

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

OPTi Inc.)
)
Plaintiff,)
v.)
)
Apple, Inc.)
)
Defendant.)

Civil Action No. 2-07 CV-021

COMPLAINT

Plaintiff OPTi Inc. ("OPTi"), by and through its undersigned counsel, for its complaint herein against Apple, Inc. (f/k/a Apple Computer Inc., referred to herein as "Apple"), avers as follows:

PARTIES

1. Plaintiff OPTi is a corporation organized and existing under the laws of the State of California with its principal place of business at 3430 West Bayshore Road, Suite 103, Palo Alto, California 94303.

2. Upon information and belief, Defendant Apple is a corporation organized and existing under the laws of the State of California with its principal place of business 1 Infinite Loop, Cupertino, California 95014. Apple is registered to do business and regularly does do business in the state of Texas and in this judicial district.

3. On January 20, 1998, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 5,710,906 entitled "Predictive Snooping of Cache Memory for Master-Initiated Accesses" (the "'906 patent"). The '906 patent was assigned to OPTi and OPTi holds all right, title and interest in and to the '906 patent. A copy of

the '906 patent is attached hereto as Exhibit 1.

4. On September 22, 1998, the USPTO duly and legally issued United States Patent No. 5,813,036 entitled "Predictive Snooping of Cache Memory for Master-Initiated Accesses" (the "'036 patent"). The '036 patent was assigned to OPTi and OPTi holds all right, title and interest in and to the '036 patent. A copy of the '036 patent is attached hereto as Exhibit 2.

5. On June 11, 2002, the USPTO duly and legally issued United States Patent No. 6,405,291 entitled "Predictive Snooping of Cache Memory for Master-Initiated Accesses" (the "'291 patent"). The '291 patent was assigned to OPTi and OPTi holds all right, title and interest in and to the '291 patent. A copy of the '291 patent is attached hereto as Exhibit 3.

6. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 271.

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

9. Apple, in violation of 35 U.S.C. §§ 271(a), (b), and (c) has directly and contributorily infringed the '906, '036, and '291 patents and has induced the infringement of the '906, '036, and '291 patents by making, causing to be made, using, selling and/or offering to sell certain desktop and portable computers and servers, within the United States, including in this judicial district.

10. Upon information and belief, Apple had and has actual notice of the '906, '036,

and '291 patents, and Apple has infringed and is infringing the '906, '036, and '291 patents with knowledge of OPTi's patent rights, without a reasonable basis for believing that Apple's conduct is lawful. Apple's acts of infringement has been and are willful and deliberate.


PRAYER FOR RELIEF

WHEREFORE, OPTi prays for judgment against Apple as follows:

- A. Adjudging that the '906, '036, and '291 patents are valid and enforceable;
- B. Adjudging that Apple has infringed and induced and contributed to the infringement of the '906, '036, and '291 patents;
- C. Adjudging that Apple has willfully infringed the '906, '036, and '291 patents;
- D. Awarding OPTi damages or other monetary relief, including prejudgment interest, for Apple's infringement.
- E. Trebling the damages awarded to OPTi, as provided by 35 U.S.C. § 284, against Apple.
- F. Declaring this an exceptional case and awarding OPTi attorneys' fees, as provided by 35 U.S.C. § 285;
- G. Enjoining Apple from any further infringement of the '906, '036, and '291 patents; and
- H. Awarding OPTi such other and further relief as this Court may deem just and proper

Respectfully submitted,

Dated: January 16, 2007

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