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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

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11 PCTEL, INC., a Delaware  
Corporation,

12 Plaintiff,

13 vs.

14 BROADCOM CORP., a California  
15 Corporation,

16 Defendant.  
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No. C03-2475 PJH

E-filing

AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

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19 Plaintiff PCTEL, Inc. (“PCTEL”) complains of Defendant Broadcom Corp.  
20 (“Broadcom”) as follows:

21 **THE PARTIES**

22 1. Plaintiff PCTEL is a Delaware corporation qualified to do business in  
23 California.

24 2. PCTEL is informed and believes that Defendant Broadcom is a  
25 California corporation, with a regular and established place of business in San  
26 Jose, California.

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1 **JURISDICTION AND VENUE**

2 3. This action arises under the patent laws of the United States, Title 35  
3 of the United States Code. Broadcom has and continues to commit, actively  
4 induce, and contribute to acts of patent infringement throughout the United States.  
5 This court has subject matter jurisdiction of this action pursuant to 28 U.S.C.  
6 §§ 1331 (federal question) and 1338(a) (patents).

7 4. Broadcom imports, uses, offers for sale and sells products accused of  
8 infringement – and induces and contributes to the direct infringement of others –  
9 throughout the United States, including in this district, purposefully availing  
10 itself of the privilege of conducting activities within this state and district. Thus,  
11 this Court has personal jurisdiction over Broadcom.

12 5. Venue in this judicial district is proper under the provisions of 28  
13 U.S.C. §§ 1391 and 1400.

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15 **INTRADISTRICT ASSIGNMENT**

16 6. As this action involves claims for patent infringement, pursuant to  
17 Local Rule 3.2(c), Plaintiff has not attempted to assign this action to a particular  
18 division.

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20 **FIRST CLAIM FOR RELIEF**

21 (Infringement of the '561 Patent)

22 7. PCTEL incorporates paragraphs 1-5 herein by this reference.

23 8. PCTEL is the owner of United States Patent No. 4,841,561, entitled,  
24 “Operating default group selectable data communication equipment” (the “'561  
25 Patent”). The '561 Patent duly and legally issued on June 20, 1989. A true and  
26 correct copy of the '561 Patent is attached to this Complaint as Exhibit A.

27 9. Broadcom has been and is: (a) directly infringing the '561 Patent  
28 throughout the United States, by making, using, selling, offering for sale, and/or

1 importing infringing devices that are covered by the '561 Patent in violation of 35  
2 U.S.C. § 271(a); (b) contributorily infringing the '561 Patent by offering to sell or  
3 selling within the United States or importing into (35 U.S.C. § 271(c), (g)) or  
4 from (35 U.S.C. § 271(f)) the United States a component of a patented machine,  
5 manufacturer, combination or composition, or a material or apparatus for use in  
6 practicing a patented process, constituting a material part of the invention of the  
7 '561 Patent, knowing the same to be especially made or especially adapted for use  
8 in an infringement of the '561 Patent, and not a staple article or commodity of  
9 commerce suitable for substantial noninfringing use; and/or (c) actively inducing  
10 infringement of the '561 Patent throughout the United States, by inducing others  
11 to make, use, sell, offer for sale, and/or import infringing devices that are covered  
12 by the '561 Patent in violation of 35 U.S.C. § 271(b).

13 10. Broadcom's infringement of the '561 Patent is willful, wanton,  
14 deliberate, without license, and with full knowledge of PCTEL's rights.

15 11. Broadcom's infringement of the '561 Patent has damaged PCTEL in  
16 an amount to be proven at trial.

17 12. Unless restrained and enjoined by this Court, Broadcom will continue  
18 its acts of infringement and the resulting damage to PCTEL will be substantial,  
19 continuing, and irreparable.

20 WHEREFORE, Plaintiff prays for judgment as set forth in the prayer for  
21 relief.

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23 **SECOND CLAIM FOR RELIEF**

24 (Infringement of the '305 Patent)

25 13. PCTEL incorporates paragraphs 1-5 herein by this reference.

26 14. PCTEL is the owner of United States Patent No. 5,787,305, entitled,  
27 "Host signal processing modem using a software simulation of a UART" (the  
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1 “'305 Patent”). The '305 Patent duly and legally issued on July 28, 1998. A true  
2 and correct copy of the '305 Patent is attached to this Complaint as Exhibit B.

3 15. Broadcom has been and is: (a) directly infringing the '305 Patent  
4 throughout the United States, by making, using, selling, offering for sale, and/or  
5 importing infringing devices that are covered by the '305 Patent in violation of 35  
6 U.S.C. § 271(a); (b) contributorily infringing the '305 Patent by offering to sell or  
7 selling within the United States or importing into (35 U.S.C. § 271(c), (g)) or  
8 from (35 U.S.C. § 271(f)) the United States a component of a patented machine,  
9 manufacturer, combination or composition, or a material or apparatus for use in  
10 practicing a patented process, constituting a material part of the invention of the  
11 '305 Patent, knowing the same to be especially made or especially adapted for use  
12 in an infringement of the '305 Patent, and not a staple article or commodity of  
13 commerce suitable for substantial noninfringing use; and/or (c) actively inducing  
14 infringement of the '305 Patent throughout the United States, by inducing others  
15 to make, use, sell, offer for sale, and/or import infringing devices that are covered  
16 by the '305 Patent in violation of 35 U.S.C. § 271(b).

17 16. Broadcom’s infringement of the '305 Patent is willful, wanton,  
18 deliberate, without license, and with full knowledge of PCTEL’s rights.

19 17. Broadcom’s infringement of the '305 Patent has damaged PCTEL in  
20 an amount to be proven at trial.

21 18. Unless restrained and enjoined by this Court, Broadcom will continue  
22 its acts of infringement and the resulting damage to PCTEL will be substantial,  
23 continuing, and irreparable.

24 WHEREFORE, Plaintiff prays for judgment as set forth in the prayer for  
25 relief.

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**THIRD CLAIM FOR RELIEF**

(Infringement of the '950 Patent)

19. PCTEL incorporates paragraphs 1-5 herein by this reference.

20. PCTEL is the owner of United States Patent No. 5,931,950, entitled, “Wake-up-on-ring power conservation for host signal processing communication system” (the “'950 Patent”). The '950 Patent duly and legally issued on August 3, 1999. A true and correct copy of the '950 Patent is attached to this Complaint as Exhibit C.

21. Broadcom has been and is: (a) directly infringing the '950 Patent throughout the United States, by making, using, selling, offering for sale, and/or importing infringing devices that are covered by the '950 Patent in violation of 35 U.S.C. § 271(a); (b) contributorily infringing the '950 Patent by offering to sell or selling within the United States or importing into (35 U.S.C. § 271(c), (g)) or from (35 U.S.C. § 271(f)) the United States a component of a patented machine, manufacturer, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention of the '950 Patent, knowing the same to be especially made or especially adapted for use in an infringement of the '950 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use; and/or (c) actively inducing infringement of the '950 Patent throughout the United States, by inducing others to make, use, sell, offer for sale, and/or import infringing devices that are covered by the '950 Patent in violation of 35 U.S.C. § 271(b).

22. Broadcom’s infringement of the '950 Patent is willful, wanton, deliberate, without license, and with full knowledge of PCTEL’s rights.

23. Broadcom’s infringement of the '950 Patent has damaged PCTEL in an amount to be proven at trial.









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**JURY DEMAND**

Plaintiff demands trial by jury of all issues so triable.

Dated: June 6, 2003.

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By \_\_\_\_\_

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