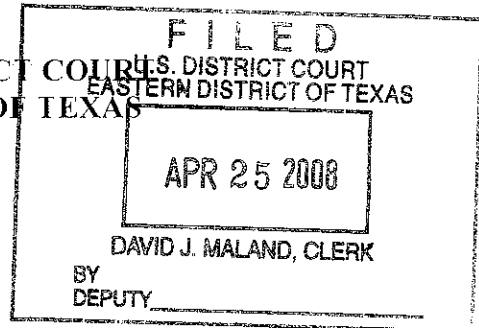


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION



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

Plaintiffs,

vs

(1) HTC CORPORATION and (2) HTC AMERICA, INC.,

Defendants.

CASE NO. 2-08 CV-172 DF

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”) and HTC America, Inc. (“HTC America”)

**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.

### **JURISDICTION**

5 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' patents 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**

6. 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**

7 On September 15, 1998, United States Patent No. 5,809,336 ('336 Patent') entitled "High Performance Microprocessor Having Variable Speed System Clock" was duly and legally issued. All rights and interest in the '336 Patent are co-owned by TPL and Patriot Scientific Corporation. TPL has the sole and exclusive right and obligation to license and

enforce the '336 Patent. A true and correct copy of the '336 Patent is attached hereto as Exhibit A.

8. On August 8, 1995, United States Patent No. 5,440,749 ("749 Patent") entitled "High Performance, Low Cost Microprocessor Architecture" was duly and legally issued. All rights and interest in the '749 Patent are co-owned by TPL and Patriot. TPL has the sole and exclusive right and obligation to license and enforce the '749 Patent. A true and correct copy of the '749 Patent is attached hereto as Exhibit B.

9. On July 22, 2003, United States Patent No. 6,598,148 ('148 Patent") entitled "High Performance Microprocessor Having Variable Speed System Clock" was duly and legally issued. All rights and interest in the '148 Patent are co-owned by TPL and Patriot. TPL has the sole and exclusive right and obligation to license and enforce the '148 Patent. A true and correct copy of the '148 Patent is attached hereto as Exhibit C.

### COUNT 1

(Patent Infringement Against HTC Corporation)

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

11. Upon information and belief Defendant HTC has infringed and continues to infringe under 35 U.S.C. § 271 the '336 Patent, '749 Patent, and '148 Patent (collectively, "patents-in-suit").

12. HTC's acts of infringement have caused damage to Plaintiffs. Under 35 U.S.C. § 284, TPL and Patriot are entitled to recover from HTC the damages sustained by Plaintiffs as a result of its infringement of the patents-in-suit. HTC's infringement of Plaintiffs' exclusive rights under the patents-in-suit 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

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

**COUNT 2**

(Patent Infringement Against HTC America, Inc.)

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

15. Upon information and belief Defendant HTC America has infringed and continues to infringe under 35 U.S.C. § 271 the '336 Patent, '749 Patent, and '148 Patent (collectively "patents-in-suit")

16. HTC America's acts of infringement have caused damage to Plaintiffs. Under 35 U.S.C. § 284, TPL and Patriot are entitled to recover from HTC America the damages sustained by Plaintiffs as a result of its infringement of the patents-in-suit. HTC America's infringement of Plaintiffs' exclusive rights under the patents-in-suit 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.

17. Plaintiffs allege, on information and belief, that HTC America'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 and HTC America, Inc. have

infringed and continue to infringe the patents-in-suit;

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,

By: 

S. Calvin Capshaw  
State Bar No. 03783900  
Email: [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)  
Elizabeth L. DeRieux  
State Bar No. 05770585  
Email: [ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com)  
Capshaw DeRieux, LLP  
1127 Judson Road, Suite 220  
Longview, TX 75601  
Telephone: (903) 236-9800  
Facsimile: (903) 236-8787

Robert E. Krebs  
California Bar No. 57526  
Email: [rkrebs@thelen.com](mailto:rkrebs@thelen.com)  
Christopher L. Ogden  
California Bar No. 235517  
Email: [cogden@thelen.com](mailto:cogden@thelen.com)  
Thelen Reid Brown Raysman & Steiner, LLP  
225 West Santa Clara Street, Suite 1200  
San Jose, CA 95113-1723  
Telephone: (408) 292-5800  
Facsimile: (408) 287-8040

Ronald F. Lopez  
California Bar No. 11756  
Email: [rflopez@thelen.com](mailto:rflopez@thelen.com)  
Thelen Reid Brown Raysman & Steiner, LLP  
101 Second Street, Suite 1800  
San Francisco, CA 94105-3606  
Telephone: (415) 371-1200  
Facsimile: (415) 371-1211

ATTORNEYS FOR PLAINTIFF  
TECHNOLOGY PROPERTIES LIMITED

By: Charles T Hoge by permission  
*EJD*

Robert M Parker  
State Bar No. 15498000  
Email: [rmparker@pbatyler.com](mailto:rmparker@pbatyler.com)  
Robert Christopher Bunt  
State Bar No. 00787165  
Email: [rcbunt@pbatyler.com](mailto:rcbunt@pbatyler.com)  
Parker, Bunt & Ainsworth, P.C.  
100 East Ferguson, Ste. 1114  
Tyler, TX 75702  
Telephone: (903) 531-3535  
Facsimile: (903) 533-9687

Charles I. Hoge  
California Bar No. 110696  
Email: [choge@knlh.com](mailto:choge@knlh.com)  
Kirby Noonan Lance & Hoge, LLP  
350 Tenth Avenue, Suite 1300  
San Diego, CA 92101  
Telephone: (619) 231-8666  
Facsimile: (619) 231-9593

ATTORNEYS FOR PLAINTIFF  
PATRIOT SCIENTIFIC CORPORATION