

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

(1) O2 MICRO INTERNATIONAL LIMITED, a  
Cayman Islands corporation,

Plaintiff,

v.

(1) BEYOND INNOVATION TECHNOLOGY  
CO., LTD. a Taiwanese corporation; (2) SPI  
ELECTRONIC CO., LTD., a Taiwanese company;  
(3) FSP GROUP, a Taiwanese company; and (4)  
LIEN CHANG ELECTRONIC ENTERPRISE  
CO., LTD., a Taiwanese corporation,

Defendants.

Case No. 2:04-CV-32 (TJW)

JURY TRIAL DEMANDED

(1) BEYOND INNOVATION TECHNOLOGY  
CO., LTD. a Taiwanese corporation; (2) SPI  
ELECTRONIC CO., LTD., a Taiwanese company;  
and (3) LIEN CHANG ELECTRONIC  
ENTERPRISE CO., LTD., a Taiwanese  
corporation,

Counterclaimants,

v.

(1) O2 MICRO INTERNATIONAL LIMITED, a  
Cayman Islands corporation,

Counter-Defendant.

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, O2 Micro International Limited (“O<sub>2</sub> Micro”) for its First Amended Complaint against Defendants Beyond Innovation Technology Co., Ltd., SPI Electronic Co., Ltd., FSP Group, and Lien Chang Electronic Enterprise Co., Ltd. alleges:

### **THE PARTIES**

1. Plaintiff, O2 Micro International Limited, is a corporation duly organized and existing under the laws of the Cayman Islands, having a principal place of business in George Town, Grand Cayman, Cayman Islands.

2. Defendant Beyond Innovation Technology Co., Ltd. (“BiTEK”) is a Taiwanese corporation, having a principal place of business in Taipei, Taiwan. Defendant SPI Electronic Co., Ltd. is a Taiwanese corporation and, on information and belief, either a subsidiary of FSP Group or the parent corporation of FSP Group, having a principal place of business in Taoyuan, Taiwan, Republic of China. On information and belief, defendant FSP Group is a Taiwanese company having a place of business in Taoyuan, Taiwan, Republic of China. Defendant Lien Chang Electronic Enterprise Co., Ltd. is a Taiwanese corporation having its principal place of business in Hsin Chuang City, Taiwan, Republic of China (hereinafter collectively referred to as “defendants”).

### **JURISDICTION**

This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§. 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.* The Court has personal jurisdiction over defendants in that each has established minimum contacts with the forum. Defendants, and each of them, have manufactured and/or assembled electronic components for computer monitors which are used, offered for sale, sold, and have been purchased in Texas, including in this district. The exercise of jurisdiction over said defendants would not offend traditional notions of fair play and substantial justice

## **VENUE**

Defendants do business in this district, including providing electronic components for consumer products which are used, offered for sale, sold, and have been purchased in Texas, including in this district. Venue is proper in this district pursuant to 28 U.S.C. §§ 1331, 1338(a), 1391(b), (c) and (d) and 1400(b).

## **INFRINGEMENT OF U.S. PATENT NO. 6,259,615**

On July 10, 2001, United States Patent No. 6,259,615 (“the ‘615 patent”) was duly and legally issued to Yung-Lin Lin for a High Efficiency Adaptive DC/AC Converter. All rights and interest in the ‘615 patent have been assigned by Yung-Lin Lin to the plaintiff, O<sub>2</sub> Micro International Limited. A true and correct copy of the ‘615 patent is attached hereto as Exhibit A.

Upon information and belief, defendants have infringed and continue to infringe the ‘615 patent. The infringing acts include at least inducing and contributing to the manufacture, use, sale, and/or offer for sale of DC to AC converter circuits. Defendants are liable for infringement of the ‘615 patent pursuant to 35 U.S.C. § 271.

Defendants’ acts of infringement have caused damage to O<sub>2</sub> Micro, and O<sub>2</sub> Micro is entitled to recover from defendants the damages sustained by O<sub>2</sub> Micro as a result of defendants’ wrongful acts in an amount subject to proof at trial. Defendants’ infringement of O<sub>2</sub> Micro’s rights under the ‘615 patent will continue to damage O<sub>2</sub> Micro’s business, causing irreparable harm, for which there is no adequate remedy at law, unless defendants are enjoined by this Court.

Upon information and belief, defendants’ infringement of the ‘615 patent is willful and deliberate, entitling O<sub>2</sub> Micro to increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

## **INFRINGEMENT OF U.S. PATENT NO. 6,396,722**

On May 28, 2002, United States Patent No. 6,396,722 (“the ‘722 patent”) was duly and legally issued to Yung-Lin Lin for a High Efficiency Adaptive DC/AC Converter. All rights and

interest in the '722 patent have been assigned to the plaintiff, O<sub>2</sub> Micro. A true and correct copy of the '722 patent is attached hereto as Exhibit B.

Upon information and belief, defendants have infringed and/or continue to infringe the '722 patent. The infringing acts include at least inducing and contributing to the manufacture, use, sale, and/or offer for sale of DC to AC converter circuits. Defendants are liable for infringement of the '722 patent pursuant to 35 U.S.C. § 271.

Defendants' acts of infringement have caused damage to O<sub>2</sub> Micro, and O<sub>2</sub> Micro is entitled to recover from defendants the damages sustained by O<sub>2</sub> Micro as a result of defendants' wrongful acts in an amount subject to proof at trial. Defendants' infringement of O<sub>2</sub> Micro's rights under the '722 patent will continue to damage O<sub>2</sub> Micro's business, causing irreparable harm, for which there is no adequate remedy at law, unless defendants are enjoined by this Court.

Upon information and belief, defendants' infringement of the '722 patent is willful and deliberate, entitling O<sub>2</sub> Micro to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **INFRINGEMENT OF U.S. PATENT NO. 6,804,129**

On October 12, 2004, United States Patent No. 6,804,129 ("the '129 patent") was duly and legally issued to Yung-Lin Lin for a High-Efficiency Adaptive DC/AC Converter. All rights and interest in the '129 patent have been assigned by Yung-Lin Lin to the plaintiff, O<sub>2</sub> Micro International Limited. A true and correct copy of the '129 patent is attached hereto as Exhibit C.

Upon information and belief, defendants have infringed and continue to infringe the '129 patent. The infringing acts include at least inducing and contributing to the manufacture, use, sale, and/or offer for sale of DC to AC converter circuits. Defendants are liable for infringement of the '129 patent pursuant to 35 U.S.C. § 271.

Defendants' acts of infringement have caused damage to O<sub>2</sub> Micro, and O<sub>2</sub> Micro is entitled to recover from defendants the damages sustained by O<sub>2</sub> Micro as a result of defendants'

wrongful acts in an amount subject to proof at trial. Defendants' infringement of O<sub>2</sub> Micro's rights under the '129 patent will continue to damage O<sub>2</sub> Micro's business, causing irreparable harm, for which there is no adequate remedy at law, unless defendants are enjoined by this Court.

### **PRAYER FOR RELIEF**

WHEREFORE, O<sub>2</sub> Micro prays for judgment and seeks relief against defendants and each of them as follows:

- (a) For judgment that the '615 patent, the '722 patent, and the '129 patent have been and/or continue to be infringed by defendants;
- (b) For an accounting of all damages sustained by O<sub>2</sub> Micro as the result of defendants' acts of infringement;
- (c) For preliminary and permanent injunctions enjoining the aforesaid acts of infringement by defendants, their officers, agents, servants, employees, subsidiaries and attorneys, and those persons acting in concert with defendants, including related individuals and entities, customers, representatives, OEMs, dealers, distributors and importers;
- (d) For actual damages together with prejudgment interest, according to proof,
- (e) For enhanced damages pursuant to 35 U.S.C. § 284;
- (f) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (g) For all costs of suit; and
- (h) For such other and further relief as the Court may deem just and proper.

DATED: November 17, 2004

Respectfully submitted,

By: /s/Otis W. Carroll by permission S. Calvin Capshaw  
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Attorneys for Plaintiffs  
O2 MICRO INTERNATIONAL LIMITED

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Local Rule CV-38, plaintiff demands a trial by jury of this action.

DATED: November 17, 2004

Respectfully submitted,

By: /s/Otis W. Carroll by permission S. Calvin Capshaw

Otis W. Carroll — Attorney-In-Charge  
State Bar No. 03895700  
IRELAND CARROLL AND KELLEY, P.C.

Attorney for O2 Micro

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been sent to the following counsel of record by ECF and/or E-mail on November 17, 2004.

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