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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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FUZZYSHARP TECHNOLOGIES
INCORPORATED,

C 07 2262
Civil Action No.

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Plaintiff,

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

16

vs.

17

S3 GRAPHICS CO., LTD.

18

Defendant.

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NOW COMES Plaintiff, FUZZYSHARP TECHNOLOGIES INCORPORATED

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("FST"), through its attorneys, and files this Complaint for Patent Infringement and Demand for Jury Trial against S3 GRAPHICS CO., LTD. ("S3"), and in support thereof Plaintiff FST states as follows:

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JURISDICTION AND VENUE

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1. This is an action for patent infringement of United States Patent No. 6,172,679

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(hereinafter "the '679 Patent"), and United States Patent No. 6,618,047 (hereinafter "the '047

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Patent") pursuant to the laws of the United States of America as set forth in Title 35 Sections

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271 and 281 of the United States Code. This court has subject matter jurisdiction over this action

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pursuant to 28 U.S.C. Sec. 1338(a) and 28 U.S.C. Sec. 1331.

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FILED
07 APR 25 PM 2:46
CLERK OF U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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E-Filing

EDL

- 1 2. Venue is proper in this judicial district under 28 U.S.C. § 1391(d).
2 3. Plaintiff FST, is a corporation organized under the laws of the State of Nevada.
3 4. Defendant S3, is a corporation organized under the laws of the State of California.

4 **INTRADISTRICT ASSIGNMENT**

5 5. This is an action for Patent Infringement, which is an excepted category under
6 Civil L.R. 3-2(c). Pursuant to Civil L.R. 3-2(c), this action is assigned on a district-wide basis.

7 **CAUSES OF ACTION FOR PATENT INFRINGEMENT**

8 6. On January 9, 2001, the '679 Patent entitled "VISIBILITY CALCULATIONS
9 FOR 3D COMPUTER GRAPHICS", was duly and legally issued to Hong Lip Lim, as the sole
10 patentee.

11 7. The '679 Patent was assigned entirely to Plaintiff FST

12 8. Plaintiff FST is the sole owner of the '679 Patent, and has standing to bring this
13 action.

14 9. On September 9, 2003, the '047 Patent entitled "VISIBILITY CALCULATIONS
15 FOR 3D COMPUTER GRAPHICS", was duly and legally issued to Hong Lip Lim, as the sole
16 patentee.

17 10. The '047 Patent was assigned entirely to FST.

18 11. In September 2004, Defendant S3 was notified that specific products it was
19 selling resulted in infringement of the '679 Patent and the '047 Patent when incorporated into a
20 video graphics board.

21 **COUNT ONE**

22 12. Plaintiff FST, repeats and incorporates herein the allegations contained in
23 paragraphs 1 through 11 above.

24 13. Defendant S3 is engaged in direct infringement of at least claim 1 of the '679
25 Patent pursuant to 35 U.S.C. § 271(a), in its use, development and testing of products in the
26 United States. The Defendant S3 infringing products are at least as follows: GammaChrome, and
27 DeltaChrome.
28

1 **COUNT TWO**

2 14. Plaintiff FST, repeats and incorporates herein the allegations contained in
3 paragraphs 1 through 11 above.

4 15. Defendant S3 is engaged in contributory infringement of at least claim 1 of the
5 '679 Patent pursuant to 35 U.S.C. § 271(c), by offering to sell and selling within the United
6 States, products and associated software drivers. The S3 products are at least the following:
7 GammaChrome, and DeltaChrome.

8 **COUNT THREE**

9 16. Plaintiff FST, repeats and incorporates herein the allegations contained in
10 paragraphs 1 through 11 above.

11 17. Defendant S3 is actively inducing the infringement of at least claim 1 of the '679
12 Patent pursuant to 35 U.S.C. § 271(b), by engaging in activities that induce others in the United
13 States to purchase the S3 products and to operate them in such a manner to practice the claimed
14 methods. Defendant S3 further induces developers to develop applications that take advantage of
15 specific API driver functions that include the visibility queries that when used in conjunction
16 with the specified S3 products, practice the claimed methods. The Defendant S3 products are as
17 follows: GammaChrome, and DeltaChrome.

18 **COUNT FOUR**

19 18. Plaintiff, FST, repeats and incorporates herein the allegations contained in
20 paragraphs 1 through 12 above.

21 19. Defendant S3 is engaged in direct infringement of at least claim 12 of the '047
22 Patent pursuant to 35 U.S.C. § 271(a), in its use, development and testing of products in the
23 United States. The Defendant S3 infringing products are at least as follows: GammaChrome, and
24 DeltaChrome.

25 **COUNT FIVE**

26 20. Plaintiff, FST, repeats and incorporates herein the allegations contained in
27 paragraphs 1 through 11 above.

28 21. Defendant S3 is engaged in contributory infringement of at least claim 12 of the

1 '047 Patent pursuant to 35 U.S.C. § 271(c), by offering to sell and selling within the United
2 States, products and associated software drivers. The Defendant S3 products are as follows:
3 GammaChrome, and DeltaChrome.

4 **COUNT SIX**

5 22. Plaintiff FST, repeats and incorporates herein the allegations contained in
6 paragraphs 1 through 11 above.

7 23. Defendant S3 is actively inducing the infringement of at least claim 12 of the '047
8 Patent pursuant to 35 U.S.C. § 271(b), by engaging in activities that induce others in the United
9 States to purchase the Defendant S3 products and to operate them in such a manner to practice
10 the claimed methods. Defendant S3 further induces developers to develop applications that take
11 advantage of specific API driver functions that include the visibility queries that when used in
12 conjunction with the specified S3 products, practice the claimed methods. The Defendant S3
13 products are as follows: GammaChrome, and DeltaChrome.

14 **COUNT SEVEN**

15 25. As of at least September 2004, the date Defendant S3 received the aforementioned
16 notice letter, Defendant S3 has engaged in willful infringement.

17 **JURY DEMAND**

18 26. Pursuant to Fed. R. Civ. P. 38, Plaintiff hereby demands a jury trial as to all issues
19 in this lawsuit.

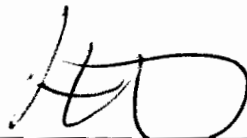
1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff respectfully requests this Court to:

- 3 a. enter judgment for Plaintiff on this Complaint;
- 4 b. order that an accounting be had for the damages caused to the Plaintiff by the
- 5 infringing activities of the Defendant;
- 6 c. award Plaintiff interest and costs;
- 7 d. enter a permanent injunction to enjoin the Defendant and those in privity with or
- 8 acting in concert with Defendant from further infringement of the '679 Patent and
- 9 the '047 patent during the remainder of respective terms for which the patents
- 10 have been granted; and
- 11 e. award Plaintiff such other and further relief as this Court may deem just and
- 12 equitable.

13 THE PLAINTIFF
14 FUZZYSHARP TECHNOLOGIES
INCORPORATED

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