

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

MEMTECH LLC

v.

DENSO CORPORATION;  
SONY COMPUTER ENTERTAINMENT INC.;  
SONY CORPORATION;  
TOYOTA MOTOR CORP.; and  
VTI TECHNOLOGIES OY

Civil Action No. \_\_\_\_\_

JURY TRIAL DEMANDED

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which MEMTech LLC submits this Complaint against DENSO CORPORATION; Sony Computer Entertainment Inc.; Sony Corporation; Toyota Motor Corp.; and VTI Technologies Oy (collectively “Defendants”).

**PARTIES**

1. MEMTech LLC (“MEMTech” or “Plaintiff”) is a Texas limited liability company with a place of business at 6136 Frisco Square Blvd., Suite 383, Frisco, Texas 75034.

2. On information and belief, DENSO CORPORATION (“DENSO”) is a Japanese corporation with an address at 1-1, Showa-cho, Kariya, Aichi 448-8661, Japan.

3. On information and belief, Sony Computer Entertainment Inc. (“SCEI”) is a Japanese corporation that maintains a place of business at 2-6-21, Minami-Aoyama, Minato-ku, Tokyo, 107-0062 Japan.

4. On information and belief, Sony Corporation (“SC”) is a Japanese corporation that maintains a place of business at 6-7-35 Kita-Shinagawa, Shinagawa-ku, Tokyo, Japan. On

information and belief, SCEI is a wholly owned subsidiary of SC. SC and SCEI will together be referred to in this Complaint as “Sony.”

5. On information and belief, Toyota Motor Corp. (“Toyota”) is a Japanese Corporation having its principal place of business at 1 Toyota-Cho, Toyota City, Aichi Prefecture 471-8571, Japan.

6. On information and belief, VTI Technologies Oy (“VTI”) is a Osakeyhtiö or stock company organized under the laws of Finland. On information and belief, VTI Oy has an address at Myllynkivenkuja 6, 01620 Vantaa, Finland.

### **JURISDICTION AND VENUE**

7. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a). On information and belief, Defendants are subject to this Court’s specific and general personal jurisdiction, pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including at least a portion of the infringements alleged herein. On information and belief, within this district Defendants, directly and/or through intermediaries, have advertised (including through websites), offered to sell, sold and/or distributed infringing products, and/or have induced the sale and use of infringing products. Further, on information and belief, Defendants are subject to the Court’s general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods provided in Texas.

8. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). On information and belief, from and within this Judicial District each Defendant has committed at least a portion of the infringements at issue in this case. Without limitation, on information

and belief, within this district Defendants, directly and/or through intermediaries, have advertised (including through websites), offered to sell, sold and/or distributed infringing products, and/or have induced the sale and use of infringing products.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 5,677,560**

9. United States Patent No. 5,677,560 (“the ‘560 patent”), entitled “Micromechanical Component and Process for the Fabrication Thereof,” was duly and legally issued on October 14, 1997.

10. MEMTech is the present assignee of the entire right, title and interest in and to the ‘560 patent, including all rights to sue for past and present infringement. Accordingly, MEMTech has standing to bring this lawsuit for infringement of the ‘560 patent.

11. Upon information and belief, all named Defendants have infringed the ‘560 patent, more specifically as follows:

12. On information and belief, Defendant DENSO has been and now is directly infringing the ‘560 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, at least by making, using, selling, offering to sell and/or importing micromechanical components comprising a one piece semiconductor substrate of a carrier and a deformable element of a flat design disposed opposite and parallel to a surface of said carrier, said carrier and said deformable element being electrically insulated from one another within said one piece semiconductor substrate, and said deformable element being provided with a mechano-electric signal converter, and/or by practicing the process of fabricating a micromechanical component, comprising the steps of forming a one piece semiconductor substrate with a carrier and a deformable element of flat design disposed opposite and parallel to

a surface of the carrier so that the carrier and the deformable element are electrically insulated from one another within the one piece semiconductor substrate.

13. Moreover, on information and belief, Defendant DENSO has been and now is indirectly infringing by way of intentionally inducing infringement and/or contributing to the infringement of the '560 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, including by providing micromechanical components to users and resellers, including customers and/or end users, who directly infringe the '560 patent. Upon information and belief, such induced and/or contributory infringement has occurred at least since this Defendant became aware of the '560 patent, at least through becoming aware of this Complaint.

14. Upon present information and belief, Defendant DENSO's infringing methods, products and/or systems comprise at least its "D NQ LA" accelerometer supplied to Toyota Corporation and used by Toyota Corporation in the airbag control module of Toyota Corporation's 2010 Prius.

15. Defendant DENSO is thus liable for infringement of the '560 patent pursuant to 35 U.S.C. § 271.

16. On information and belief, Defendant Sony has been and now is directly infringing the '560 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, at least by using, selling, offering to sell and/or importing micromechanical components comprising a one piece semiconductor substrate of a carrier and a deformable element of a flat design disposed opposite and parallel to a surface of said carrier, said carrier and said deformable element being electrically insulated from one another within said one piece semiconductor substrate, and said deformable element being provided with a mechano-electric signal converter.

17. Moreover, on information and belief, Defendant Sony has been and now is indirectly infringing by way of intentionally inducing infringement and/or contributing to the infringement of the '560 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, including by providing micromechanical components to users, including customers and/or end users, who directly infringe the '560 patent. Upon information and belief, such induced and/or contributory infringement has occurred at least since this Defendant became aware of the '560 patent, at least through becoming aware of this Complaint.

18. Upon present information and belief, Defendant Sony's infringing products and/or systems comprise at least its DUALSHOCK®3 wireless controller for its PlayStation 3 system, which includes the Kionix KXSC4 accelerometer supplied by Kionix, Inc.

19. Defendant Sony is thus liable for infringement of the '560 patent pursuant to 35 U.S.C. § 271.

20. On information and belief, Defendant Toyota has been and now is directly infringing the '560 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, at least by using, selling, offering to sell and/or importing micromechanical components comprising a one piece semiconductor substrate of a carrier and a deformable element of a flat design disposed opposite and parallel to a surface of said carrier, said carrier and said deformable element being electrically insulated from one another within said one piece semiconductor substrate, and said deformable element being provided with a mechano-electric signal converter.

21. Moreover, on information and belief, Defendant Toyota has been and now is indirectly infringing by way of intentionally inducing infringement and/or contributing to the infringement of the '560 patent in the State of Texas, in this Judicial District, and elsewhere in

the United States, including by providing micromechanical components to users and resellers, including customers and/or end users, who directly infringe the '560 patent. Upon information and belief, such induced and/or contributory infringement has occurred at least since this Defendant became aware of the '560 patent, at least through becoming aware of this Complaint.

22. Upon present information and belief, Defendant Toyota's infringing products and/or systems comprise at least its 2010 Prius, which includes an airbag control module comprising the DENSO "D NQ LA" accelerometer, referenced *supra*.

23. Defendant Toyota is thus liable for infringement of the '560 patent pursuant to 35 U.S.C. § 271.

24. On information and belief, Defendant VTI has been and now is directly infringing the '560 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, at least by making, using, selling, offering to sell and/or importing micromechanical components comprising a one piece semiconductor substrate of a carrier and a deformable element of a flat design disposed opposite and parallel to a surface of said carrier, said carrier and said deformable element being electrically insulated from one another within said one piece semiconductor substrate, and said deformable element being provided with a mechano-electric signal converter, and/or by practicing the process of fabricating a micromechanical component, comprising the steps of forming a one piece semiconductor substrate with a carrier and a deformable element of flat design disposed opposite and parallel to a surface of the carrier so that the carrier and the deformable element are electrically insulated from one another within the one piece semiconductor substrate.

25. Moreover, on information and belief, Defendant VTI has been and now is indirectly infringing by way of intentionally inducing infringement and/or contributing to the

infringement of the '560 patent in the State of Texas, in this Judicial District, and elsewhere in the United States, including by providing micromechanical components to users and resellers, including customers and/or end users, who directly infringe the '560 patent. Upon information and belief, such induced and/or contributory infringement has occurred at least since this Defendant became aware of the '560 patent, at least through becoming aware of this Complaint.

26. Upon present information and belief, Defendant VTI's infringing methods, products and/or systems comprise at least its CMA3000-D01 accelerometer.

27. Defendant VTI is thus liable for infringement of the '560 patent pursuant to 35 U.S.C. § 271.

28. As a result of Defendants' infringing conduct, Defendants have damaged MEMTech. Defendants are liable to MEMTech in an amount that adequately compensates MEMTech for their infringement, which, by law, can be no less than a reasonable royalty.

29. MEMTech intends to seek discovery on the issue of willfulness, and it reserves the right to seek a willfulness finding relative to pre-suit infringement. Further, to the extent that any Defendant who was previously unaware of the '560 patent continues to infringe during the pendency of this suit, such infringement may likely be objectively reckless, and thus willful.

30. On information and belief, all Defendants have at least had constructive notice of the '560 patent by operation of law, and MEMTech and any predecessors-in-interest have complied with any marking requirements of 35 U.S.C. § 287 to the extent required by law.

31. As a consequence of these Defendants' infringement, MEMTech has been irreparably damaged and such damage will continue without the issuance of an injunction from this Court.

**PRAYER FOR RELIEF**

WHEREFORE, MEMTech respectfully requests that this Court enter:

1. A judgment in favor of MEMTech that Defendants have infringed, directly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement of the '560 patent.
2. A judgment finding that such infringement has been and/or is willful and objectively reckless;
3. A permanent injunction enjoining Defendants, and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '560 patent.
4. A judgment and order requiring Defendants to pay MEMTech its damages, costs, expenses, and prejudgment and post-judgment interest for their respective infringements of the '560 patent, as provided under 35 U.S.C. § 284;
5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to MEMTech its reasonable attorneys' fees; and
6. Any and all other relief to which MEMTech may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.



January 14, 2011

Respectfully submitted,

MEMTECH LLC

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