

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

FILED-CLERK
U.S. DISTRICT COURT
2008 JUN -4 PM 2:15
TX EASTERN-MARSHALL

(1) TECHNOLOGY PROPERTIES
LIMITED, INC. and (2) PATRIOT
SCIENTIFIC CORPORATION,

Plaintiffs,

VS.

ASUSTeK COMPUTER, INC.,

Defendant.

BY _____

CASE NO 2-08 CV-227 DF

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL

Plaintiffs, Technology Properties Limited, Inc. ("TPL") and Patriot Scientific Corporation ("Patriot"), (collectively "Plaintiffs"), allege the following in support of their Complaint for Patent Infringement and Demand for Jury Trial ("Complaint") against Defendant, ASUSTeK Computer, Inc. ("ASUSTeK").

PARTIES

1. Plaintiff, Technology Properties Limited, Inc. ("TPL") is a corporation duly organized and existing under the laws of the State of California and maintains its principal place of business in San Jose, California

2. Plaintiff, Patriot Scientific Corporation ("Patriot") is a corporation duly organized and existing under the laws of the State of Delaware and maintains its principal place of business in Carlsbad, California.

3. Upon information and belief, Defendant ASUSTeK Computer, Inc. is a Taiwan corporation with its principal place of business in Taipei, Taiwan, R.O.C.

JURISDICTION

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. §§ 101, *et seq.* and 271, *et seq.* This Court has personal jurisdiction over Defendant because Defendant infringes Plaintiffs' patent by offering on its website infringing products to its users and/or customers who reside in, or may be found in, the Eastern District of Texas. Further, Defendant has actually transacted business with users of its website in the Eastern District of Texas.

VENUE

5. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Defendant has committed acts of infringement in this district.

GENERAL ALLEGATIONS

6. On June 25, 1996, United States Patent No. 5,530,890 ("890 patent") entitled "High Performance, Low Cost Microprocessor" was duly and legally issued. All rights and interest in the '890 patent were assigned to Patriot Scientific Corporation. A true and correct copy of the '890 patent is attached hereto as Exhibit A.

7. IPL and Patriot are co-owners of the '890 patent. IPL has the exclusive right to enforce and license the '890 patent, and has standing to sue.

COUNT 1

(Patent infringement ASUSTeK Computer, Inc.)

8. Paragraphs 1-7 of the Complaint set forth above are incorporated herein by

reference.

9. Upon information and belief Defendant ASUSTeK has infringed and continues to infringe under 35 U.S.C. § 271 the '890 patent.

10. ASUSTeK's acts of infringement have caused damage to Plaintiffs. Under 35 U.S.C. § 284, Plaintiffs are entitled to recover from ASUSTeK the damages sustained by Plaintiffs as a result of its infringement of the '890 patent. ASUSTeK's infringement of Plaintiffs' exclusive rights under the '890 patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy of law, unless enjoined by this Court under 35 U.S.C. § 283

11. Plaintiffs allege, on information and belief, that ASUSTeK's acts of infringement were willful and deliberate.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment against Defendants as follows:

A. For judgment that Defendant ASUSTeK Computer, Inc. has infringed and continue to infringe the '890 patent;

B. For permanent injunctions under 35 U.S.C. § 283 against Defendant and its directors, officers, employees, agents, subsidiaries, parents, attorneys, and all persons acting in concert, on behalf of, in joint venture, or in partnership with Defendant from further acts of infringement;

C. For damages to be paid by Defendant adequate to compensate Plaintiffs for its infringement, including interests, costs and disbursements as the Court may deem appropriate under 35 U.S.C. § 284;

D. For judgment finding that Defendant infringement was willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284;

E. For judgment finding this to be an exceptional case against Defendant and awarding Plaintiffs attorney fees under 35 U.S.C. § 285; and,

F. For such other and further relief at law and in equity as the court may deem just and proper.

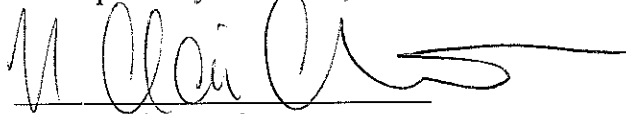
DEMAND FOR JURY TRIAL

Pursuant to the Federal Rules of Civil Procedure Rule 38, Plaintiffs hereby demand a jury trial on all issues triable by jury.

Dated: June 4, 2008

Respectfully submitted,

By:



S. Calvin Capshaw

State Bar No. 03783900

Email: ccapshaw@capshawlaw.com

Elizabeth L. DeRieux

State Bar No. 05770585

Email: ederieux@capshawlaw.com

N. Claire Abernathy

State Bar No. 24053063

E-mail: chenry@capshawlaw.com

Capshaw DeRieux, LLP

1127 Judson Road, Suite 220

Longview, TX 75601

Telephone: (903) 236-9800

Facsimile: (903) 236-8787

Robert E. Krebs

California Bar No. 57526

Email: rkrebs@thelen.com

Christopher L. Ogden

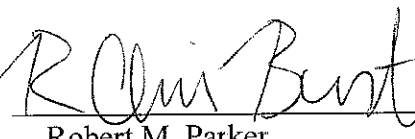
California Bar No. 235517

Email: cogden@thelen.com

Thelen Reid Brown Raysman & Steiner, LLP
225 West Santa Clara Street, Suite 1200
San Jose, CA 95113-1723
Telephone: (408) 292-5800
Facsimile: (408) 287-8040

Ronald F. Lopez
California Bar No. 11756
Email: rflopez@thelen.com
Thelen Reid Brown Raysman & Steiner, LLP
101 Second Street, Suite 1800
San Francisco, CA 94105-3606
Telephone: (415) 371-1200
Facsimile: (415) 371-1211

ATTORNEYS FOR PLAINTIFFS
TECHNOLOGY PROPERTIES LIMITED, INC.

By:  by permission NCA

Robert M. Parker
State Bar No. 15498000
Email: rmparker@pbatyler.com
Robert Christopher Bunt
State Bar No. 00787165
Email: rcbunt@pbatyler.com
Parker, Bunt & Ainsworth, P.C.
100 East Ferguson, Ste. 1114
Tyler, TX 75702
Telephone: (903) 531-3535
Facsimile: (903) 533-9687

Charles I. Hoge
California Bar No. 110696
Email: choge@knlh.com
Kirby Noonan Lance & Hoge, LLP
350 Tenth Avenue, Suite 1300
San Diego, CA 92101
Telephone: (619) 231-8666
Facsimile: (619) 231-9593

ATTORNEYS FOR PLAINTIFF
PATRIOT SCIENTIFIC CORPORATION