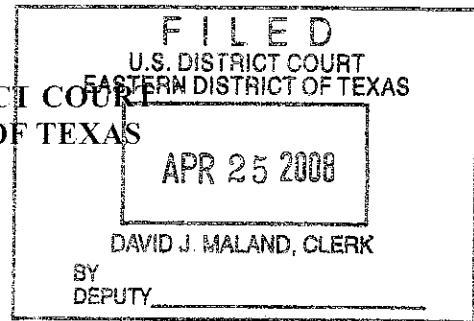


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION



(1) TECHNOLOGY PROPERTIES  
LIMITED and (2) PATRIOT SCIENTIFIC  
CORPORATION,

Plaintiffs,

vs.

(1) HTC CORPORATION  
(2) HTC AMERICA, INC. and  
(3) ASUSTeK COMPUTER, INC.,

Defendants.

CASE NO. 2-08 CV-174 *TJW*

**Jury Trial Demanded**

**COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL**

Plaintiffs, Technology Properties Limited ("TPL") and Patriot Scientific Corporation ("Patriot"), (collectively "Plaintiffs"), allege the following in support of their Complaint for Patent Infringement and Demand for Jury Trial ("Complaint") against Defendants, HTC Corporation ("HTC"), HTC America, Inc. ("HTC America"), and ASUSTeK Computer, Inc. ("ASUSTeK")

**PARTIES**

1. Plaintiff, Technology Properties Limited ("TPL") is a corporation duly organized and existing under the laws of the State of California and maintains its principal place of business in Cupertino, California

2. Plaintiff, Patriot Scientific Corporation ("Patriot") is a corporation duly organized and existing under the laws of the State of Delaware and maintains its principal place

of business in Carlsbad, California.

3. Upon information and belief, Defendant HTC Corporation is a Taiwan corporation with its principal place of business in Taoyuan, Taiwan, R.O.C.

4. Upon information and belief, Defendant HTC America, Inc. is a Texas corporation with its principal place of business in Bellevue, Washington.

5. Upon information and belief, Defendant ASUSTeK Computer, Inc. is a Taiwan corporation with its principal place of business in Taipei, Taiwan, R.O.C.

### **JURISDICTION**

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. §§ 101, *et seq.* and 271, *et seq.* This Court has personal jurisdiction over Defendants because they each infringe Plaintiffs' patent by offering on their websites infringing products to their users and/or customers who reside in, or may be found in, the Eastern District of Texas. Further, each Defendant has actually transacted business with users of their websites in the Eastern District of Texas.

### **VENUE**

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b) because Defendants reside in this district, have each committed acts of infringement in this district and, through their websites, have a regular and established place of business in this district.

### **GENERAL ALLEGATIONS**

8. On July 21, 1998, United States Patent No. 5,784,584 ("584 Patent") entitled "High Performance Microprocessor Using Instructions That Operate Within Instruction

Groups” was duly and legally issued. All rights and interest in the ‘584 Patent are co-owned by TPL and Patriot. TPL has the sole and exclusive right and obligation to license and enforce the ‘584 Patent. A true and correct copy of the ‘584 Patent is attached hereto as Exhibit A.

**COUNT 1**

(Patent Infringement Against HTC Corporation)

9. Paragraphs 1-8 of the Complaint set forth above are incorporated herein by reference.

10. Upon information and belief Defendant HTC has infringed and continues to infringe under 35 U.S.C. § 271 United States Patent No. 5,784,584.

11. HTC’s acts of infringement have caused damage to Plaintiffs. Under 35 U.S.C. § 284, Plaintiffs are entitled to recover from HTC the damages sustained by Plaintiffs as a result of its infringement of the ‘584 Patent. HTC’s infringement of Plaintiffs’ exclusive rights under the ‘584 Patent will continue to damage Plaintiffs’ business, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court under 35 U.S.C. § 283.

12. Plaintiffs allege, on information and belief, that HTC’s acts of infringement were willful and deliberate.

**COUNT 2**

(Patent Infringement Against HTC America, Inc )

13. Paragraphs 1-8 of the Complaint set forth above are incorporated herein by reference.

14. Upon information and belief Defendant HTC America has infringed and continues to infringe under 35 U.S.C. § 271 United States Patent No. 5,784,584.

15. HTC America’s acts of infringement have caused damage to Plaintiffs. Under 35

U.S.C. § 284, Plaintiffs are entitled to recover from HTC America the damages sustained by Plaintiffs as a result of its infringement of the '584 Patent. HTC America's infringement of Plaintiffs' exclusive rights under the '584 Patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court under 35 U.S.C. § 283.

16. Plaintiffs allege, on information and belief, that HTC America's acts of infringement were willful and deliberate.

### **COUNT 3**

(Patent Infringement Against ASUSTeK Computer, Inc.)

17 Paragraphs 1-8 of the Complaint set forth above are incorporated herein by reference

18 Upon information and belief Defendant ASUSTeK has infringed and continues to infringe under 35 U.S.C. § 271 United States Patent No. 5,784,584.

19. ASUSTeK's acts of infringement have caused damage to Plaintiffs. Under 35 U.S.C. § 284, Plaintiffs are entitled to recover from ASUSTeK the damages sustained by Plaintiffs as a result of its infringement of the '584 Patent. ASUSTeK's infringement of Plaintiffs' exclusive rights under the '584 Patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court under 35 U.S.C. § 283.

20 Plaintiffs allege, on information and belief, that ASUSTeK's acts of infringement were willful and deliberate.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment against

Defendants as follows:

A For judgment that Defendants HTC Corporation, HTC America, Inc. and ASUSTeK Computer, Inc have infringed and continue to infringe the '584 patent;

B For permanent injunctions under 35 U.S.C. § 283 against Defendants and their directors, officers, employees, agents, subsidiaries, parents, attorneys, and all persons acting in concert, on behalf of, in joint venture, or in partnership with Defendants from further acts of infringement;

C For damages to be paid by Defendants adequate to compensate Plaintiffs for their infringement, including interests, costs and disbursements as the Court may deem appropriate under 35 U.S.C. § 284;

D For judgment finding that Defendants infringement was willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284;

E For judgment finding this to be an exceptional case against Defendants and awarding Plaintiffs attorney fees under 35 U.S.C. § 285; and,

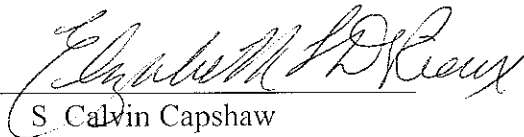
F For such other and further relief at law and in equity as the court may deem just and proper

**DEMAND FOR JURY TRIAL**

Pursuant to the Federal Rules of Civil Procedure Rule 38, Plaintiffs hereby demand a jury trial on all issues triable by jury

Dated: April 25, 2008

Respectfully submitted,

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