

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

OPTi INC.	§	
	§	
	§	
Plaintiff	§	
v.	§	Civil Action No. 2:07-cv-278-TJW
	§	
ADVANCED MICRO DEVICES, INC., ATMEL CORPORATION, BROADCOM CORPORATION, RENESAS TECHNOLOGY AMERICA, INC., SILICON STORAGE TECHNOLOGY, INC., STANDARD MICROSYSTEMS CORPORATION, STMICROELECTRONICS, INC. AND VIA TECHNOLOGIES, INC.	§	JURY TRIAL DEMANDED
	§	
	§	
Defendants	§	
	§	

**PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND**

Plaintiff OPTi Inc. (“OPTi”) by and through its undersigned counsel, for its complaint herein against Advanced Micro Devices, Inc., Atmel Corporation, Broadcom Corporation, Renesas Technology America, Inc., Silicon Storage Technology, Inc., SMSC North America, Inc., STMicroelectronics, Inc., and Via Technologies, Inc. (collectively, “Defendants”) alleges as follows:

I. PARTIES

1. Plaintiff OPTi is a corporation organized and existing under the laws of the State of California with its principal place of business at 880 Maude Avenue, Mountain View, California 94043. OPTi is the owner of United States Patents No. 5,944,807 (“the ‘807 Patent”) and 6,098,141 (“the ‘141 Patent”), both of which are entitled “Compact ISA-bus Interface.”

2. Upon information and belief, Defendant Advanced Micro Devices, Inc. (“AMD”) is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at One AMD Place, Sunnyvale, CA 94088. AMD is registered to do business in the state of Texas. AMD designs and manufactures, or has manufactured, products compliant with the Intel Low Pin Count Interface Specification (“LPC”) which utilize compact ISA bus technology such as, e.g., chipsets and embedded controllers, imports such products into the United States, and sells and/or offers for sale such products throughout the United States, including within this District. In addition, through the promulgation and promotion of its Open Platform Management Architecture (“OPMA”) Standard, AMD induces and contributes to the use, manufacture, sale, offer for sale, and importation of LPC compliant products by others that utilize compact ISA bus technology throughout the United States, including within this District. More specifically, AMD makes, or has made on its behalf, its LPC compliant products with the knowledge and intent that such products are to be integrated into other downstream electronic products and such products are then placed into national distribution networks in the United States, extending through this district. On information and belief, these end-user consumables are offered for sale and are sold in this district. Such ultimate sales and offers for sale of AMD’s LPC compliant products in this judicial district are foreseeable to AMD.

3. Upon information and belief, Defendant Atmel Corporation (“Atmel”) is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 2325 Orchard Parkway, San Jose, CA 95131. Atmel is registered to do business in the state of Texas. Atmel designs and manufactures, or has manufactured, LPC compliant products utilizing compact ISA bus technology such as, e.g., flash memory products and trusted platform modules, imports such products into the United States, and sells and/or offers for sale such products throughout the United States, including within this District. More specifically, Atmel makes, or has made on its behalf, its LPC compliant products with the knowledge and intent that such products are to be integrated into other downstream electronic products and such products are then placed into national distribution networks in the United States, extending through this district. On information and belief, these end-user consumables are offered for sale and are sold in this district. Such ultimate sales and offers for sale of Atmel’s LPC compliant products in this judicial district are foreseeable to Atmel.

4. Upon information and belief, Defendant Broadcom Corporation (“Broadcom”) is a corporation organized and existing under the laws of the State of California with its principal place of business at 5300 California Avenue, Irvine, CA 92617. Broadcom is registered to do business in the state of Texas. Broadcom designs and manufactures, or has manufactured, LPC compliant products utilizing compact ISA bus technology such as, e.g., chipsets, trusted platform modules and embedded controllers, imports such products into the United States, and sells and/or offers for sale such products throughout the United States, including within this District. More specifically, Broadcom makes, or has made on its behalf, its LPC compliant products with the knowledge and intent that such products are to be integrated into other downstream electronic products and such products are then placed into national distribution networks in the United

States, extending through this district. On information and belief, these end-user consumables are offered for sale and are sold in this district. Such ultimate sales and offers for sale of Broadcom's LPC compliant products in this judicial district are foreseeable to Broadcom.

5. Upon information and belief, Defendant Renesas Technology America, Inc. ("Renesas") is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 450 Holger Way, San Jose, CA 95134. Renesas is registered to do business in the state of Texas. Renesas designs and manufactures, or has manufactured, LPC compliant products utilizing compact ISA bus technology such as, e.g., super I/O products and embedded controllers, imports such products into the United States, and sells and/or offers for sale such products throughout the United States, including within this District. More specifically, Renesas makes, or has made on its behalf, its LPC compliant products with the knowledge and intent that such products are to be integrated into other downstream electronic products, and such products are then placed into national distribution networks in the United States, extending through this district. On information and belief, these end-user consumables are offered for sale and are sold in this district. Such ultimate sales and offers for sale of Renesas' LPC compliant products in this judicial district thus are foreseeable to Renesas.

6. Upon information and belief, Defendant Silicon Storage Technology, Inc. ("SST") is a corporation organized and existing under the laws of the State of California with its principal place of business at 1171 Sonora Court, Sunnyvale, CA 94086. SST designs and manufactures, or has manufactured, LPC compliant products utilizing compact ISA bus technology such as, e.g., flash memory products and certain of its embedded controllers, imports such products into the United States, and sells and/or offers for sale such products throughout the United States, including within this District. More specifically, SST makes, or has made on its

behalf, its LPC compliant products with the knowledge and intent that such products are to be integrated into other downstream electronic products, and such products are then placed into national distribution networks in the United States, extending through this district. On information and belief, these end-user consumables are offered for sale and are sold in this district. Such ultimate sales and offers for sale of SST's LPC compliant products in this judicial district are foreseeable to SST.

7. Upon information and belief, Defendant Standard Microsystems Corporation ("SMSC") is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 80 Arkay Drive, Hauppauge, NY 11788-8847. SMSC is registered to do business in the state of Texas. SMSC designs and manufactures, or has manufactured, LPC compliant products utilizing compact ISA bus technology such as, e.g., super I/O products and embedded controllers, imports such products into the United States, and sells and/or offers for sale such products throughout the United States, including within this District. More specifically, SMSC makes, or has made on its behalf, its LPC compliant products with the knowledge and intent that such products are to be integrated into other downstream electronic products, and such products are then placed into national distribution networks in the United States, extending through this district. On information and belief, these end-user consumables are offered for sale and are sold in this district. Such ultimate sales and offers for sale of SMSC's LPC compliant products in this judicial district are foreseeable to SMSC.

8. Upon information and belief, Defendant STMicroelectronics, Inc. ("STM") is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 1310 Electronics Drive, Mail Stop 2308, Carrollton, TX 75006. STM is registered to do business in the state of Texas. STM designs and manufactures, or has

manufactured, LPC compliant products utilizing compact ISA bus technology such as, e.g., flash memory products and trusted platform modules, imports such products into the United States, and sells and/or offers for sale such products throughout the United States, including within this District. More specifically, STM makes, or has made on its behalf, its LPC compliant products with the knowledge and intent that such products are to be integrated into other downstream electronic products, and such products are then placed into national distribution networks in the United States, extending through this district. On information and belief, these end-user consumables are offered for sale and are sold in this district. Such ultimate sales and offers for sale of STM's LPC compliant products in this judicial district are foreseeable to STM.

9. Upon information and belief, Defendant Via Technologies, Inc. ("Via") is a corporation organized and existing under the laws of the State of California with its principal place of business at 940 Mission Court, Fremont, CA 94539. Via is registered to do business in the state of Texas. Via designs and manufactures, or has manufactured, LPC compliant products utilizing compact ISA bus technology such as, e.g., chipsets, super I/O products, and trusted platform modules, imports such products into the United States, and sells and/or offers for sale such products throughout the United States, including within this District. More specifically, Via makes, or has made on its behalf, its LPC compliant products with the knowledge and intent that such products are to be integrated into other downstream electronic products, and such products are then placed into national distribution networks in the United States, extending through this district. On information and belief, these end-user consumables are offered for sale and are sold in this district. Such ultimate sales and offers for sale of Via's LPC compliant products in this judicial district are foreseeable to Via.

II. JURISDICTION AND VENUE

10. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*

11. This Court has exclusive subject matter jurisdiction over this case for patent infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

12. Personal jurisdiction exists generally and specifically over the Defendants because they have sufficient minimum contacts with the forum as a result of business conducted within the State of Texas. Each Defendant, also directly or through subsidiaries or intermediaries (including downstream manufacturers, distributors, retailers, and others), ships, distributes, offers for sale, sells, imports, advertises, and/or markets products that infringe the patents-in-suit throughout the United States, the state of Texas, and the Eastern District of Texas. Each Defendant acts in consort with others to purposefully and voluntarily place its infringing products in a distribution chain that foreseeably leads to the infringing products being integrated into end user products that are sold in this judicial district as part of the ordinary stream of commerce. Each Defendant has done so with the expectation that these infringing end user products have been, and will continue to be, purchased by consumers in this judicial district and that such purchases are part of the ordinary stream of commerce.

13. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)–(c) and 1400(b).

III. PATENT INFRINGEMENT

14. Plaintiff realleges paragraph 1 through 13 above as if fully set forth herein.

15. On August 31, 1999, the USPTO duly and legally issued the '807 Patent. The '807 Patent was assigned to OPTi and OPTi holds all right, title, and interest in and to the '807 Patent, and possesses all rights of recovery under the '807 Patent. A copy of the '807 Patent is attached hereto as Exhibit A.

16. On August 1, 2000, the USPTO duly and legally issued the '141 Patent. The '141 Patent was assigned to OPTi and OPTi holds all right, title, and interest in and to the '141 Patent, and possesses all rights of recovery under the '141 Patent. A copy of the '141 Patent is attached hereto as Exhibit B.

17. AMD has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '141 and '807 Patents in violation of one or more of 35 U.S.C §§ 271(a), (b), and (c) by making, having made, using, selling, offering to sell, and/or importing in or into the United States, including this judicial district, without authority, its chipsets and certain of its embedded controllers.

18. Atmel has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '141 and '807 Patents in violation of one or more of 35 U.S.C §§ 271(a), (b), and (c) by making, having made, using, selling, offering to sell, and/or importing in or into the United States, including this judicial district, without authority, certain of its flash memory products and its trusted platform modules.

19. Broadcom has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '141 and '807 Patents in violation of one or more of 35 U.S.C §§ 271(a), (b), and (c) by making, having made, using, selling, offering to sell, and/or importing in or into the United States, including this judicial district, without authority, its chipsets, its trusted platform modules, and certain of its embedded controllers.

20. Renesas has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '141 and '807 Patents in violation of one or more of 35 U.S.C §§ 271(a), (b), and (c) by making, having made, using, selling, offering to sell, and/or importing in or into the United States, including this judicial district, without authority, its super I/O products and certain of its embedded controllers.

21. SST has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '141 and '807 Patents in violation of one or more of 35 U.S.C §§ 271(a), (b), and (c) by making, having made, using, selling, offering to sell, and/or importing in or into the United States, including this judicial district, without authority, certain of its flash memory products and certain of its embedded controllers.

22. SMSC has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '141 and '807 Patents in violation of one or more of 35 U.S.C §§ 271(a), (b), and (c) by making, having made, using, selling, offering to sell, and/or importing in or into the United States, including this judicial district, without authority, its super I/O products and certain of its embedded controllers.

23. STM has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '141 and '807 Patents in violation of one or more of 35 U.S.C §§ 271(a), (b), and (c) by making, having made, using, selling, offering to sell, and/or importing in or into the United States, including this judicial district, without authority, certain of its flash memory products and its trusted platform modules.

24. Via Technologies has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '141 and '807 Patents in violation of one or more of 35 U.S.C §§ 271(a), (b), and (c) by making, having made, using, selling, offering to sell, and/or

importing in or into the United States, including this judicial district, without authority, its chipsets, its super I/O products, and its trusted platform modules.

25. Each Defendant has actual notice of the '807 Patent and of the '141 Patent, and is continuing its infringing activities. Each Defendant's infringement of the '807 Patent and of the '141 Patent is with knowledge, willful, and deliberate, and without a reasonable basis for believing that its conduct is, or was, lawful.

26. As a direct and proximate consequence of the acts and practices of each Defendant in infringing one or more claims of the '807 and one or more claims of the '141 Patent, OPTi has been, is being, and, unless such acts and practices are enjoined by the Court, will continue to be injured in its business and property rights.

27. As a direct and proximate consequence of the acts and practices of each Defendant in infringing one of more claims of each of the '807 and '141 Patents, OPTi has suffered, is suffering, and will continue to suffer injury and damages, for which OPTi is entitled to relief under 35 U.S.C. § 284, in an amount to be determined at trial.

28. By reason of the acts and practices of each Defendant, each Defendant has also caused, is causing, and, unless such acts and practices are enjoined by the Court, will continue to cause immediate and irreparable harm to OPTi for which there is no adequate remedy at law, and for which OPTi is entitled to injunctive relief under 35 U.S.C. § 283.

IV. PRAYER FOR RELIEF

WHEREFORE, OPTi prays for the following relief:

A. A judgment that each Defendant has infringed, contributorily infringed, and/or induced infringement of the '807 Patent;

B. A judgment that each Defendant has infringed, contributorily infringed, and/or induced infringement of the '141 Patent;

C. A judgment and order preliminarily and permanently enjoining each Defendant, its employees and agents, and any other person(s) in active concert or participation with it from infringing, contributorily infringing, and/or inducing infringement of the '807 Patent;

D. A judgment and order preliminarily and permanently enjoining each Defendant, its employees and agents, and any other person(s) in active concert or participation with it from infringing, contributorily infringing, and/or inducing infringement of the '141 Patent;

E. A judgment that each Defendant has willfully infringed and is willfully infringing the '807 and '141 Patents;

F. A judgment and order requiring each Defendant to pay OPTi damages under 35 U.S.C § 284, including treble damages for willful infringement as provided by 35 U.S.C. § 284, prejudgment interest and supplemental damages for any continuing post-verdict infringement up until entry of the final Judgment with an accounting as needed;

G. A judgment and order declaring this an exceptional case and awarding OPTi attorneys' fees, as provided by 35 U.S.C. § 285; and

H. A judgment and order awarding OPTi such other and further relief as this Court may deem just and proper.

V. DEMAND FOR JURY TRIAL

OPTi hereby demands that all issues be determined by jury.

DATED: July 3, 2007.

Respectfully submitted,

MCKOOL SMITH, P.C.

 /s/ Sam Baxter

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