

1 MATTHEW D. POWERS (Bar No. 104795)  
EDWARD R. REINES (Bar No. 104795)  
2 BAO NGUYEN (Bar No. 198023)  
JOELLE LUEDTKE (Bar No. 219198)  
3 MATTHEW SARBORARIA (Bar No. 211600)  
DAVID POLLOCK (BAR No. 217546)  
4 WEIL, GOTSHAL & MANGES LLP  
Silicon Valley Office  
5 201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
6 Telephone: (650) 802-3000  
Facsimile: (650) 802-3100  
7

8 Attorneys for Plaintiff  
BROADCOM CORPORATION

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 BROADCOM CORPORATION,  
13 Plaintiff,  
14 v.  
15 AGERE SYSTEMS, INC.,  
16 Defendant.

Case No. C 03-02197 CRB

**FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT AND FOR  
DECLARATORY JUDGMENT OF  
PATENT INVALIDITY AND NON-  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

17  
18 Plaintiff Broadcom Corporation (“Broadcom”), for its first amended complaint  
19 against Agere Systems, Inc. (“Agere”) states as follows:

20 **INTRODUCTION**

21 1. This is an action for infringement by Agere of certain Broadcom patents  
22 and for a declaratory judgment that Broadcom does not infringe any valid claims of certain  
23 patents allegedly owned by Agere. This action further seeks a declaration that the claims of the  
24 asserted Agere patents are invalid.

25 **THE PARTIES**

26 2. Plaintiff Broadcom is a corporation organized under the laws of the State  
27 of California with regular and established places of business at 190 Mathilda Place, Sunnyvale  
28 California, 94086 and 3151 Zanker Road, San Jose California, 95134.

1 3. Upon information and belief, defendant Agere is a corporation organized  
2 under the laws of the State of Delaware with a regular and established place of business at 4995  
3 Patrick Henry Drive, Santa Clara California, 95054.

4 **JURISDICTION AND VENUE**

5 4. Upon information and belief, Agere has sufficient contacts with this  
6 District to subject it to the personal jurisdiction of this Court for this Complaint. Broadcom is  
7 informed and believes and thereupon alleges that Agere has committed infringing acts in this  
8 District. Broadcom also maintains business offices in this District from which it regularly and  
9 systematically conducts its business.

10 5. This is an action for patent infringement arising under the laws of the  
11 United States including 35 U.S.C. Sections 271 and 281.

12 6. This is also an action for declaratory judgment that the claims of certain  
13 Agere patents are invalid and not infringed. This action is thus further brought under the patent  
14 laws of the United States, 35 U.S.C. §§ 101 et seq. and the Federal Declaratory Judgment Act, 28  
15 U.S.C. §§ 2201 et seq. Specifically, Agere explicitly asserted that Broadcom infringed U.S.  
16 Patent Nos. 5,396,195, 5,512,817, 4,477,782, 5,828,696, 5,983,254, 5,056,117, and 4,990,802 and  
17 threatened to sue Broadcom for that alleged infringement. Based on this, Broadcom has a  
18 reasonable apprehension of imminent suit for patent infringement based on these patents.

19 7. This Court has subject matter jurisdiction over this Complaint, which arises  
20 under the patent laws of the United States, pursuant to 28 U.S.C. §§ 1331 and 1338(a).

21 8. Venue in this District is proper under 28 U.S.C. Sections 1391(b) and  
22 1400(b) because Agere is a corporation subject to personal jurisdiction in this District, because  
23 Agere has committed acts of infringement in this District, and because Agere maintains business  
24 offices in this District from which it regularly and systematically conducts its business.

25 **FIRST CLAIM FOR RELIEF – AGERE’S INFRINGEMENT OF BROADCOM’S ‘771**  
26 **PATENT**

27 9. Broadcom is the owner of all right, title and interest in United States Patent  
28 No. 5,940,771, duly and legally issued on August 17, 1999 (attached hereto as Exhibit A).

1 10. The '771 patent relates to apparatus in semiconductor devices and/or  
2 systems. Agere manufactures and sells semiconductor devices and/or systems in competition  
3 with Broadcom.

4 11. Agere has been for a time past and is currently infringing the '771 patent in  
5 violation of 35 U.S.C. § 271 directly, contributorily, and by inducement by, without limitation,  
6 making, using, marketing, selling, and offering for sale semiconductor devices and/or systems  
7 which are covered by the '771 patent.

8 12. Agere has had actual and constructive knowledge of the '771 patent, and  
9 Agere's infringement of the '771 patent has been and is willful, and will continue unless enjoined  
10 by this Court. Pursuant to 35 U.S.C. § 284, Broadcom is entitled to damages for infringement  
11 and treble damages.

12 13. Pursuant to 35 U.S.C. § 283, Broadcom is entitled to a permanent  
13 injunction against further infringement.

14 **SECOND CLAIM FOR RELIEF – AGERE'S INFRINGEMENT OF BROADCOM'S '366**  
15 **PATENT**

16 14. Broadcom is the owner of all right, title and interest in United States Patent  
17 No. 5,740,366, duly and legally issued on April 14, 1998 (attached hereto as Exhibit B).

18 15. The '366 patent relates to apparatus in semiconductor devices and/or  
19 systems. Agere manufactures and sells semiconductor devices and/or systems in competition  
20 with Broadcom.

21 16. Agere has been for a time past and is currently infringing the '366 patent in  
22 violation of 35 U.S.C. § 271 directly, contributorily, and by inducement by, without limitation,  
23 making, using, marketing, selling, and offering for sale semiconductor devices and/or systems  
24 which are covered by the '366 patent.

25 17. Agere has had actual and constructive knowledge of the '366 patent, and  
26 Agere's infringement of the '366 patent has been and is willful, and will continue unless enjoined  
27 by this Court. Pursuant to 35 U.S.C. § 284, Broadcom is entitled to damages for infringement  
28 and treble damages.

1 18. Pursuant to 35 U.S.C. § 283, Broadcom is entitled to a permanent  
2 injunction against further infringement.

3 **THIRD CLAIM FOR RELIEF – AGERE’S INFRINGEMENT OF BROADCOM’S ‘194**  
4 **PATENT**

5 19. Broadcom is the owner of all right, title and interest in United States Patent  
6 No. 6,424,194 duly and legally issued on July 23, 2002 (attached hereto as Exhibit C).

7 20. The ‘194 Patent relates to methods and apparatus in semiconductor  
8 devices. Agere manufactures and sells semiconductor devices in competition with Broadcom.

9 21. Agere has been for a time past and is currently infringing the ‘194 patent in  
10 violation of 35 U.S.C. § 271 directly, contributorily, and by inducement by, without limitation,  
11 making, using, marketing, selling, and offering for sale semiconductor devices which are covered  
12 by the ‘194 patent.

13 22. Agere has had actual and constructive knowledge of the ‘194 patent, and  
14 Agere’s infringement of the ‘194 patent has been and is willful, and will continue unless enjoined  
15 by this Court. Pursuant to 35 U.S.C. § 284, Broadcom is entitled to damages for infringement  
16 and treble damages.

17 23. Pursuant to 35 U.S.C. § 283, Broadcom is entitled to a permanent  
18 injunction against further infringement.

19 **FOURTH CLAIM FOR RELIEF – AGERE’S INFRINGEMENT OF BROADCOM’S ‘705**  
20 **PATENT**

21 24. Broadcom is the owner of all right, title and interest in United States Patent  
22 No. 6,014,705, duly and legally issued on January 11, 2000 (attached hereto as Exhibit D).

23 25. The ‘705 patent relates to methods in semiconductor devices and/or  
24 systems. Agere manufactures and sells semiconductor devices and/or systems in competition  
25 with Broadcom.

26 26. Agere has been for a time past and is currently infringing the ‘705 patent in  
27 violation of 35 U.S.C. § 271 directly, contributorily, and by inducement by, without limitation,  
28

1 making, using, marketing, selling, and offering for sale semiconductor devices and/or systems  
2 which are covered by the '705 patent.

3 27. Agere has had actual and constructive knowledge of the '705 patent, and  
4 Agere's infringement of the '705 patent has been and is willful, and will continue unless enjoined  
5 by this Court. Pursuant to 35 U.S.C. § 284, Broadcom is entitled to damages for infringement  
6 and treble damages.

7 28. Pursuant to 35 U.S.C. § 283, Broadcom is entitled to a permanent  
8 injunction against further infringement.

9 **FIFTH CLAIM FOR RELIEF – DECLARATION OF NON-INFRINGEMENT,**  
10 **INVALIDITY AND UNENFORCEABILITY OF AGERE'S '195 PATENT**

11 29. Agere claims it is the owner of all right, title and interest in United States  
12 Patent No. 5,396,195 entitled "Low-Power-Dissipation CMOS Oscillator Circuits," issued on  
13 March 7, 1995 (attached hereto as Exhibit E).

14 30. An actual controversy exists between Broadcom and Agere as to whether  
15 the '195 patent is invalid, unenforceable, and not infringed by Broadcom.

16 31. Broadcom has not infringed, induced infringement of, or contributed to the  
17 infringement of, any valid claim of the '195 patent.

18 32. The claims of the '195 patent are invalid for failure to comply with the  
19 conditions and requirements set forth in the patent statute, including 35 U.S.C. §§ 102, 103 and  
20 112.

21 33. The '195 patent is unenforceable due to inequitable conduct. On  
22 information and belief, the named inventor, Thaddeus J. Gabara, and/or others substantively  
23 involved in the prosecution of the application leading to the '195 patent, were aware of  
24 information material to the patentability of the claims of the '195 patent, but withheld that  
25 information from the U.S. Patent and Trademark Office with an intent to deceive the U.S. Patent  
26 and Trademark Office. The concealed material information includes prior art oscillator circuits,  
27 including the so-called Hartley and Colpitts oscillators, and including oscillator circuits that used  
28 directly cross-connected transistors, as was well-known in the art as discussed in CH 682019 A5

1 and in U.S. Patent No. 4,633,195. The withholding of this material prior art with the intent to  
2 deceive the U.S. Patent and Trademark Office constitutes inequitable conduct.

3 34. The continued assertion of the '195 patent against Broadcom, despite the  
4 non-infringement, invalidity and unenforceability of the claims of the '195 patent, makes this an  
5 exceptional case under 35 U.S.C. § 285.

6 **SIXTH CLAIM FOR RELIEF – DECLARATION OF NON-INFRINGEMENT,**  
7 **INVALIDITY AND UNENFORCEABILITY OF AGERE'S '817 PATENT**

8 35. Agere claims it is the owner of all right and title and interest in United  
9 States Patent No. 5,512,817 entitled "Bandgap Voltage Reference Generator," issued on April 30,  
10 1996 (attached hereto as Exhibit F).

11 36. An actual controversy exists between Broadcom and Agere as to whether  
12 the '817 patent is invalid, unenforceable, and not infringed by Broadcom.

13 37. Broadcom has not infringed, induced infringement of, or contributed to the  
14 infringement of, any valid claim of the '817 patent.

15 38. The claims of the '817 patent are invalid for failure to comply with the  
16 conditions and requirements set forth in the patent statute, including 35 U.S.C. §§ 102, 103 and  
17 112.

18 39. The '817 patent is unenforceable due to inequitable conduct. On  
19 information and belief, the named inventor, Krishnaswamy Nagaraj, and/or others substantively  
20 involved in the prosecution of the application leading to the '817 patent, were aware of  
21 information material to the patentability of the claims of the '817 patent, but withheld that  
22 information from the U.S. Patent and Trademark Office with the intent to deceive the U.S. Patent  
23 and Trademark Office. The concealed material information includes Gray and Meyer, *Analysis*  
24 *and Design of Analog Integrated Circuits*, 1st Ed. (1977), 2d Ed. (1984) and 3d Ed. (1993) (in  
25 particular, chapters A4.3.2 and 8.7); U.S. Pat. No. 4,249,122; U.S. Pat. No. 4,588,941; Widlar,  
26 "New Developments in IC Voltage Regulators," *IEEE J. Solid-State Circuits*, Feb. 1971; and  
27 Kuijk, "A Precision Reference Voltage Source," *IEEE J. Solid-State Circuits*, Jun. 1973. The  
28

1 withholding of this material prior art with the intent to deceive the U.S. Patent and Trademark  
2 Office constitutes inequitable conduct.

3 40. The continued assertion of the '817 patent against Broadcom, despite the  
4 non-infringement, invalidity and unenforceability of the claims of the '817 patent, makes this an  
5 exceptional case under 35 U.S.C. § 285.

6 **SEVENTH CLAIM FOR RELIEF – DECLARATION OF NON-INFRINGEMENT,**  
7 **INVALIDITY AND UNENFORCEABILITY OF AGERE'S '782 PATENT**

8 41. Agere claims it is the owner of all right and title and interest in United  
9 States Patent No. 4,477,782 entitled "Compound Current Mirror," issued on October 16, 1984  
10 (attached hereto as Exhibit G).

11 42. An actual controversy exists between Broadcom and Agere as to whether  
12 the '782 patent is invalid, unenforceable, and not infringed by Broadcom.

13 43. Broadcom has not infringed, induced infringement of, or contributed to the  
14 infringement of, any valid claim of the '782 patent.

15 44. The claims of the '782 patent are invalid for failure to comply with the  
16 conditions and requirements set forth in the patent statute, including 35 U.S.C. §§ 102, 103 and  
17 112.

18 45. The '782 patent is unenforceable due to inequitable conduct. On  
19 information and belief, the named inventor, Eric J. Swanson, and/or others substantively involved  
20 in the prosecution of the applications leading to the '782 patent were aware of information  
21 material to the patentability of the claims of the '782 patent, but withheld that information from  
22 the U.S. Patent and Trademark Office with the intent to deceive the U.S. Patent and Trademark  
23 Office. The concealed material information includes prior art current mirror circuits, including  
24 the so-called Gray-Meyer cascode, as taught in Paul R. Gray and Robert G. Meyer, *Analysis And*  
25 *Design Of Analog Integrated Circuits*, 1st Ed. (1977) and 2d Ed. (1984), and further described for  
26 example in U.S. Patent No. 4,550,284 (Figure 2 and related text), in Choi et al., *Switched-*  
27 *Capacitor Filters for Communications Application*, IEEE J. Solid-State Circuits, Dec. 1983  
28 (Figure 16 and related text), and in Castello and Gray, *A High-Performance Micropower*



1 *Switched-Capacitor Filter*, IEEE J. Solid State Circuits, Dec. 1985 (Figure 7 and related text).  
2 The withholding of this material prior art with the intent to deceive the U.S. Patent and  
3 Trademark Office constitutes inequitable conduct.

4 46. The continued assertion of the '782 patent against Broadcom, despite the  
5 non-infringement, invalidity, and unenforceability of the claims of the '782 patent, makes this an  
6 exceptional case under 35 U.S.C. § 285.

7 **EIGHTH CLAIM FOR RELIEF – DECLARATION OF NON-INFRINGEMENT,**  
8 **INVALIDITY AND UNENFORCEABILITY OF AGERE'S '696 PATENT**

9 47. Agere claims it is the owner of all right and title and interest in United  
10 States Patent No. 5,828,696 entitled "Timing Recovery In A Network-Synchronized Modem,"  
11 issued on October 27, 1998 (attached hereto as Exhibit H).

12 48. An actual controversy exists between Broadcom and Agere as to whether  
13 the '696 patent is invalid, unenforceable, and not infringed by Broadcom.

14 49. Broadcom has not infringed, induced infringement of, or contributed to the  
15 infringement of, any valid claim of the '696 patent.

16 50. The claims of the '696 patent are invalid for failure to comply with the  
17 conditions and requirements set forth in the patent statute, including 35 U.S.C. §§ 102, 103 and  
18 112.

19 51. The '696 patent is unenforceable due to inequitable conduct. On  
20 information and belief, the named inventors, Ehud A. Gelblum and James E. Mazo, and/or others  
21 substantively involved in the prosecution of the applications leading to the '696 patent, were  
22 aware of information material to the patentability of the claims of the '696 patent, but withheld  
23 that information from the U.S. Patent and Trademark Office with the intent to deceive the U.S.  
24 Patent and Trademark Office. The concealed material information includes the American  
25 National Standards Institute (ANSI) draft ADSL T1E1.4/93 standard, including the November 15,  
26 1993 Asymmetric Digital Subscriber Line (ADSL) Working Draft Standard T1E1.4/93-007,  
27 prepared by the ANSI's T1E1.4 Working Group. The withholding of this material prior art with  
28 the intent to deceive the U.S. Patent and Trademark Office constitutes inequitable conduct.



1           52.     The continued assertion of the '696 patent against Broadcom, despite the  
2 non-infringement, invalidity, and unenforceability of the claims of the '696 patent, makes this an  
3 exceptional case under 35 U.S.C. § 285.

4                   **NINTH CLAIM FOR RELIEF – DECLARATION OF NON-INFRINGEMENT,**  
5                   **INVALIDITY AND UNENFORCEABILITY OF AGERE'S '254 PATENT**

6           53.     Agere claims it is the owner of all right and title and interest in United  
7 States Patent No. 5,983,254 entitled "Zero-latency Pipeline Architecture For Digital Filters,"  
8 issued on November 9, 1999 (attached hereto as Exhibit I).

9           54.     An actual controversy exists between Broadcom and Agere as to whether  
10 the '254 patent is invalid, unenforceable, and not infringed by Broadcom.

11           55.     Broadcom has not infringed, induced infringement of, or contributed to the  
12 infringement of, any valid claim of the '254 patent.

13           56.     The claims of the '254 patent are invalid for failure to comply with the  
14 conditions and requirements set forth in the patent statute, including 35 U.S.C. §§ 102, 103 and  
15 112.

16           57.     The '254 patent is unenforceable due to inequitable conduct. On  
17 information and belief, the named inventor, Kameran Azadet, and/or others substantively  
18 involved in the prosecution of the applications leading to the '254 patent were aware of  
19 information material to the patentability of the claims of the '254 patent, but withheld that  
20 information from the U.S. Patent and Trademark Office with an intent to deceive the U.S. Patent  
21 and Trademark Office. The concealed material information includes the work of K.Z. Pekmestzi  
22 and C.G. Caraiscos, including K.Z. Pekmestzi and C.G. Caraiscos, "Implementation of Systolic  
23 Multipliers and Digital Filters via Signal Flow-Graph Transformations," in *Proceedings of the 7th*  
24 *Mediterranean Electrotechnical Conference*, Vol. 1, pp. 105-108 (1994). The withholding of this  
25 material prior art with the intent to deceive the U.S. Patent and Trademark Office constitutes  
26 inequitable conduct.

1           58.     The continued assertion of the '254 patent against Broadcom, despite the  
2 non-infringement, invalidity and unenforcability of the claims of the '254 patent, makes this an  
3 exceptional case under 35 U.S.C. § 285.

4                   **TENTH CLAIM FOR RELIEF – DECLARATION OF NON-INFRINGEMENT,**  
5                   **INVALIDITY AND UNENFORCEABILITY OF AGERE'S '117 PATENT**

6           59.     Agere claim it is the owner of all right and title and interest in United  
7 States Patent No. 5,065,117 entitled “Decision Feedback Equalization With Trellis Coding,”  
8 issued on October 8, 1991 (attached hereto as Exhibit J).

9           60.     An actual controversy exists between Broadcom and Agere as to whether  
10 the '117 patent is invalid, unenforceable, and not infringed by Broadcom.

11           61.     Broadcom has not infringed, induced infringement of, or contributed to the  
12 infringement of, any valid claim of the '117 patent.

13           62.     The claims of the '117 patent are invalid for failure to comply with the  
14 conditions and requirements set forth in the patent statute, including 35 U.S.C. §§ 102, 103 and  
15 112.

16           63.     The '117 patent is unenforceable due to inequitable conduct. On  
17 information and belief, the named inventors, Richard D. Gitlin and Nicholas A. Zervos, and/or  
18 others substantively involved in the prosecution of the applications leading to the '117 Patent,  
19 were aware of information material to the patentability of the claims of the '117 Patent, but  
20 withheld that information from the U.S. Patent and Trademark Office with an intent to deceive  
21 the U.S. Patent and Trademark Office. The concealed material information includes the  
22 following: P. R. Chevillat & E. Eleftherious, “Decoding of Trellis-Encoded Signals In The  
23 Presence Of Intersymbol Interference And Noise,” in *Proceedings of the 1988 IEEE International*  
24 *Conference on Communications* (the “ICC 1988” Conference), pp. 696-699, June 1988; European  
25 Patent Application No. 0133480; UK Patent Application No. GB 2225199; and U.S. Patent No.  
26 4,995,057. The withholding of this material prior art with the intent to deceive the U.S. Patent  
27 and Trademark Office constitutes inequitable conduct.  
28

1           64.     The continued assertion of the '117 patent against Broadcom, despite the  
2 non-infringement, invalidity and unenforceability of the claims of the '117 patent, makes this an  
3 exceptional case under 35 U.S.C. § 285.

4           **ELEVENTH CLAIM FOR RELIEF – DECLARATION OF NON-INFRINGEMENT AND**  
5           **INVALIDITY OF AGERE'S '802 PATENT**

6           65.     Agere claims it is the owner of all right and title and interest in United  
7 States Patent No. 4,990,802 entitled "ESD Protection For Output Buffers" issued on February 5,  
8 1991 (attached hereto as Exhibit K).

9           66.     An actual controversy exists between Broadcom and Agere as to whether  
10 the '802 patent is invalid, unenforceable, and not infringed by Broadcom.

11           67.     Broadcom has not infringed, induced infringement of, or contributed to the  
12 infringement of, any valid claim of the '802 patent.

13           68.     The claims of the '802 patent are invalid for failure to comply with the  
14 conditions and requirements set forth in the patent statute, including 35 U.S.C. §§ 102, 103 and  
15 112.

16           69.     The continued assertion of the '802 patent against Broadcom, despite the  
17 non-infringement and invalidity of the claims of the '802 patent, makes this an exceptional case  
18 under 35 U.S.C. § 285.

19           **PRAYER FOR RELIEF**

20           WHEREFORE, Broadcom Corporation respectfully prays:

21           A.     That Agere be adjudged to have infringed U.S. Patent Nos. 5,940,771,  
22 5,740,366, 6,424,194, and 6,014,705 (collectively "the Broadcom patents");

23           B.     That Agere, its officers, agents, servants, employees, attorneys, and those  
24 persons in active concert or participation with them who receive actual notice of the order by  
25 personal service or otherwise, be permanently restrained and enjoined from directly or indirectly  
26 infringing the Broadcom patents;

27           C.     An accounting for damages by virtue of Agere's infringement of the  
28 Broadcom patents;

1 D. An award of damages to compensate Broadcom for Agere's infringement,  
2 pursuant to 35 U.S.C. § 284, said damages to be trebled because of Agere's willful infringement;

3 E. An assessment of pre-judgment and post-judgment interest and costs  
4 against Agere, together with an award of such interest and costs, in accordance with 35 U.S.C.  
5 § 284;

6 F. This Court adjudge, declare and decree that United States Patent Nos.  
7 5,396,195, 5,512,817, 4,477,782, 5,828,696, 5,983,254, 5,065,117, and 4,990,802 (collectively  
8 "the Agere patents") are invalid;

9 G. This Court adjudge, declare and decree that United States Patent Nos.  
10 5,396,195, 5,512,817, 4,477,782, 5,828,696, 5,983,254, and 5,065,117 are unenforceable;

11 H. This Court adjudge, declare and decree that no valid and enforceable claim  
12 of any Agere patent is infringed by Broadcom;

13 I. That Agere be directed to pay Broadcom's attorneys' fees incurred herein;  
14 and

15 J. That Broadcom have such other and further relief as this Court may deem  
16 just and proper.

### 17 **JURY DEMAND**

18 Plaintiff Broadcom Corporation hereby demands trial by jury for all issues so  
19 triable.

### 20 **CERTIFICATION OF INTERESTED ENTITIES AND PERSONS**

21 Pursuant to Civil L.R. 3-16, the undersigned certifies that the following listed  
22 persons, associations of persons, firms, partnerships, corporations (including parent corporations)  
23 or other entities (i) have a financial interest in the subject matter in controversy or in a party to the  
24 proceeding, or (ii) have a non-financial interest in that subject matter or in a party that could be  
25 substantially affected by the outcome of this proceeding: Altima Communications, Inc.  
26 (subsidiary of Broadcom Corporation); Alto Acquisition Corporation (subsidiary of Broadcom  
27 Corporation); AltoCom, Inc. (subsidiary of Broadcom Corporation); Armedia, Inc. (subsidiary of  
28 Broadcom Corporation); Broadcom International Ltd. (subsidiary of Broadcom Corporation);

1 Broadcom Israel Ltd. (subsidiary of Broadcom Corporation), Broadcom Netherlands B.V.  
2 (subsidiary of Broadcom Corporation); Broadcom U.K. Ltd. (subsidiary of Broadcom  
3 Corporation); Mavnet Acquisition Corporation (subsidiary of Broadcom Corporation),  
4 ServerWorks Corporation (subsidiary of Broadcom Corporation); Broadcom Taiwan Corporation  
5 (subsidiary of Altima Communications, Inc.); Broadcom India Private Ltd. (subsidiary of  
6 Armedia, Inc.); Broadcom Singapore Pte. Ltd. (subsidiary of Broadcom International Ltd.); HH  
7 Acquisition ULC (subsidiary of Broadcom International Ltd.); HH Acquisition Inc. (subsidiary of  
8 Broadcom International Ltd.); Broadcom Canada Ltd. (subsidiary of HH Acquisition Inc.);  
9 HotHaus Inc. (subsidiary of Broadcom Corporation and Broadcom Canada Ltd.); Element 14 Ltd.  
10 (subsidiary of Broadcom U.K. Ltd.); Reliance Sales Corporation (subsidiary of ServerWorks  
11 Corporation); R2 International, C.V. (subsidiary of Reliance Sales Corporation and ServerWorks  
12 Corporation); ServerWorks International Ltd. (subsidiary of ServerWorks Corporation);  
13 ServerWorks Singapore Pte. Ltd. (subsidiary of R2 International C.V.); Broadcom Asia  
14 Distribution Pte. Ltd. (subsidiary of Broadcom Singapore Pte. Ltd.); Broadcom International YK  
15 (subsidiary of Broadcom Singapore Pte. Ltd.); Broadcom Japan K.K. (subsidiary of Broadcom  
16 Asia Distribution Pte. Ltd.); Broadcom Communications Korea, Ltd. (subsidiary of Broadcom  
17 Asia Distribution Pte. Ltd.).

18 Dated: July 3, 2003

Respectfully submitted,

19 WEIL, GOTSHAL & MANGES LLP

20  
21 By:           /s/ Edward R. Reines            
22 EDWARD R. REINES  
23 Attorneys for Plaintiff  
24 BROADCOM CORPORATION  
25  
26  
27  
28