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★ AUG 07 2009 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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POWERTECH ASSOCIATION LLC,

Plaintiff,

- against -

09 3446

O2 MICRO INTERNATIONAL LTD.;
O2 MICRO INC.; TOSHIBA CORPORATION;
TOSHIBA AMERICA, INC.; VIEWSONIC
CORPORATION; SUMIDA CORPORATION;
and SUMIDA AMERICA INC.,

JURY TRIAL DEMANDED
VITALIANO, J.

Defendants.

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MANN, M.J.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Powertech Association LLC files this Complaint and demand for jury trial seeking relief for patent infringement by the Defendants. Powertech Association LLC states and alleges the following:

THE PARTIES

1. Plaintiff Powertech Association LLC ("Powertech") is a limited liability company organized and existing under the laws of the State of Delaware.
2. On information and belief, Defendant O2 Micro International Ltd. is a corporation organized under the laws of the Cayman Islands with its principal place of business at The Grand Pavilion, West Bay Road, PO Box 32331 SMB, George Town, Grand Cayman, Cayman Islands, but doing business throughout this judicial district and around the world.
3. On information and belief, O2 Micro Inc. is a corporation organized and existing under the laws of California with its principal place of business at 3118 Patrick Henry Drive,

Santa Clara, CA 95054. On information and belief, Defendant O2 Micro Inc. is a wholly owned subsidiary of O2 Micro International Ltd.

4. On information and belief, Defendant Toshiba Corporation is a corporation organized under the laws of the Japan with its principal place of business at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-8001, Japan, but doing business throughout this judicial district and around the world.

5. On information and belief, Toshiba America, Inc. is a corporation organized and existing under the laws of Delaware with its principal place of business at 1251 Avenue of the Americas, Suite 4110, New York, NY 10020. On information and belief, Defendant Toshiba America, Inc. is a wholly owned subsidiary of Toshiba Corporation.

6. On information and belief, Defendant ViewSonic Corporation is a corporation organized under the laws of the California with its principal place of business at 381 Brea Canyon Road, Walnut, CA 91789-0708, but doing business throughout this judicial district and around the world.

7. On information and belief, Defendant Sumida Corporation is a corporation organized under the laws of the Japan with its principal place of business at 1-6-6, Yaesu, Chuo-ku, Tokyo 103-8589, Japan, but doing business throughout this judicial district and around the world.

8. On information and belief, Sumida America Inc. is a corporation organized and existing under the laws of Delaware with its principal place of business at 1251 N. Plum Grove Road, Suite 150, Schaumburg, IL 60173. On information and belief, Defendant Sumida America Inc. is a wholly owned subsidiary of Sumida Corporation.

JURISDICTION AND VENUE

9. This is an 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 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. The Court has personal jurisdiction over Defendants O2 Micro International Ltd. and O2 Micro Inc. (collectively, "O2 Micro"); Toshiba Corporation and Toshiba America, Inc. (collectively, "Toshiba"); ViewSonic Corporation ("ViewSonic"); and Sumida Corporation and Sumida America Inc. (collectively, "Sumida") because they have committed acts of patent infringement in this judicial district. Defendants have placed infringing products into the stream of commerce by shipping those products into this judicial district (and other judicial districts) or knowing that such products would be shipped into this judicial district (and other judicial districts).

11. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because, among other reasons, Defendants are subject to personal jurisdiction in this judicial district and have committed acts of infringement in this judicial district.

FIRST CLAIM FOR RELIEF
INFRINGEMENT OF US PATENT NO. 6,979,959

12. Powertech restates and realleges paragraphs 1-11 of this Complaint.

13. On December 27, 2005, United States Patent No. 6,979,959 ("the '959 patent") entitled "Apparatus and method for striking a fluorescent lamp" was duly and legally issued by the United States Patent and Trademark Office. Powertech is the owner of the '959 patent by assignment of all right, title, and interest. A true and correct copy of the '959 patent is attached as Exhibit A.

14. O2 Micro has infringed and continues to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '959 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, integrated circuits used in CCFL drivers including but not limited to inverter controllers, such as OZ964, OZ9RR, OZ9925, OZ9936, OZ9910 and OZ9938 product families.

15. Toshiba has infringed and continues to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '959 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, electronics incorporating O2 Micro's integrated circuits, including but not limited to the Toshiba Satellite U405D-S2902 laptops, which include, e.g., a panel identified by part numbers LP133WX (TL) (N3), LGA9252MS83JH0626B1, and 13392C8237641 222D, and an inverter circuit board identified by part number IV10117/T-LF which includes an OZ9910.

16. ViewSonic has infringed and continues to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '959 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, electronics incorporating O2 Micro's integrated circuits, including but not limited to the ViewSonic N1930w HDTV/PC monitor combinations, which include, e.g., a panel identified by part numbers M190MWW1-401, I0S0MBM1904932610266, and MD19441066KS1KSV93Q0155, and an inverter circuit board identified by part number JT198MSP 2202140300P Rev 1.00, which includes an OZ9938.

17. Sumida has infringed and continues to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '959 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, inverter circuit boards incorporating O2 Micro's integrated circuits, including but not limited to the Sumida IV10117/T-LF.

18. Powertech has been damaged and has suffered irreparable injury due to Defendants' unlawful infringement of the '959 patent, and Powertech will continue to suffer irreparable harm and damages unless Defendants' activities are enjoined.

19. On information and belief, O2 Micro has knowledge of the '959 patent because O2 Micro routinely monitors patents issued by its competitors, one of which is Microsemi Corporation, the original assignee of the '959 patent.

SECOND CLAIM FOR RELIEF
INFRINGEMENT OF US PATENT NO. 7,279,852

20. Powertech restates and realleges paragraphs 1-11 of this Complaint.

21. On October 9, 2007, United States Patent No. 7,279,852 ("the '852 patent") entitled "Apparatus and method for striking a fluorescent lamp" was duly and legally issued by the United States Patent and Trademark Office. Powertech is the owner of the '852 patent by assignment of all right, title, and interest. A true and correct copy of the '852 patent is attached as Exhibit B.

22. O2 Micro has infringed and continues to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '852 patent under 35 U.S.C. § 271, by making, using, selling and/or offering to sell within and/or importing into the United States, including this judicial district, integrated circuits used in CCFL drivers

including but not limited to inverter controllers, such as OZ964, OZ9RR, OZ9925, OZ9936, OZ9910 and OZ9938 product families.

23. Toshiba has infringed and continues to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '852 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, electronics incorporating O2 Micro's integrated circuits, including but not limited to the Toshiba Satellite U405D-S2902 laptop, which include, e.g., a panel identified by part numbers LP133WX (TL) (N3), LGA9252MS83JH0626B1, and 13392C8237641 222D, and an inverter circuit board identified by part number IV10117/T-LF which includes an OZ9910.

24. ViewSonic has infringed and continues to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '852 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, electronics incorporating O2 Micro's integrated circuits, including but not limited to the ViewSonic N1930w HDTV/PC monitor combinations, which include, e.g., a panel identified by part numbers M190MWW1-401, IOS0MBM1904932610266, and MD19441066KS1KSV93Q0155, and an inverter circuit board identified by part number JT198MSP 2202140300P Rev 1.00, which includes an OZ9938.

25. Sumida has infringed and continues to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '852 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, inverter circuit boards incorporating O2 Micro's integrated circuits, including but not limited to the Sumida IV10117/T-LF.

26. Powertech has been damaged and has suffered irreparable injury due to Defendants' unlawful infringement of the '852 patent, and Powertech will continue to suffer irreparable harm and damages unless Defendants' activities are enjoined.

27. On information and belief, O2 Micro has knowledge of the '852 patent because O2 Micro routinely monitors patents issued by its competitors, one of which is Microsemi Corporation, the original assignee of the '852 patent.

THIRD CLAIM FOR RELIEF
INFRINGEMENT OF US PATENT NO. 7,411,360

28. Powertech restates and realleges paragraphs 1-11 of this Complaint.

29. On August 12, 2008, United States Patent No. 7,411,360 ("the '360 patent") entitled "Apparatus and method for striking a fluorescent lamp" was duly and legally issued by the United States Patent and Trademark Office. Powertech is the owner of the '360 patent by assignment of all right, title, and interest. A true and correct copy of the '360 patent is attached as Exhibit C.

30. O2 Micro has infringed and continues to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '360 patent under 35 U.S.C. § 271, by making, using, selling and/or offering to sell within and/or importing into the United States, including this judicial district, integrated circuits used in CCFL drivers including but not limited to inverter controllers, such as OZ964, OZ9RR, OZ9925, OZ9936, OZ9910 and OZ9938 product families.

31. Toshiba has infringed and continues to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '360 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, electronics incorporating O2 Micro's integrated circuits,

including but not limited to the Toshiba Satellite U405D-S2902 laptop, which include, e.g., a panel identified by part numbers LP133WX (TL) (N3), LGA9252MS83JH0626B1, and 13392C8237641 222D, and an inverter circuit board identified by part number IV10117/T-LF which includes an OZ9910.

32. ViewSonic has infringed and continues to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '360 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, electronics incorporating O2 Micro's integrated circuits, including but not limited to the ViewSonic N1930w HDTV/PC monitor combinations, which include, e.g., a panel identified by part numbers M190MWW1-401, I0S0MBM1904932610266, and MD19441066KS1KSV93Q0155, and an inverter circuit board identified by part number JT198MSP 2202140300P Rev 1.00, which includes an OZ9938.

33. Sumida has infringed and continues to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '360 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, inverter circuit boards incorporating O2 Micro's integrated circuits, including but not limited to the Sumida IV10117/T-LF.

34. Powertech has been damaged and has suffered irreparable injury due to Defendants' unlawful infringement of the '360 patent, and Powertech will continue to suffer irreparable harm and damages unless Defendants' activities are enjoined.

35. On information and belief, O2 Micro has knowledge of the '360 patent because O2 Micro routinely monitors patents issued by its competitors, one of which is Microsemi Corporation, the original assignee of the '360 patent.

PRAYER FOR RELIEF

WHEREFORE, Powertech respectfully requests that this Court enter judgment and provide relief as follows:

- (1) That Defendants have infringed the '959 patent, the '852 patent, and the '360 patent;
- (2) That Defendants and their officers, agents, servants, employees, and all persons in active concert or participation with them directly or indirectly, be enjoined from infringing the '959 patent, the '852 patent, and the '360 patent;
- (3) That Defendants be ordered to account for and pay to Powertech the damages resulting from Defendants' infringement of the '959 patent, the '852 patent, and the '360 patent, together with interest and costs, and all other damages permitted by 35 U.S.C. § 284, including enhanced damages up to three times the amount of damages found or measured;
- (4) That this action be adjudged an exception case and Powertech be awarded its attorneys' fees, expenses, and costs in this action pursuant to 35 U.S.C. § 285; and
- (5) That Powertech be awarded such other equitable or legal relief as this Court deems just and proper under the circumstances.

JURY TRIAL DEMAND

Powertech demands a trial by jury on all issues so triable.

Dated: August 7, 2009

FISH & RICHARDSON P.C.

By: _____



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