

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

Heritage IP LLC,

Plaintiff,

v.

Boston Scientific Corporation,

Defendant.

Case No. _____

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Heritage IP LLC (“Heritage” or “Plaintiff”) hereby asserts the following claims for patent infringement against Defendant Boston Scientific Corporation, (“Defendant”), and alleges as follows:

THE PARTIES

1. Plaintiff Heritage IP LLC is a Texas limited liability company with its principal place of business at 10900 Research Blvd, Ste 160C PMB 1042, Austin, TX 78759. Heritage is the owner of intellectual property rights at issue in this action.

2. On information and belief, Defendant is a Delaware corporation having a principal place of business at 657 Bryant St, San Francisco, CA 94107. Defendant may be served at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE.

3. On information and belief, Defendants directly and/or indirectly develops, designs, manufactures, distributes, markets, offers to sell and/or sells infringing products and services in the United States, including in the District of Delaware, and otherwise directs infringing activities to this District in connection with its products and services.

JURISDICTION AND VENUE

4. As this is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, this Court has subject matter jurisdiction over the matters asserted herein under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant, in part because Defendant does continuous and systematic business in this District, including by providing infringing products and services to the residents of the District of Delaware that Defendant knew would be used within this District, and by soliciting business from the residents of the District of Delaware. For example, Defendant is subject to personal jurisdiction in this Court because, *inter alia*, and on information and belief, Defendant is a Delaware corporation and directly and through agents regularly does, solicits, and transacts business in the District of Delaware.

6. In particular, Defendant has committed and continues to commit acts of infringement in violation of 35 U.S.C. § 271, and has made, used, marketed, distributed, offered for sale, sold, and/or imported infringing products in the State of Delaware, including in this District, and engaged in infringing conduct within and directed at or from this District.

7. Venue is proper in this District under the provisions of 28 U.S.C. § 1400(b) at least because Defendant has committed acts of infringement in this District and is a Delaware corporation.

THE '067 PATENT

8. U.S. Patent No. 6,854,067 (“the ‘067 Patent”) is entitled “Method and System for Interaction Between a Processor and a Power on Reset circuit to Dynamically Control Power States in a Microcontroller,” and was issued on February 8, 2005. A true and correct copy of the ‘067 Patent is attached as Exhibit 1.

9. The '067 Patent was filed on June 22, 2001 as U.S. Patent Application No. 09/887,923.

10. Heritage is the owner of all rights, title, and interest in and to the '067 Patent, with the full and exclusive right to bring suit to enforce the '067 Patent, including the right to recover for past infringement.

11. The '067 Patent is valid and enforceable under United States Patent Laws.

12. The '067 Patent recognized several problems with existing microcontrollers having Power on Reset (POR) circuits. Specifically, the prior art was “problematic because it either fails to address microcontroller power stability issues beyond initial boot-up POR, requires the dedication of existing system resources to address them, or requires the provision of additional resources to address them.” Exhibit 1 at 1:63-67.

13. For instance, the '067 Patent recognized that “[d]edicating existing resources, internal to the microcontroller, to sense, analyze, and react to post-booting power instability removes circuitry from other possible applications.” *Id.* at 2:4-7. “Further, these effectively internal control functions demand the expenditure of power, heat dissipation, logic, memory, and other System infrastructure and energy.” *Id.* at 2:7-9. “These finite System resources then become unavailable for executing the design external control functions of the microcontroller. Thus, microcontroller performance can Suffer.” *Id.* at 2:10-12.

14. The '067 Patent also recognized problems with providing additional resources (e.g. adding them into the microcontroller) made the microcontroller more expensive to manufacture and operate, “in terms of also demanding the additional expenditures of power, heat dissipation, logic, memory, and other System infrastructure and energy to meet an effectively internal control function, especially to achieve power control automatically.” *Id.* at 2:13-22.

15. To address one or more shortcomings of these existing microcontrollers, the '067 Patent discloses, *inter alia*, a “method and system which effectively functions to provide dynamic power control capabilities for a microcontroller.” The '067 Patent further discloses a method and system that retains the inherent advantages of existing POR and processor technology to accomplish the foregoing requirements with no extra demand on system resources or requirement for additional System resources. *Id.* at 2:52-63.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,854,067

16. Plaintiff incorporates the above paragraphs herein by reference.

17. **Direct Infringement.** Defendant has directly infringed at least claim 1 of the '067 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the “Exemplary Defendant Products”) that infringe at least claim 1 of the '067 Patent also identified in the charts incorporated into this Count below literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe at least claim 1 of the '067 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

18. Defendant also has directly infringed, literally or under the doctrine of equivalents, at least claim 1 of the '067 Patent Claims, by having its employees internally test and use these Exemplary Products.

19. Exhibit 2 includes charts comparing claim 1 of the '067 Patent to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the '067 Patent. Accordingly, the Exemplary

Defendant Products incorporated in these charts satisfy all elements of at least claim 1 of the '067 Patent.

20. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

21. Plaintiff is entitled to recover damages adequate to compensate for Defendants infringement.

PRAYER FOR RELIEF

WHEREFORE, Heritage respectfully requests:

A. That Judgment be entered that Defendant has infringed at least one or more claims of the '067 Patent, directly and/or indirectly, literally and/or under the doctrine of equivalents;

B. An award of damages sufficient to compensate Heritage for Defendant's infringement under 35 U.S.C. § 284, including an enhancement of damages on account of Defendant's willful infringement;

C. That the case be found exceptional under 35 U.S.C. § 285 and that Heritage be awarded its reasonable attorneys' fees;

D. Costs and expenses in this action;

E. An award of prejudgment and post-judgment interest; and

F. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Heritage respectfully demands a trial by jury on all issues triable by jury.

Respectfully submitted,

Dated: June 28, 2021

/s/ Jimmy Chong

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