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NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiffs  
BCD SEMICONDUCTOR CORPORATION,  
and SHANGHAI SIM-BCD SEMICONDUCTOR  
MANUFACTURING, CO., LTD.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MEJ

BCD SEMICONDUCTOR CORPORATION and )  
SHANGHAI SIM-BCD SEMICONDUCTOR )  
MANUFACTURING, CO., LTD. )

Plaintiffs,

v.

POWER INTEGRATIONS, INC.

Defendant.

CASE NO.

COMPLAINT FOR DECLARATORY  
JUDGMENT

1 Plaintiffs BCD Semiconductor Corporation and Shanghai SIM-BCD Semiconductor  
2 Manufacturing Co., Ltd. (collectively, "Plaintiffs") allege as follows for its Complaint for  
3 Declaratory Judgment against Defendant Power Integrations, Inc. ("Power Integrations"):

4 **Parties**

5 1. Plaintiff Shanghai SIM-BCD Semiconductor Manufacturing Co., Ltd. ("SIM-BCD")  
6 is organized under the laws of the People's Republic of China, with a place of business at 800  
7 Yishan Road, Shanghai, China.

8 2. Plaintiff BCD Semiconductor Corporation ("BCD California") is a California  
9 corporation with an office at 30920 Huntswood Avenue, Suite D, Hayward, California 94544.

10 3. Upon information and belief, Defendant Power Integrations is a Delaware corporation  
11 with a regular and established place of business at 5245 Hellyer Avenue, San Jose, California 95138.

12 **Jurisdiction and Venue**

13 4. Plaintiffs bring this civil action under the Patent Laws, Title 35 of the United States  
14 Code, and under 28 U.S.C. § 2201 to obtain a declaration of noninfringement and/or invalidity with  
15 respect to Power Integrations' U.S. Patent Nos. 6,107,851, 6,249,876 and 5,313,381 (collectively,  
16 "the patents-in-suit"). Since this action arises under the Patent Laws of the United States, this Court  
17 has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

18 5. Power Integrations is subject to personal jurisdiction in this forum.

19 6. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), 1391(c) and  
20 1400(b).

### Background

7. Plaintiffs hereby restate and reallege the allegations set forth in paragraphs 1 through 6 and incorporate them by reference.

8. Power Integrations claims to be the owner by assignment of each of the patents-in-suit.

9. On June 14, 2007, Power Integrations filed suit against Plaintiffs in the U.S. District Court for the Northern District of California for infringement of the patents-in-suit (*Power Integrations, Inc. v. BCD Semiconductor Corp. and Shanghai SIM-BCD Semiconductor Manufacturing, Co., Ltd.*, Civil Action No. 07-cv-03137-WHA ("California Complaint")). The parties exchanged Initial Disclosures and filed a Joint Stipulated Rule 26(f)/Case Management Statement and Proposed Order. However, before an answer from Plaintiffs was due, Power Integrations dismissed its lawsuit in California on October 15, 2007, and, on the same day, filed a Complaint for infringement of the same patents against Plaintiffs in the U.S. District Court for the District of Delaware (*Power Integrations, Inc. v. BCD Semiconductor Corp. and Shanghai SIM-BCD Semiconductor Manufacturing, Co., Ltd.*, Civil Action No. 07-cv-00633-JJF ("Delaware Complaint")).

10. In both the California Complaint and Delaware Complaint, Power Integrations alleged that Plaintiffs have been and are now infringing, inducing infringement, and contributing to the infringement of the patents-in-suit by making, using, selling, offering to sell, and/or importing devices, including pulse width modulation ("PWM") controller integrated circuit ("IC") devices, covered by one or more claims of the patents-in-suit.

11. SIM-BCD incorporates product development, circuit design, R&D, and manufacturing capabilities to offer a wide range of innovative power management IC solutions, including the accused IC devices. BCD California provides regional sales services for the IC solutions in North America.

12. There is an actual and substantial controversy between Plaintiffs and Power Integrations as to the infringement of the patents identified in this Complaint because Power

1 Integrations has brought patent infringement suits against Plaintiffs in California and Delaware and  
2 expressly alleged that Plaintiffs' activities are infringing.

3 **First Count: Declaratory Judgment of**  
4 **Noninfringement and Invalidity of U.S. Patent No. 6,107,851**

5 13. Plaintiffs hereby restate and reallege the allegations set forth in paragraphs 1 through  
6 12 and incorporate them by reference.

7 14. Upon information and belief, Power Integrations is the owner by assignment of U.S.  
8 Patent No. 6,107,851, entitled "Offline Converter with Integrated Softstart and Frequency Jitter."

9 15. Plaintiffs have not infringed and are not infringing, directly, indirectly, contributorily,  
10 or otherwise, any of the claims of U.S. Patent No. 6,107,851.

11 16. U.S. Patent No. 6,107,851 is invalid under one or more provisions of 35 U.S.C. §§  
12 102, 103, and/or 112.

13 **Second Count: Declaratory Judgment of**  
14 **Noninfringement and Invalidity of U.S. Patent No. 6,249,876**

15 17. Plaintiffs hereby restate and reallege the allegations set forth in paragraphs 1 through  
16 12 and incorporate them by reference.

17 18. On information and belief, Power Integrations is the owner by assignment of U.S.  
18 Patent No. 6,249,876, entitled "Frequency Jittering Control for Varying the Switching Frequency of  
19 a Power Supply."

20 19. Plaintiffs have not infringed and are not infringing, directly, indirectly, contributorily,  
21 or otherwise, any of the claims of U.S. Patent No. 6,249,876.

22 20. U.S. Patent No. 6,249,876 is invalid under one or more provisions of 35 U.S.C. §§  
23 102, 103, and/or 112.

**Third Count: Declaratory Judgment of  
Noninfringement and Invalidity of U.S. Patent No. 5,313,381**

21. Plaintiffs hereby restate and reallege the allegations set forth in paragraphs 1 through 12 and incorporate them by reference.

22. On information and belief, Power Integrations is the owner by assignment of U.S. Patent No. 5,313,381, entitled "Three-Terminal Switched Mode Power Supply Integrated Circuit."

23. Plaintiffs have not infringed and are not infringing, directly, indirectly, contributorily, or otherwise, any of the claims of U.S. Patent No. 5,313,381.

24. Plaintiffs cannot be liable for infringement of U.S. Patent No. 5,313,381 because the claims are invalid under one or more provisions of 35 U.S.C. §§ 102, 103, and/or 112.

**Prayers for Relief**

WHEREFORE, Plaintiffs pray that this Court:

A. declare that Plaintiffs have not infringed and are not infringing any of the claims of U.S. Patent Nos. 6,107,851, 6,249,876, and 5,313,381;

B. declare that the claims of U.S. Patent Nos. 6,107,851, 6,249,876, and 5,313,381 are invalid;

C. declare this case exceptional under 35 U.S.C. § 285 and award Plaintiffs its costs, disbursements, and attorney fees in connection with this action; and

D. award Plaintiffs such other and further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs request a trial by jury on all matters appropriately tried to a jury.

1 Dated: January 18, 2008

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER LLP

2  
3 By: Erik Puknys / RSM  
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9 SHANGHAI SIM-BCD SEMICONDUCTOR  
MANUFACTURING CO. LTD.

1 **CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

2 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, and to the best of  
3 his knowledge, there is no such interest to report.  
4

5 Dated: January 18, 2008

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER LLP

6  
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