

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

(1) O2 MICRO INTERNATIONAL LIMITED,

Plaintiff,

v.

(1) ROHM CO., LTD., (2) SONY CORPORATION,
(3) SONY EMCS CORPORATION, (4) SONY
CORPORATION OF AMERICA, and (5) SONY
ELECTRONICS INC.
Defendants.

Case No. 2:05-cv-00211 TJW

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, O2 Micro International Limited (“O₂ Micro”) for its Complaint against Defendants Rohm Co., Ltd., Sony Corporation, Sony EMCS Corporation, Sony Corporation of America and Sony Electronics Inc. (collectively, “Defendants”) alleges:

THE PARTIES

1. Plaintiff, O2 Micro International Limited, is a corporation duly organized and existing under the laws of the Cayman Islands, having a principal place of business in George Town, Grand Cayman, Cayman Islands.

2. Defendant Rohm Co., Ltd. is a company organized under the laws of Japan with its principal place of business at 21, Saiin Mizosaki-cho, Ukyo-ku, Kyoto 615-8585, Japan.

3. Defendant Sony Corporation is a company organized under the laws of Japan with its principal place of business at 7-35, Kitashinagawa 6-Chome, Shinagawa-ku, Tokyo 141-0001, Japan.

4. Defendant Sony EMCS Corporation is a company organized under the laws of Japan, having a principal place of business in Tokyo, Japan.

5. Defendant Sony Corporation of America is a New York corporation, having a principal place of business in New York, New York.

6. Defendant Sony Electronics Inc. is a Delaware corporation, having a principal place of business in San Diego, California.

JURISDICTION

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§. 1331 and 1338(a) because this action arises under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. § 271 *et seq.* The Court has personal jurisdiction over the Defendants in that the Defendants have established minimum contacts with the forum. Defendants have manufactured and/or assembled electronic products which are used, offered for sale, sold and have been purchased in Texas and this district. Moreover, Defendants have committed acts of infringement or induced or contributed others to commit acts of infringement in this judicial district. The exercise of jurisdiction over said Defendants would not offend traditional notions of fair play and substantial justice.

VENUE

8. Defendants do business in this district, including providing products which are sold in this judicial district. Venue is proper in this district pursuant to 28 U.S.C. §§ 1331, 1338(a), 1391(b), (c) and (d) and 1400(b).

INFRINGEMENT OF U.S. PATENT NO. 6,501,234

9. On December 31, 2002, United States Patent No. 6,501,234 (“the ‘234 patent”) was duly and legally issued to Yung-Lin Lin, Yu-Cheng Chang and Bingwei Yao for a Sequential Burst Mode Activation Circuit. All rights and interest in the ‘234 patent have been assigned to the plaintiff, O₂ Micro. A true and correct copy of the ‘234 patent is attached hereto as Exhibit A.

10. Upon information and belief, Defendants have infringed and continue to infringe the ‘234 patent. The infringing acts include at least the manufacture, use, sale, and/or offer for

sale of sequential burst mode activation, and inducing and contributing to the infringement of the '234 patent by others. Defendants are therefore liable for infringement of the '234 patent pursuant to 35 U.S.C. § 271.

11. Defendants' acts of infringement have caused damage to O₂ Micro, and O₂ Micro is entitled to recover from Defendants the damages sustained by O₂ Micro as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' infringement of O₂ Micro's rights under the '234 patent will continue to damage O₂ Micro's business, causing irreparable harm, for which there is no adequate remedy at law, unless Defendants are enjoined by this Court.

12. Upon information and belief, Defendants' infringement of the '234 patent is willful and deliberate, entitling O₂ Micro to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

INFRINGEMENT OF U.S. PATENT NO. 6,707,264

13. On March 16, 2004, United States Patent No. 6,707,264 ("the '264 patent") was duly and legally issued to Yung-Lin Lin, Yu-Cheng Chang and Bingwei Yao for a Sequential Burst Mode Activation Circuit. All rights and interest in the '264 patent have been assigned to the plaintiff, O₂ Micro. A true and correct copy of the '264 patent is attached hereto as Exhibit B.

14. Upon information and belief, Defendants have infringed and continue to infringe the '264 patent. The infringing acts include at least the manufacture, use, sale, and/or offer for sale of sequential burst mode activation, and inducing and contributing to the infringement of the '264 patent by others. Defendants are therefore liable for infringement of the '264 patent pursuant to 35 U.S.C. § 271.

15. Defendants' acts of infringement have caused damage to O₂ Micro, and O₂ Micro is entitled to recover from Defendants the damages sustained by O₂ Micro as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' infringement of O₂ Micro's rights under the '264 patent will continue to damage O₂ Micro's business, causing irreparable harm, for which there is no adequate remedy at law, unless Defendants are enjoined by this Court.

16. Upon information and belief, Defendants' infringement of the '264 patent is willful and deliberate, entitling O₂ Micro to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

INFRINGEMENT OF U.S. PATENT NO. 6,804,129

17. On October 12, 2004, United States Patent No. 6,804,129 ("the '129 patent") was duly and legally issued to Yung-Lin Lin for High-Efficiency Adaptive DC/AC Converter. All rights and interest in the '129 patent have been assigned to the plaintiff, O₂ Micro. A true and correct copy of the '129 patent is attached hereto as Exhibit C.

18. Upon information and belief, Defendants have infringed and continue to infringe the '129 patent. The infringing acts include at least the manufacture, use, sale, and/or offer for sale of products containing DC to AC converter circuits, and inducing and contributing to the infringement of the '129 patent by others. Defendants are therefore liable for infringement of the '129 patent pursuant to 35 U.S.C. § 271.

19. Defendants' acts of infringement have caused damage to O₂ Micro, and O₂ Micro is entitled to recover from Defendants the damages sustained by O₂ Micro as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' infringement of O₂ Micro's rights under the '129 patent will continue to damage O₂ Micro's business, causing irreparable harm, for which there is no adequate remedy at law, unless Defendants are enjoined by this Court.

20. Upon information and belief, Defendants' infringement of the '129 patent is willful and deliberate, entitling O₂ Micro to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

INFRINGEMENT OF U.S. PATENT NO. 6,259,615

21. On July 10, 2001, United States Patent No. 6,259,615 ("the '615 patent") was duly and legally issued to Yung-Lin Lin for a High Efficiency Adaptive DC/AC Converter. All rights and interest in the '615 patent have been assigned to the plaintiff, O₂ Micro. A true and correct copy of the '615 patent is attached hereto as Exhibit D.

22. Upon information and belief, Defendants Sony Corporation, Sony EMCS Corporation, Sony Corporation of America and Sony Electronics Inc. (collectively the “Sony Defendants”) have infringed and continue to infringe the ‘615 patent. The infringing acts include at least the manufacture, use, sale, and/or offer for sale of products containing DC to AC converter circuits, and inducing and contributing to the infringement of the ‘615 patent by others. The Sony Defendants are therefore liable for infringement of the ‘615 patent pursuant to 35 U.S.C. § 271.

23. The Sony Defendants’ acts of infringement have caused damage to O₂ Micro, and O₂ Micro is entitled to recover from the Sony Defendants the damages sustained by O₂ Micro as a result of the Sony Defendants’ wrongful acts in an amount subject to proof at trial. The Sony Defendants’ infringement of O₂ Micro’s rights under the ‘615 patent will continue to damage O₂ Micro’s business, causing irreparable harm, for which there is no adequate remedy at law, unless the Sony Defendants are enjoined by this Court.

24. Upon information and belief, the Sony Defendants’ infringement of the ‘615 patent is willful and deliberate, entitling O₂ Micro to increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

INFRINGEMENT OF U.S. PATENT NO. 6,396,722

25. On May 28, 2002, United States Patent No. 6,396,722 (“the ‘722 patent”) was duly and legally issued to Yung-Lin Lin for a High Efficiency Adaptive DC/AC Converter. All rights and interest in the ‘722 patent have been assigned to the plaintiff, O₂ Micro. A true and correct copy of the ‘722 patent is attached hereto as Exhibit E.

26. Upon information and belief, the Sony Defendants have infringed and continue to infringe the ‘722 patent. The infringing acts include at least the manufacture, use, sale, and/or offer for sale of products containing DC to AC converter, and inducing and contributing to the infringement of the ‘722 patent by others. The Sony Defendants are therefore liable for infringement of the ‘722 patent pursuant to 35 U.S.C. § 271.

27. The Sony Defendants’ acts of infringement have caused damage to O₂ Micro, and O₂ Micro is entitled to recover from the Sony Defendants the damages sustained by O₂ Micro as a result of the Sony Defendants’ wrongful acts in an amount subject to proof at trial. The Sony

Defendants' infringement of O₂ Micro's rights under the '722 patent will continue to damage O₂ Micro's business, causing irreparable harm, for which there is no adequate remedy at law, unless the Sony Defendants are enjoined by this Court.

28. Upon information and belief, the Sony Defendants' infringement of the '722 patent is willful and deliberate, entitling O₂ Micro to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

DEMAND FOR JURY TRIAL

29. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Local Rule CV-38, plaintiff demands a trial by jury of this action.

PRAYER FOR RELIEF

WHEREFORE, O₂ Micro prays for judgment and seeks relief against the Defendants as follows:

- (a) For judgment that the '234 patent, the '264 patent and the '129 patent have been and/or continue to be infringed by the Defendants;
- (b) For judgment that the '615 patent and '722 patent have been and/or continue to be infringed by the Sony Defendants;
- (b) For an accounting of all damages sustained by O₂ Micro as the result of Defendants' acts of infringement;
- (c) For preliminary and permanent injunctions enjoining the aforesaid acts of infringement by Defendants, their officers, agents, servants, employees, subsidiaries, successors, assigns and attorneys, and those persons acting in concert or participation with the Defendants, including related individuals and entities, customers, representatives, OEMs, dealers, distributors and importers;
- (d) For actual damages together with prejudgment interest, according to proof,
- (e) For enhanced damages pursuant to 35 U.S.C. § 284;
- (f) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (g) For all costs of suit; and
- (h) For such other and further relief as the Court may deem just and proper.

DATED: December 11, 2006

Respectfully submitted,

By: /s/ Otis W. Carroll w/permission by /s/Henry C. Su

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent to the following counsel of record by ECF and/or electronic mail (for filings) or by electronic mail and U.S. Mail (for discovery) on December 11, 2006.

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