

1 ALAN H. BLANKENHEIMER (Bar No. 006164)
 Alan.Blankenheimer@ hellerehrman.com
 2 LAURA E. UNDERWOOD (Bar No. 017531)
 Laura.Underwood@ hellerehrman.com
 3 JO DALE CAROTHERS (Bar No. 020402)
 JoDale.Carothers@hellerehrman.com
 4 HELLER EHRMAN LLP
 4350 La Jolla Village Drive, 7th Floor
 5 San Diego, California 92122-1246
 Telephone: 858.450.8400
 6 Facsimile: 858.450.8499

7 CHAD S. CAMPBELL (Bar No. 012080)
 cscampbell@perkinscoie.com
 8 PERKINS COIE BROWN & BAIN P.A.
 2901 North Central Avenue, Suite 2000
 9 Phoenix, Arizona 85012-2788
 Telephone: 602.351.8393
 10 Facsimile: 602.648.7000

11 Attorneys for Plaintiff
 MICROCHIP TECHNOLOGY INCORPORATED

12
 13 UNITED STATES DISTRICT COURT
 14 DISTRICT OF ARIZONA

15
 16 Microchip Technology Incorporated, a Delaware
 Corporation,

17 Plaintiff,

18 v.

19 Luminary Micro, Inc., a Delaware Corporation,

20 Defendant.

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

21
 22 Plaintiff Microchip Technology Incorporated (“Microchip”) alleges:

23 **Parties**

24 1. Microchip is a corporation organized and existing under the laws of the state
 25 of Delaware, with its principal place of business in Chandler, Arizona.

26 2. On information and belief, defendant Luminary Micro, Inc. (“Luminary”) is a
 27 corporation organized and existing under the laws of the state of Delaware, with its
 28 principal place of business in Austin, Texas.

1 **Jurisdiction and Venue**

2 3. This is an action for patent infringement arising under the patent laws of the
3 United States. Title 35 U.S.C. §§ 271 et seq. This Court has subject matter jurisdiction
4 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5 4. On information and belief, Luminary conducts business in this district and as
6 a result of this business has continuous and systematic contacts with this district including,
7 but not limited to, having a sales representative who maintains an office in Arizona, having
8 distributors in and assigned to Arizona and providing a webpage with Arizona-specific,
9 customer information. Furthermore, on information and belief, Luminary has purposefully
10 directed activities to Arizona, and Microchip's claims for relief arise from and relate to
11 those activities. Accordingly, Luminary is subject to personal jurisdiction in this judicial
12 district.

13 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c), and
14 1400(b) because, on information and belief, Luminary, a corporation, conducts business in
15 this district and is subject to personal jurisdiction in this district.

16 **General Allegations**

17 6. Microchip is the assignee of United States Patent No. 5,847,450 (“the ‘450
18 Patent”), entitled “Microcontroller having an n-bit data bus width with less than n I/O pins,”
19 issued on December 8, 1998. Microchip is owner of all rights, title and interest in and to
20 this patent, including the right to recover for infringement. A true and correct copy of the
21 ‘450 Patent is attached hereto as Exhibit A.

22 7. Microchip is the assignee of United States Patent No. 6,696,316 (“the ‘316
23 Patent”), entitled “Integrated circuit (IC) package with a microcontroller having an n-bit bus
24 and up to n-pins coupled to the microcontroller,” issued on February 24, 2004. Microchip is
25 owner of all rights, title and interest in and to this patent, including the right to recover for
26 infringement. A true and correct copy of the ‘316 Patent is attached hereto as Exhibit B.

27 8. Microchip is the assignee of United States Patent No. 6,483,183 (“the ‘183
28 Patent”), entitled “Integrated circuit (IC) package with a microcontroller having an n-bit bus

1 and up to n-pins coupled to the microcontroller,” issued on November 19, 2002. Microchip
2 is owner of all rights, title and interest in and to this patent, including the right to recover for
3 infringement. A true and correct copy of the ‘183 Patent is attached hereto as Exhibit C.

4 **First Cause of Action**
5 **Infringement of the ‘450 Patent**
6 **(35 U.S.C. §§ 271 Et Seq.)**

7 9. Microchip refers to and incorporates paragraphs 1 through 8 inclusive, as
8 though fully set forth herein.

9 10. Microchip is informed and believes and thereon alleges that Luminary has
10 been and is now infringing, inducing infringement and/or contributing to infringement of
11 the ‘450 Patent by making, using, selling and/or offering for sale in and/or importing into
12 the United States without authority products, including, without limitation, the 28-pin
13 Stellaris™ series of 32-bit microcontroller products, that incorporate and/or utilize the
14 invention claimed in the ‘450 Patent.

15 11. By reason of Luminary’s acts alleged herein, Microchip has suffered damage
16 in an amount to be proved at trial.

17 12. On information and belief, Luminary threatens to continue to do the acts
18 complained of herein, and unless restrained and enjoined will continue to do so, all to
19 Microchip’s irreparable damage. It would be difficult to ascertain the amount of
20 compensation which would afford Microchip adequate relief for such future and continuing
21 acts. Microchip does not have an adequate remedy at law to compensate it for injuries
22 threatened.

23 **Second Cause of Action**
24 **Infringement of the ‘316 Patent**
25 **(35 U.S.C. §§ 271 Et Seq.)**

26 13. Microchip refers to and incorporates paragraphs 1 through 8 inclusive, as
27 though fully set forth herein.

28 14. Microchip is informed and believes and thereon alleges that Luminary has
been and is now infringing, inducing infringement and/or contributing to infringement of
the ‘316 Patent by making, using, selling and/or offering for sale in and/or importing into

1 the United States without authority products, including, without limitation, the 28-pin
2 Stellaris™ series of 32-bit microcontroller products, that incorporate and/or utilize the
3 invention claimed in the '316 Patent.

4 15. By reason of Luminary's acts alleged herein, Microchip has suffered damage
5 in an amount to be proved at trial.

6 16. On information and belief, Luminary threatens to continue to do the acts
7 complained of herein, and unless restrained and enjoined will continue to do so, all to
8 Microchip's irreparable damage. It would be difficult to ascertain the amount of
9 compensation which would afford Microchip adequate relief for such future and continuing
10 acts. Microchip does not have an adequate remedy at law to compensate it for injuries
11 threatened.

12 **Third Cause of Action**
13 **Infringement of the '183 Patent**
14 **(35 U.S.C. §§ 271 Et Seq.)**

15 17. Microchip refers to and incorporates paragraphs 1 through 8 inclusive, as
16 though fully set forth herein.

17 18. Microchip is informed and believes and thereon alleges that Luminary has
18 been and is now infringing, inducing infringement and/or contributing to infringement of
19 the '183 Patent by making, using, selling and/or offering for sale in and/or importing into
20 the United States without authority products, including, without limitation, the 28-pin
21 Stellaris™ series of 32-bit microcontroller products, that incorporate and/or utilize the
22 invention claimed in the '183 Patent.

23 19. By reason of Luminary's acts alleged herein, Microchip has suffered damage
24 in an amount to be proved at trial.

25 20. On information and belief, Luminary threatens to continue to do the acts
26 complained of herein, and unless restrained and enjoined will continue to do so, all to
27 Microchip's irreparable damage. It would be difficult to ascertain the amount of
28 compensation which would afford Microchip adequate relief for such future and continuing
acts. Microchip does not have an adequate remedy at law to compensate it for injuries

1 threatened.

2 **Prayer For Relief**

3 WHEREFORE, MICROCHIP PRAYS FOR JUDGMENT AS FOLLOWS:

4 1. On Microchip's First, Second and Third Causes of Action:

5 (a) For judgment that Luminary has infringed, induced infringement of,
6 and contributorily infringed, and continues to infringe, induce infringement of, and
7 contributorily infringe the '450 Patent, the '316 Patent and the '183 Patent;

8 (b) For a permanent injunction prohibiting Luminary, and all persons or
9 entities acting in concert with Luminary, from infringing the '450 Patent, the '316 Patent
10 and the '183 Patent;

11 (c) For an award to Microchip of all damages resulting from the
12 infringement of the '450 Patent, the '316 Patent and the '183 Patent by Luminary, together
13 with pre-judgment and post-judgment interest;

14 (d) For the Court to declare this to be an exceptional case under 35 U.S.C.
15 § 285 and to award Microchip its attorneys' fees;

16 (e) For an award to Microchip of all costs and expenses of this action; and

17 (f) For such additional relief as this Court may deem just and proper.

18 **Demand For Jury Trial**

19 Plaintiff Microchip demands a jury trial on all issues triable of right by jury.
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DATED: April 10, 2006

PERKINS COIE BROWN & BAIN P.A.

By s/Chad S. Campbell
CHAD S. CAMPBELL (Bar No. 012080)
cscampbell@perkinscoie.com
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788

ALAN H. BLANKENHEIMER
LAURA E. UNDERWOOD
JO DALE CAROTHERS
HELLER EHRMAN LLP
4350 La Jolla Village Drive, 7th Floor
San Diego, CA 92122-1246

Attorneys for Plaintiff