

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC., a
Delaware corporation,

Plaintiff,

v.

FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC., a Delaware
corporation, FAIRCHILD SEMICONDUCTOR
CORPORATION, a Delaware corporation, and
SYSTEM GENERAL CORPORATION, a
Taiwanese corporation,

Defendants.

C.A. No. 08-309 LPS

JURY TRIAL REQUESTED

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Power Integrations, Inc. hereby alleges as follows:

THE PARTIES

1. Power Integrations, Inc. (“Power Integrations”) is incorporated under the laws of the state of Delaware, and has a regular and established place of business at 5245 Hellyer Avenue, San Jose, California, 95138.

2. Upon information and belief, defendant Fairchild Semiconductor International, Inc. is incorporated under the laws of the state of Delaware, with its headquarters located at 3030 Orchard Parkway, San Jose, CA 95134.

3. Upon information and belief, defendant Fairchild Semiconductor Corporation is incorporated under the laws of the state of Delaware, with its headquarters located at 3030 Orchard Parkway, San Jose, CA 95134.

4. Upon information and belief, defendant System General Corporation (hereinafter “SG”) is incorporated under the laws of Taiwan, with its headquarters located at 5F, No. 9, Alley

6, Lane 45 Bao Shing Road, Shin Dian, Taipei, Taiwan. Upon information and belief, SG is a wholly owned subsidiary of Fairchild Semiconductor International, Inc.

5. Defendant Fairchild Semiconductor International, Inc., defendant Fairchild Semiconductor Corporation, and defendant SG will hereinafter be collectively referred to as “Defendants.”

JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, Title 35 U.S.C. § 1 *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. Upon information and belief, this Court has personal jurisdiction over Defendants because Defendants have purposely availed themselves of the privilege of conducting activities within this State and District.

8. Upon information and belief, venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400 because Defendants are subject to personal jurisdiction in this judicial District.

GENERAL ALLEGATIONS

9. Power Integrations’ products include its TOPSwitch®, TinySwitch®, LinkSwitch®, and DPA-Switch® families of power conversion integrated circuit devices, which are used in power supplies for electronic devices such as cellular telephones, LCD monitors, and computers. These products are sold throughout the United States, including Delaware.

10. Defendants manufacture pulse width modulation (“PWM”) controller integrated circuit devices (e.g., devices intended for use in power conversion applications such as LCD monitor power supplies, off-line power supplies or battery chargers for portable electronics), and directly, and through their affiliates, make, use, import, sell, and offer to sell the same throughout the United States, including Delaware. Defendants also support and encourage others to import, use, offer for sale, and sell throughout the United States, including Delaware, products incorporating Defendants’ integrated circuit devices.

FIRST CAUSE OF ACTION

**INFRINGEMENT OF U.S. PATENT NO. 6,107,851 AND REEXAMINATION
CERTIFICATE U.S. 6,107,851 C1**

11. The allegations of paragraphs 1-10 are incorporated as though fully set forth herein.

12. Power Integrations is now, and has been since its issuance, the assignee and sole owner of all right, title, and interest in United States Patent No. 6,107,851, entitled “Offline Converter with Integrated Softstart and Frequency Jitter” (“the ’851 patent”), which was duly and legally issued on August 22, 2000. On November 9, 2010, the Patent Office issued a reexamination certificate confirming the patentability of the ’851 patent. A true and correct copy of the ’851 patent and associated reexamination certificate is attached hereto as Exhibit A.

13. Defendants have been and are now infringing, inducing infringement, and contributing to the infringement of the ’851 patent and associated reexamination certificate in this District and elsewhere by making, using, selling, offering to sell, and/or importing devices, including PWM integrated circuit devices, covered by one or more claims of the ’851 patent, and/or contributing to or inducing the same by third-parties, all to the injury of Power Integrations.

14. Defendants’ acts of infringement have injured and damaged Power Integrations.

15. Prior to beginning and continuing Defendants’ acts of infringement, Defendants had knowledge of the ’851 patent and the issues of infringement related thereto, including at least by virtue of the facts and circumstances raised during the prior adjudged infringement of the ’851 patent by Fairchild. Accordingly, Defendants’ acts of infringement have been, and continue to be, willful, so as to warrant the enhancement of damages awarded as a result of their infringement.

16. Defendants’ infringement has caused irreparable injury to Power Integrations and will continue to cause irreparable injury until Defendants are enjoined from further infringement by this Court.

SECOND CAUSE OF ACTION

INFRINGEMENT OF U.S. PATENT NO. 6,249,876

17. The allegations of paragraphs 1-10 are incorporated as though fully set forth herein.

18. Power Integrations is now, and has been since its issuance, the assignee and sole owner of all right, title, and interest in United States Patent No. 6,249,876, entitled “Frequency Jittering Control for Varying the Switching Frequency of a Power Supply” (“the ’876 patent”), which was duly and legally issued on June 19, 2001. A true and correct copy of the ’876 patent is attached hereto as Exhibit B.

19. Defendants have been and are now infringing, inducing infringement, and contributing to the infringement of the ’876 patent in this District and elsewhere by making, using, selling, offering to sell, and/or importing devices, including PWM integrated circuit devices, covered by one or more claims of the ’876 patent, and/or contributing to or inducing the same by third-parties, all to the injury of Power Integrations.

20. Defendants’ acts of infringement have injured and damaged Power Integrations.

21. Prior to beginning and continuing Defendants’ acts of infringement, Defendants had knowledge of the ’876 patent and the issues of infringement related thereto, including at least by virtue of the facts and circumstances raised during the prior adjudged infringement of the ’876 patent by Fairchild. Accordingly, Defendants’ acts of infringement have been, and continue to be, willful, so as to warrant the enhancement of damages awarded as a result of their infringement.

22. Defendants’ infringement has caused irreparable injury to Power Integrations and will continue to cause irreparable injury until Defendants are enjoined from further infringement by this Court.

THIRD CAUSE OF ACTION

INFRINGEMENT OF U.S. PATENT NO. 7,110,270

23. The allegations of paragraphs 1-10 are incorporated as though fully set forth herein.

24. Power Integrations is now, and has been since its issuance, the assignee and sole owner of all right, title, and interest in United States Patent No. 7,110,270, entitled “Method and Apparatus for Maintaining a Constant Load Current with Line Voltage in a Switch Mode Power Supply” (“the ’270 patent”), which was duly and legally issued on September 19, 2006. A true and correct copy of the ’270 patent is attached hereto as Exhibit C.

25. Upon information and belief, Defendants have been and are now infringing, inducing infringement, and contributing to the infringement of the ’270 patent in this District and elsewhere by making, using, selling, offering to sell, and/or importing devices, including PWM integrated circuit devices, covered by one or more claims of the ’270 patent, and/or contributing to or inducing the same by third-parties, all to the injury of Power Integrations.

26. Defendants’ acts of infringement have injured and damaged Power Integrations.

27. Defendants’ infringement has caused irreparable injury to Power Integrations and will continue to cause irreparable injury until Defendants are enjoined from further infringement by this Court.

FOURTH CAUSE OF ACTION

INFRINGEMENT OF U.S. PATENT NO. 7,834,605

28. The allegations of paragraphs 1-10 are incorporated as though fully set forth herein.

29. Power Integrations is now, and has been since its issuance, the assignee and sole owner of all right, title, and interest in United States Patent No. 7,834,605, entitled “Method and Apparatus for Maintaining a Constant Load Current with Line Voltage in a Switch Mode Power Supply” (“the ’605 patent”), which was duly and legally issued on November 16, 2010. A true and correct copy of the ’605 patent is attached hereto as Exhibit D.

30. The '605 patent is a continuation in the same family as Power Integrations' asserted '270 patent. The '270 patent has been the subject of reexamination proceedings in the U.S. Patent and Trademark Office (*see* reexamination control number 90/009,393), which were initiated by Fairchild itself. On April 7, 2011, the Patent Office confirmed the patentability of all four of the asserted claims of the Power Integrations' '270 patent over all of the prior art cited by Fairchild in the reexamination proceedings.

31. During the prosecution of the '605 patent, Power Integrations submitted the same prior art to the Patent Office that Fairchild cited in the reexamination proceedings for the related '270 patent. Having considered all of those materials, the Patent Office nevertheless found the claimed subject matter in the '605 patent to be patentable, and the Patent Office issued the '605 patent over the same Fairchild-cited art.

32. Upon information and belief, Defendants have been and are now infringing, inducing infringement, and contributing to the infringement of the '605 patent in this District and elsewhere by making, using, selling, offering to sell, and/or importing devices, including PWM integrated circuit devices, covered by one or more claims of the '605 patent, and/or contributing to or inducing the same by third-parties, all to the injury of Power Integrations.

33. Fairchild has, and has had, actual knowledge of the '605 patent, and its infringement has been and continues to be willful. In particular, Fairchild monitored the progress of the prosecution of the patent application that issued as the '605 patent, submitted portions of the prosecution history of the '605 patent to the Court in this case, and yet continued to infringe the '605 patent despite Fairchild's awareness that the Patent Office confirmed the patentability of the claims of the '605 patent over all of the art Fairchild cited in its prior unsuccessful challenge to the validity of the related '270 patent. Accordingly, Fairchild's acts of infringement have been and continue to be willful, so as to make this case exceptional and warrant the enhancement of damages awarded as a result of Fairchild's infringement.

34. Defendants' acts of infringement have injured and damaged Power Integrations.

Defendants' infringement has caused irreparable injury to Power Integrations and will continue to cause irreparable injury until Defendants are enjoined from further infringement by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

- (a) judgment that Defendants infringe the '851 patent;
- (b) judgment that Defendants infringe the '876 patent;
- (c) judgment that Defendants infringe the '270 patent;
- (d) judgment that Defendants infringe the '605 patent;
- (e) a permanent injunction preventing Defendants and their officers, directors, agents, servants, employees, attorneys, licensees, successors, assigns, and customers, and those in active concert or participation with any of them, from making, using, offering to sell, or selling in the United States or importing into the United States any devices that infringe any claim of the '851, '876, '270, or '605 patents, or contributing to or inducing the same by others;
- (f) judgment against Defendants for money damages sufficient to compensate Power Integrations for Defendants' infringement of the '851, '876, '270, and '605 patents in an amount to be determined at trial;
- (g) that any such money judgment against Defendants be trebled as a result of the willful nature of Defendants' infringement;
- (h) an accounting for Defendants' infringing sales not presented at trial and an award by the court of additional damages for any such infringing sales;
- (i) costs and reasonable attorneys' fees incurred in connection with this action pursuant to 35 U.S.C § 285; and
- (j) such other and further relief as this Court finds just and proper.

JURY DEMAND

Plaintiff Power Integrations requests trial by jury.

Dated: June 6, 2011

FISH & RICHARDSON P.C.

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