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7 Attorneys for Plaintiffs
HTC Corporation and HTC America, Inc.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

12 HTC CORPORATION and
HTC AMERICA, INC.,
13
14 Plaintiffs,

15 v.

16 TECHNOLOGY PROPERTIES LIMITED,
Patriot Scientific Corporation
and ALLIACENSE LIMITED,
17
18 Defendants.

Case No: C 08 00882 JF
(Related to C 08 00887 JF and
C 08 00884 JF)

**FIRST AMENDED COMPLAINT
FOR DECLARATORY JUDGMENT**

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1 Plaintiffs HTC Corporation (“HTC”) and HTC America, Inc. (“HTC America”)
2 (collectively “Plaintiffs”), by and through their attorneys, allege as follows:

3 1. This is a civil action arising under the Patent Laws of the United States, 35
4 U.S.C. §§101, et seq., seeking a declaratory judgment that no valid and enforceable claims of
5 United States Patent Numbers 5,809,336 (“336 patent”); 5,784,584 (“584 patent”); 5,440,749
6 (“749 patent”); 6,598,148 (“148 patent”) and/or 5,530,890 (the “890 Patent”) (collectively the
7 “patents-in-suit”) are infringed by Plaintiffs.

8 **PARTIES**

9 2. Plaintiff HTC is a Taiwan corporation with its principal place of business
10 in Taoyuan, Taiwan, R.O.C.

11 3. Plaintiff HTC America is a Texas corporation with its principal place of
12 business in Bellevue, Washington.

13 4. Defendant Technology Properties Ltd. (“TPL”) is, on information and
14 belief, a California corporation with its principal place of business in Cupertino, California. On
15 information and belief, TPL is a co-owner of the patents-in-suit.

16 5. Defendant Patriot Scientific Corporation (“Patriot”) is, on information and
17 belief, incorporated under the laws of the State of Delaware and maintains its principal place of
18 business in Carlsbad, California. On information and belief, Patriot is a co-owner of the patents-
19 in-suit.

20 6. Defendant Alliacense Ltd. (“Alliacense”) is, on information and belief, a
21 California corporation with its principal place of business in Cupertino, California. On
22 information and belief, Alliacense is responsible for negotiating possible licenses to the patents-
23 in-suit with third parties, on behalf of TPL.

24 **JURISDICTION AND VENUE**

25 7. The Plaintiffs file this complaint against TPL, Patriot and Alliacense
26 (collectively “Defendants”) pursuant to the patent laws of the United States, Title 35 of the
27 United States Code, with a specific remedy sought based upon the laws authorizing actions for
28 declaratory judgment in the federal courts of the United States, 28 U.S.C. §§ 2201 and 2202.

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FIFTH CLAIM

DECLARATORY JUDGMENT REGARDING THE '890 PATENT

23. The Plaintiffs hereby restate and reallege the allegations set forth in paragraphs 1 through 14 and incorporate them by reference.

24. No valid and enforceable claim of the '890 patent is infringed by the Plaintiffs.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray for judgment as follows:

1. Declaring that no valid and enforceable claim of the patents-in-suit is infringed by the Plaintiffs;

2. Declaring that Alliacense and each of their officers, employees, agents, alter egos, attorneys, and any persons in active concert or participation with them be restrained and enjoined from further prosecuting or instituting any action against the Plaintiffs claiming that the patents-in-suit are valid, enforceable, or infringed, or from representing that the products or services of the Plaintiffs infringe the patents-in-suit;

3. A judgment declaring this case exceptional under 35 U.S.C. § 285 and awarding the Plaintiffs their attorneys' fees and costs in connection with this case;

4. Awarding the Plaintiffs such other and further relief as the Court deems just and proper.

Dated: July 10, 2008

WHITE & CASE LLP

/s/ Kyle D. Chen
Kyle D. Chen
Attorneys for Plaintiffs
HTC Corporation and HTC America, Inc.