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TOWNSHEND INTELLECTUAL PROPERTY, L.L.C.,
A California L.L.C.

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Fees Pd.

#9

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C06-05118 HRL

TOWNSHEND INTELLECTUAL PROPERTY,
L.L.C., a California L.L.C.,

Plaintiff,

v.

BROADCOM CORPORATION, a California
corporation,

Defendant.

No.

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

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BW

COMPLAINT

Plaintiff Townsend Intellectual Property L.L.C. ("Townshend") hereby alleges for its Complaint against defendant Broadcom Corporation ("Broadcom"), on personal knowledge as to its own activities and on information and belief as to the activities of others, as follows:

The Parties

1. Townshend is a California limited liability company with its principal office at 1040 Noel Drive, Suite 102, Menlo Park, California 94025. Dr. Brent Townshend is the

1 Managing Member of Townshend Intellectual Property L.L.C. Dr. Townshend holds a Ph.D. in
 2 Electrical Engineering and has been a Consulting Professor of Electrical Engineering at Stanford
 3 University; he is also an independent inventor. Townshend is the owner by assignment of
 4 Dr. Townshend's patents asserted in this action. The Assignment Agreement is attached hereto
 5 as Exhibit A.

6 2. Broadcom is a California corporation with its principal place of business at 16215
 7 Alton Parkway, Irvine, California 92618. Broadcom also maintains offices and has a regular and
 8 established place of business in this judicial district at 3151 Zanker Road, San Jose, California
 9 95134 and 2451 Mission College Blvd. Santa Clara, California 95054. According to
 10 Broadcom's website, "Broadcom Corporation is a global leader in semiconductors for wired and
 11 wireless communications . . . Broadcom provides the industry's broadest portfolio of state-of-the-
 12 art system-on-a-chip and software solutions to manufacturers of computing and networking
 13 equipment, digital entertainment and broadband access products, and mobile devices."

14 **Jurisdiction and Venue**

15 3. This Court has jurisdiction over the subject matter of this case pursuant to 28
 16 U.S.C. § 1338(a) because this is a claim for patent infringement arising under the patent laws of
 17 the United States, 35 U.S.C. §§ 1 *et seq.*

18 4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

19 **Intra-district Assignment**

20 5. This is an action for patent infringement; therefore, according to Civil L.R. 3-2(c),
 21 it may be assigned on a district-wide basis.

22 **Background**

23 6. Dr. Townshend is the inventor of several U.S. patents, including U.S. Patent Nos.
 24 5,809,075; 5,801,695; 5,589,872; 5,970,103; 6,400,770; 6,233,284; and 6,233,275 (collectively,
 25 the "patents in suit").

26 7. Dr. Townshend's inventions have enabled a fundamental increase in the speed by
 27 which data can be transmitted over ordinary telephone lines, such as when a personal computer
 28 user at home connects to the Internet using a modem. Until Dr. Townshend's invention of this

1 technology, engineers and scientists believed that a long-accepted principle, known as
 2 “Shannon’s Theorem,” precluded data transmission over ordinary telephone lines at rates faster
 3 that 35,000 bits per second (or “35 Kbps”). Dr. Townshend’s groundbreaking discoveries
 4 enabled much faster data transmission, at rates of up to 56,000 bits per second (“56 Kbps,” or
 5 simply “56K”). Certain of Dr. Townshend’s inventions are embodied in consumer devices
 6 known generically as “56K modems,” “V.90 modems,” or “V.92 modems” and which are
 7 included in most personal computers sold today. Dr. Townshend’s inventions have contributed
 8 to making high-speed Internet communications a reality for many of today’s personal computer
 9 users.

10 **First Claim**

11 **(Infringement of U.S. Patent No. 5,809,075)**

12 8. Townshend repeats the allegations contained in the paragraphs above.

13 9. Townshend is the owner of United States Patent No. 5,809,075 (“the ‘075
 14 patent”), entitled “High Speed Communications System for Analog Subscriber Connections.”
 15 The patent is attached hereto as Exhibit B.

16 10. Defendants’ V.90-compliant and/or V.92-compliant products, including, but not
 17 limited to, products having or including model numbers BCM4210, BCM4211, BCM4212,
 18 BCM4212KQL, BCM4302, BCM4306, BCM4307, BCM4402, BCM4413, BCM4610,
 19 BCM47xx, BCM7115, BCM9415, BCM9415M, BCM93740, BCM94210, BCM94211, and
 20 BCM94212, infringe the ‘075 patent either directly, contributorily, and/or by inducement, in
 21 violation of 35 U.S.C. § 271.

22 11. On information and belief, such infringement has been willful and deliberate.

23 12. Unless enjoined by this Court, Broadcom will continue to infringe the ‘075 patent,
 24 and Townshend will suffer damages and irreparable harm.

25 **Second Claim**

26 **(Infringement of U.S. Patent No. 5,801,695)**

27 13. Townshend repeats the allegations contained in the paragraphs above.

28 14. Townshend is the owner of United States Patent No. 5,801,695 (“the ‘695

1 patent”), entitled “High Speed Communications System for Analog Subscriber Connections.”

2 The patent is attached hereto as Exhibit C.

3 15. Defendants’ V.90-compliant and/or V.92-compliant products, including, but not
4 limited to, products having or including model numbers BCM4210, BCM4211, BCM4212,
5 BCM4212KQL, BCM4302, BCM4306, BCM4307, BCM4402, BCM4413, BCM4610,
6 BCM47xx, BCM7115, BCM9415, BCM9415M, BCM93740, BCM94210, BCM94211, and
7 BCM94212, infringe the ‘695 patent either directly, contributorily, and/or by inducement, in
8 violation of 35 U.S.C. § 271.

9 16. On information and belief, such infringement has been willful and deliberate.

10 17. Unless enjoined by this Court, Broadcom will continue to infringe the ‘695 patent,
11 and Townshend will suffer damages and irreparable harm.

12 **Third Claim**

13 **(Infringement of U.S. Patent No. 5,859,872)**

14 18. Townshend repeats the allegations contained in the paragraphs above.

15 19. Townshend is the owner of United States Patent No. 5,859,872 (“the ‘872
16 patent”), entitled “High Speed Communications System for Analog Subscriber Connections.”
17 The patent is attached hereto as Exhibit D.

18 20. Defendants’ V.90-compliant and/or V.92-compliant products, including, but not
19 limited to, products having or including model numbers BCM4210, BCM4211, BCM4212,
20 BCM4212KQL, BCM4302, BCM4306, BCM4307, BCM4402, BCM4413, BCM4610,
21 BCM47xx, BCM7115, BCM9415, BCM9415M, BCM93740, BCM94210, BCM94211, and
22 BCM94212, infringe the ‘872 patent either directly, contributorily, and/or by inducement, in
23 violation of 35 U.S.C. § 271.

24 21. On information and belief, such infringement has been willful and deliberate.

25 22. Unless enjoined by this Court, Broadcom will continue to infringe the ‘872 patent,
26 and Townshend will suffer damages and irreparable harm.

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Fourth Claim

(Infringement of U.S. Patent No. 5,970,103)

23. Townshend repeats the allegations contained in the paragraphs above.

24. Townshend is the owner of United States Patent No. 5,970,103 (“the ‘103 patent”), entitled “High Speed Communications System for Analog Subscriber Connections.” The patent is attached hereto as Exhibit E.

25. Defendants’ V.90-compliant and/or V.92-compliant products, including, but not limited to, products having or including model numbers BCM4210, BCM4211, BCM4212, BCM4212KQL, BCM4302, BCM4306, BCM4307, BCM4402, BCM4413, BCM4610, BCM47xx, BCM7115, BCM9415, BCM9415M, BCM93740, BCM94210, BCM94211, and BCM94212, infringe the ‘103 patent] either directly, contributorily, and/or by inducement, in violation of 35 U.S.C. § 271.

26. On information and belief, such infringement has been willful and deliberate.

27. Unless enjoined by this Court, Broadcom will continue to infringe the ‘103 patent, and Townshend will suffer damages and irreparable harm.

Fifth Claim

(Infringement of U.S. Patent No. 6,400,770)

28. Townshend repeats the allegations contained in the paragraphs above.

29. Townshend is the owner of United States Patent No. 6,400,770 (“the ‘770 patent”), entitled “High Speed Encoding and Decoding Methods for Analog Subscriber Connections.” The patent is attached hereto as Exhibit F.

30. Defendants’ V.90-compliant and/or V.92-compliant products, including, but not limited to, products having or including model numbers BCM4210, BCM4211, BCM4212, BCM4212KQL, BCM4302, BCM4306, BCM4307, BCM4402, BCM4413, BCM4610, BCM47xx, BCM7115, BCM9415, BCM9415M, BCM93740, BCM94210, BCM94211, and BCM94212, infringe the ‘770 patent either directly, contributorily, and/or by inducement, in violation of 35 U.S.C. § 271.

31. On information and belief, such infringement has been willful and deliberate.

1 Unless enjoined by this Court, Broadcom will continue to infringe the '770 patent, and
2 Townshend will suffer damages and irreparable harm.

3 **Sixth Claim**

4 **(Infringement of U.S. Patent No. 6,233,284)**

5 32. Townshend repeats the allegations contained in the paragraphs above.

6 33. Townshend is the owner of United States Patent No. 6,233,284 ("the '284
7 patent"), entitled "High Speed Communications System for Analog Subscriber Connections."
8 The patent is attached hereto as Exhibit G.

9 34. Defendants' V.90-compliant and/or V.92-compliant products, including, but not
10 limited to, products having or including model numbers BCM4210, BCM4211, BCM4212,
11 BCM4212KQL, BCM4302, BCM4306, BCM4307, BCM4402, BCM4413, BCM4610,
12 BCM47xx, BCM7115, BCM9415, BCM9415M, BCM93740, BCM94210, BCM94211, and
13 BCM94212, infringe the '284 patent either directly, contributorily, and/or by inducement, in
14 violation of 35 U.S.C. § 271.

15 35. On information and belief, such infringement has been willful and deliberate.

16 36. Unless enjoined by this Court, Broadcom will continue to infringe the '284 patent,
17 and Townshend will suffer damages and irreparable harm.

18 **Seventh Claim**

19 **(Infringement of U.S. Patent No. 6,233,275)**

20 37. Townshend repeats the allegations contained in the paragraphs above.

21 38. Townshend is the owner of United States Patent No. 6,233,275 ("the '275
22 patent"), entitled "High Speed Encoding and Decoding Methods for Analog Subscriber
23 Connections." The patent is attached hereto as Exhibit H.

24 39. Defendants' V.90-compliant and/or V.92-compliant products, including, but not
25 limited to, products having or including model numbers BCM4210, BCM4211, BCM4212,
26 BCM4212KQL, BCM4302, BCM4306, BCM4307, BCM4402, BCM4413, BCM4610,
27 BCM47xx, BCM7115, BCM9415, BCM9415M, BCM93740, BCM94210, BCM94211, and
28 BCM94212, infringe the '275 patent either directly, contributorily, and/or by inducement, in

1 violation of 35 U.S.C. § 271.

2 40. On information and belief, such infringement has been willful and deliberate.

3 41. Unless enjoined by this Court, Broadcom will continue to infringe the '275 patent,
4 and Townshend will suffer damages and irreparable harm.

5 **Certification of Interested Entities or Persons Pursuant to Civil L.R. 3-16**

6 42. Pursuant to Civil L.R. 3-16, the undersigned certifies that the following listed
7 persons, firms, partnerships, corporations (including parent corporations) or other entities
8 (i) have a financial interest in the subject matter in controversy or in a party to the proceeding, or
9 (ii) have a non-financial interest in that subject matter or in a party that could be substantially
10 affected by the outcome of this proceeding: 3Com Corporation (potential beneficiary of a portion
11 of any award or settlement); and Peninsula Community Foundation Corporation, Dr. Brent
12 Townshend, and Townshend/Lamarre Family Trust (members of Townshend Intellectual
13 Property LLC).

14 **Requested Relief**

15 43. WHEREFORE, Townshend requests that the Court enter judgment in its favor
16 and against Broadcom as follows:

17 (a) Granting preliminary and permanent injunctions enjoining Broadcom , its
18 officers, agents, representatives, distributors, employees, affiliates, parent and subsidiary
19 corporations, and all those in privity or acting in concert with Broadcom , from further
20 infringing, contributing to and/or inducing the infringement of the patents in suit;

21 (b) Awarding compensatory damages to Townshend according to proof at
22 trial;

23 (c) Awarding treble damages to Townshend pursuant to 35 U.S.C. § 284;

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(d) Awarding attorneys' fees to Townshend pursuant to 35 U.S.C. § 285;

(e) Such other relief as the Court deems proper.

Dated: August 22, 2006

BINGHAM McCUTCHEN LLP

By: 
William F. Abrams
Attorney for Plaintiff
TOWNSHEND INTELLECTUAL
PROPERTY, L.L.C.

Jury Trial Demanded

Plaintiff Townshend Intellectual Property, L.L.C. hereby demands a jury trial pursuant to Federal Rule of Civil Procedure 38.

Dated: August 22, 2006

BINGHAM McCUTCHEN LLP

By: William F. Abrams

William F. Abrams
Attorney for Plaintiff
TOWNSHEND INTELLECTUAL
PROPERTY, L.L.C.