, Corporation Trust Center, 1209 Orange St, Wilmington, DE 19801.

JURISDICTION AND VENUE

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

12. Upon information and belief, Defendants are subject to personal jurisdiction in the District of Delaware at least because: (i) Defendant Lenovo (United States) Inc. is incorporated in Delaware; (ii) Defendants have committed, and are committing, acts of infringement in Delaware; and (iii) Defendants regularly do or solicit business, engage in other persistent courses of conduct, and/or derive substantial revenue from goods and services provided in Delaware.

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

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.

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

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

23. On information and belief, Defendants – without authority, consent, right, or license – directly infringe, and have directly infringed, one or more claims of the '012 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.

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

25. 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 III
(INFRINGEMENT OF THE '334 PATENT)

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

27. Tela is the assignee and owner of the '334 Patent with the exclusive right to enforce the '334 Patent against Defendants and the exclusive right to collect damages from Defendants for infringement of the '334 Patent for all relevant times, including the right to prosecute this action.

28. On information and belief, Defendants – without authority, consent, right, or license – directly infringe, and have directly infringed, one or more claims of the '334 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.

29. As shown in the claim chart attached hereto as Exhibit 6, the Accused Products practice all elements of at least Asserted Claim 1 of the '334 Patent. Exhibit 6 is representative of the manner of infringement of all of Defendants' Accused Products.

30. 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 IV
(INFRINGEMENT OF THE '335 PATENT)

31. Tela re-alleges and incorporates by reference the allegations in the foregoing paragraphs as if fully set forth herein. On November 27, 2018, the '335 Patent was duly and legally issued for "Semiconductor CIP Including Region Having Rectangular-Shaped Gate Structures and First Metal Structures." The '335 Patent is in full force and effect. A true and correct copy of the '335 Patent is attached hereto as Exhibit 7 and made part hereof.

32. Tela is the assignee and owner of the '335 Patent with the exclusive right to enforce the '335 Patent against Defendants and the exclusive right to collect damages from Defendants for infringement of the '335 Patent for all relevant times, including the right to prosecute this action.

33. On information and belief, Defendants – without authority, consent, right, or license – directly infringe, and have directly infringed, one or more claims of the '335 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.

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

35. 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 V
(INFRINGEMENT OF THE '352 PATENT)

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

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

38. On information and belief, Defendants – without authority, consent, right, or license – directly infringe, and have directly infringed, one or more claims of the '352 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.

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

40. 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 VI
(INFRINGEMENT OF THE '523 PATENT)

41. Tela re-alleges and incorporates by reference the allegations in the foregoing paragraphs as if fully set forth herein. On January 22, 2019, the '523 Patent was duly and legally

issued for “Semiconductor Chip Having Region Including Gate Electrode Features Formed In Part From Rectangular Layout Shapes On Gate Horizontal Grid and First-Metal Structures Formed In Part From Rectangular Layout Shapes On At Least Eight First-Metal Gridlines Of First-Metal Vertical Grid.” The ’523 Patent is in full force and effect. A true and correct copy of the ’523 Patent is attached hereto as Exhibit 11 and made part hereof.

42. Tela is the assignee and owner of the ’523 Patent with the exclusive right to enforce the ’523 Patent against Defendants and the exclusive right to collect damages from Defendants for infringement of the ’523 Patent for all relevant times, including the right to prosecute this action.

43. On information and belief, Defendants – without authority, consent, right, or license – directly infringe, and have directly infringed, one or more claims of the ’523 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.

44. As shown in the claim chart attached hereto as Exhibit 12, the Accused Products practice all elements of at least Asserted Claim 1 of the ’523 Patent. Exhibit 12 is representative of the manner of infringement of all of Defendants’ Accused Products.

45. 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.

PRAYER FOR RELIEF

Wherefore, Tela requests the following relief:

- A. Judgment that Defendants directly infringe one or more claims of the '966, '012, '334, '335, '352, and '523 Patents literally and/or under the doctrine of equivalents;
- B. Judgment that Defendants be held liable and ordered to account for and pay to Tela:
 - 1. Damages adequate to compensate Tela for Defendants' infringement of the '966, '012, '334, '335, '352, and '523 Patents, in an amount no less than a reasonable royalty, pursuant to 35 U.S.C. § 284;
 - 2. Tela's pre-judgment and post-judgment interest and costs pursuant to 35 U.S.C. § 284; and
 - 3. Tela's reasonable attorneys' fees under 35 U.S.C. § 285;
- C. Judgment and an Order permanently enjoining Defendants, their officers, agents, employees, and those acting in privity with them, from further direct and/or indirect infringement of the '966, '012, '334, '335, '352, and '523 Patents; and
- D. Judgment that Tela be granted such other and further relief as the Court may deem just and proper under the circumstances.

JURY TRIAL DEMANDED

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

Respectfully submitted,

/s/ James H. S. Levine

Douglas D. Herrmann (Del. Bar No. 4872)

James H. S. Levine (Del. Bar No. 5355)

Pepper Hamilton LLP

Hercules Plaza, Suite 5100

Of Counsel:

William D. Belanger*

Anthony H. Cataldo*

Gwendolyn Tawresey*
Griffin Mesmer*
PEPPER HAMILTON LLP
19th Floor, High Street Tower
125 High Street
Boston, MA 02110-2736
(617) 204-5100

1313 N. Market Street
Wilmington, DE 19899-1709
Telephone: 302.777.6500
Facsimile: 302.421.8390
herrmand@pepperlaw.com
levinejh@pepperlaw.com

Attorneys for Plaintiff Tela Innovations, Inc.

*To seek admission *pro hac vice*

Dated February 8, 2019