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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GREGORY BENDER,) Case No. C 09-01154 SBA
)
Plaintiff,) SECOND AMENDED COMPLAINT FOR
) PATENT INFRINGEMENT; AND
vs.) DEMAND FOR JURY TRIAL
)
LINEAR TECHNOLOGY CORPORATION,)
a Delaware corporation,)
)
Defendant.)

Plaintiff Gregory Bender, through counsel, hereby further amends his complaint against Linear Technology Corporation so that, as so further amended, it alleges as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the patent laws of the United States of America (Title 35 of the United States Code) and the Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. Sections 1331 and 1338(a).

1 2. Venue is proper in this judicial district pursuant to 28
2 U.S.C. Sections 1391(b) and (c) and 1400(b).

3 INTRADISTRICT ASSIGNMENT

4 3. This patent action is an excepted category pursuant to
5 Civil L.R. 3-2(c), Assignment to a Division, to be assigned on a
6 district-wide basis.

7 THE PARTIES

8 4. Plaintiff Gregory Bender is an individual whose residence
9 is in San Jose, California.

10 5. Defendant Linear Technology Corporation ("Linear
11 Technology") is a Delaware corporation with its principal place
12 of business situated in Milpitas, California.

13 THE PATENT-IN-SUIT

14 6. On April 9, 1992, United States Patent Number 5,103,188
15 (the "'188 Patent") entitled "Buffered Transconductance
16 Amplifier" issued to plaintiff Gregory Bender and since that date
17 the plaintiff has been and still is the owner of the '188 Patent
18 and of all right of recovery for damages thereunder. A copy of
19 the '188 Patent is attached hereto as Exhibit 1.

20 FIRST CAUSE OF ACTION
21 (Infringement of the '188 Patent)

22 7. Plaintiff realleges and incorporates by this reference
23 thereto the allegations set forth in paragraphs 1 through 6.

24 8. On information and belief, in violation of 35 U.S.C.
25 Section 271, et seq., Linear Technology has performed acts and
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1 performs acts that infringe, and induce others to infringe (by
2 actively, intentionally, knowledgeably, and willfully
3 contributing to, encouraging, causing, and/or inducing third
4 parties actually to infringe directly by providing its customers
5 and others with detailed explanations, instructions, and
6 information as to arrangements, applications, and uses of its
7 products that promote and demonstrate how to use its products in
8 an infringing manner), one or more of the claims of the '188
9 Patent (including, without limitation, claims 8-14 and 29-46) by
10 making, using, offering for sale, and/or selling in, or importing
11 into, the United States of America products that consist of,
12 comprise, and/or contain at least one circuit, silicon or
13 otherwise, which contains and/or utilizes at least one buffered
14 transconductance amplifier (commonly known in the analog
15 electronics industries as a "current feedback amplifier," a
16 "high-gain current feedback amplifier," or a "voltage feedback
17 amplifier" as the case may be) and/or by practicing related
18 methods embodying inventions claimed therein, which such products
19 include, without limitation, cell phones, computer equipment,
20 network drivers, high definition television sets, ultrasound
21 machines, MRI machines, lab equipment, arbitrary waveform
22 generators, audio amplifiers, video amplifiers, hard disc drives,
23 ADC/DAC converters, DVD-RW players, DSL modems, CCD cameras,
24 satellite communication technology, and other products where high
25 performance, high speed analog circuits are used, and/or
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1 components thereof; by way of example and without limitation,
2 such specific Linear Technology amplifier products include parts
3 numbers LT 1251, LT 1252, LT 1253, LT 1256, LT 1259, LT 1260, LT
4 1399HV, LT 1395, LT 1396, LT 1397, LT 1497, LT 1795, LT 6210, LT
5 6211, LT 6411, LTC 6400-8, LTC 6400-14, LTC 6400-20, LTC 6400-26,
6 LTC 6401-8, LTC 6401-14, LTC 6401-20, LTC 6401-26, LTC 6420-20,
7 and LTC 6421-20 (and any related families and related products
8 containing such or similar amplifiers).

9 9. On information and belief, Linear Technology has known of
10 the '188 Patent and has pursued its knowing and willful
11 infringement thereof in flagrant disregard of the rights of the
12 plaintiff thereunder.

13 10. On information and belief, such conduct described in
14 paragraphs 8 and 9 constitutes willful infringement.

15 11. Plaintiff has been damaged by such infringement.

16 WHEREFORE, Plaintiff prays for judgment as follows:

17 A. For an accounting and award for damages resulting from
18 the infringement by the defendant and a trebling of such damages
19 because of the knowing, willful, and wanton nature of such
20 infringement;

21 B. For interest on the damages computed;

22 C. For a determination that this is an exceptional case and
23 an award of attorney's fees and costs and expenses in this
24 action; and
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1 D. For such other and further relief as the Court deems just
2 and proper.

3
4 Dated: February 18, 2010 _____/S/
5 Piedmont, California David N. Kuhn, Counsel for Plaintiff
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DEMAND FOR JURY TRIAL

Plaintiff respectfully requests a jury trial as to all
issues triable thereby.

Dated: February 18, 2010
Piedmont, California

_____/S/_____
David N. Kuhn, counsel