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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 GREGORY BENDER,) Case No. C 09-01145 JW
9)
Plaintiff,) AMENDED COMPLAINT FOR PATENT
10) INFRINGEMENT; AND
vs.) DEMAND FOR JURY TRIAL
11)
DSP GROUP, INC., a Delaware)
12 corporation,)
13 Defendant.)

14 Plaintiff Gregory Bender, through counsel, hereby amends his
15 complaint so that, as so amended, he complains against DSP Group,
16 Inc. and alleges as follows:

17 JURISDICTION AND VENUE

18 1. This is an action for patent infringement arising under
19 the patent laws of the United State of America (Title 35 of the
20 United States Code) and the Court has subject matter jurisdiction
21 over this action pursuant to 28 U.S.C. Sections 1331 and 1338(a).

22 2. Venue is proper in this judicial district pursuant to 28
23 U.S.C. 1391(b) and (c) and 1400(b).

24
25 Amended Complaint
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1 INTRADISTRICT ASSIGNMENT

2 3. This patent action is an excepted category pursuant to
3 Civil L.R. 3-2(c), Assignment to a Division, to be assigned on a
4 district-wide basis.

5 THE PARTIES

6 4. Plaintiff Gregory Bender is an individual whose residence
7 is in San Jose, California.

8 5. Defendant DSP Group, Inc. ("DSP Group") is a Delaware
9 corporation with its principal place of business situated in San
10 Jose, California.

11 THE PATENT-IN-SUIT

12 6. On April 9, 1992, United States Patent Number 5,103,188
13 (the "'188 Patent") entitled "Buffered Transconductance
14 Amplifier" issued to plaintiff Gregory Bender and since that date
15 the plaintiff has been and still is the owner of the '188 Patent
16 and of all right of recovery for damages thereunder. A copy of
17 the '188 Patent is attached hereto as Exhibit 1.

18 FIRST CAUSE OF ACTION
19 (Infringement of the '188 Patent)

20 7. Plaintiff realleges and incorporates by this reference
21 thereto the allegations set forth in paragraphs 1 through 6.

22 8. On information and belief, in violation of 35 U.S.C.
23 Section 271, et seq., DSP Group has performed acts and performs
24 acts that infringe, and induce others to infringe, one or more of
25

26 Amended Complaint

1 the claims of the '188 Patent (including, without limitation,
2 claims 8-14 and 29-46) by making, using, offering for sale,
3 and/or selling integrated circuit products that consist of,
4 comprise, and/or contain at least one circuit, silicon or
5 otherwise, which contains and/or utilizes at least one **buffered**
6 **transconductance amplifier** (currently and commonly known in the
7 analog electronics industry as a "current feedback amplifier," a
8 "high-gain current feedback amplifier," or a "voltage feedback
9 amplifier," as the case may be depending on application) and/or
10 by practicing related methods embodying inventions claimed
11 therein.

12 9. On information and belief, DSP Group has known of the
13 '188 Patent and has pursued its knowing and willful infringement
14 thereof in flagrant disregard of the rights of the plaintiff
15 thereunder.

16 10. On information and belief, such conduct described in
17 paragraphs 8 and 9 constitutes willful infringement.

18 11. Plaintiff has been damaged by such infringement.

19 WHEREFORE, Plaintiff prays for judgment as follows:

20 A. For an accounting and award for damages resulting from
21 the infringement by the defendant and a trebling of such damages
22 because of the knowing, willful, and wanton nature of such
23 infringement;

24 B. For interest on the damages computed;

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1 DEMAND FOR JURY TRIAL

2 Plaintiff respectfully requests a jury trial as to all
3 issues triable thereby.

4 Dated: June 26, 2009
5 Piedmont, California

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/S/
David N. Kuhn, counsel

Amended Complaint