

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2005 SEP -6 PM 4:20
CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY

LONESTAR INVENTIONS, L.P.
Plaintiff

v.

TEXAS INSTRUMENTS INCORPORATED
Defendant

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§

CIVIL ACTION NO.

A05CA713 SS

JURY TRIAL DEMANDED

COMPLAINT AND APPLICATION FOR PERMANENT INJUNCTION

Plaintiff Lonestar Inventions, L.P. ("Lonestar") brings this action against Defendant Texas Instruments Incorporated ("Texas Instruments") and alleges:

PARTIES

1. Plaintiff Lonestar is a Texas limited partnership.
2. Defendant Texas Instruments is a Texas corporation that has its principal place of business in Dallas, Dallas County, Texas. Texas Instruments may be served with the summons and complaint by serving its registered agent, Joseph F. Hubach, 7839 Churchill Way, Dallas, Texas 75251.

JURISDICTION

3. This action arises under the patent laws of the United States, Title 35 United States Code. Jurisdiction is proper under 28 U.S.C. § 1338.
4. Texas Instruments does business in this State and District and has sufficient contacts to subject it to the personal jurisdiction of this Court for this patent infringement action.

VENUE

5. Venue is proper in this Court under 28 U.S.C. § 1400(b) because Texas Instruments resides in this District within the meaning of 28 U.S.C. § 1391(c). In addition, venue is proper in this Court under 28 U.S.C. §§ 1391(b)-(c) because (i) Texas Instruments resides in this District and (ii) a substantial part of the events or omissions giving rise to the claims occurred in this District.

BACKGROUND

6. This is an action for infringement of United States Patent No. 5,208,725 (“the ‘725 Patent”), entitled “High Capacitance Structure in a Semiconductor Device.”

7. On May 4, 1993, the ‘725 Patent was duly and legally issued by the United States Patent and Trademark Office to Osman E. Akcasu, the inventor. Mr. Akcasu subsequently assigned the ‘725 Patent, together with all rights to sue for past infringement, to Lonestar. Lonestar is the lawful owner of the ‘725 Patent. A true and correct copy of the ‘725 Patent is attached as Exhibit “A.”

8. Texas Instruments has been for some time past and is presently infringing the ‘725 Patent within this District and elsewhere in this country by making, selling, offering for sale and using semiconductor devices embodying the patented invention, and will continue to do so unless enjoined by this Court.

9. Texas Instruments has been given written notice that it is infringing the ‘725 Patent. Texas Instruments has failed and refused to cease infringing the Patent. Texas Instrument’s infringement of the ‘725 Patent is willful and deliberate.

10. All conditions precedent have been performed or have occurred for recovery of the relief sought.

CAUSES OF ACTION

A. Patent Infringement Under 35 U.S.C. § 271(a)

11. Texas Instruments has, in this country, made, used, offered for sale and sold the patented invention claimed in the '725 Patent, in violation of 35 U.S.C. § 271(a).

B. Actively Inducing Patent Infringement Under 35 U.S.C. § 271(b)

12. Texas Instruments has, in this country, actively induced others to use and/or sell the patented invention claimed in the '725 Patent, in violation of 35 U.S.C. § 271(b).

RELIEF

13. Plaintiff respectfully requests the following relief:

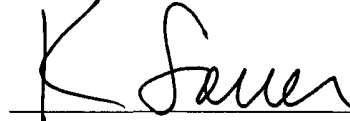
- a. that the Court enter a permanent injunction against Texas Instruments, and all others in active concert with it, prohibiting it from (i) directly infringing the '725 Patent, and/or (ii) inducing infringement of the '725 Patent by others;
- b. that the Court award damages to Lonestar against Texas Instruments;
- c. that the Court treble the damages for willful infringement pursuant to 35 U.S.C. § 284;
- d. that the Court award interest on such damages;
- e. that the Court award Lonestar costs and attorney's fees incurred in this action pursuant to 35 U.S.C. § 285; and
- f. that the Court award such other relief as the Court deems just and proper.

DEMAND FOR A JURY TRIAL

14. Lonestar hereby demands a trial by jury as to all issues triable by a jury.

Respectfully submitted,

By:



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