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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 GREGORY BENDER,) Case No. C 09-01152 MEJ
9)
Plaintiff,) AMENDED COMPLAINT FOR PATENT
10) INFRINGEMENT; AND
vs.) DEMAND FOR JURY TRIAL
11)
MAXIM INTEGRATED PRODUCTS,)
12 INC., a Delaware corporation,)
13)
Defendant.)

14 Plaintiff Gregory Bender, through counsel, hereby amends his
15 complaint against Maxim Integrated Products, Inc. so that, as so
16 amended, it alleges as follows:

17 JURISDICTION AND VENUE

18
19 1. This is an action for patent infringement arising under
20 the patent laws of the United State of America (Title 35 of the
21 United States Code) and the Court has subject matter jurisdiction
22 over this action pursuant to 28 U.S.C. Sections 1331 and 1338(a).

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

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INTRADISTRICT ASSIGNMENT

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

THE PARTIES

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

5. Defendant Maxim Integrated Products, Inc. ("Maxim") is a Delaware corporation with its principal place of business situated in Sunnyvale, California.

THE PATENT-IN-SUIT

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

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

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

8. On information and belief, in violation of 35 U.S.C. Section 271, et seq., Maxim has performed acts and performs acts that infringe, and induce others to infringe, one or more of the claims of the '188 Patent (including, without limitation, claims 8-14 and 29-46) by making, using, offering for sale, and/or

1 selling products that consist of, comprise, and/or contain at
2 least one circuit, silicon or otherwise, which contains and/or
3 utilizes at least one buffered transconductance amplifier
4 (commonly known in the analog electronics industries as a
5 "current feedback amplifier," a "high-gain current feedback
6 amplifier," or a "voltage feedback amplifier" as the case may be)
7 and/or by practicing related methods embodying inventions claimed
8 therein, which such products include, without limitation, cell
9 phones, computer equipment, network drivers, high definition
10 television sets, ultrasound machines, MRI machines, lab
11 equipment, arbitrary waveform generators, audio amplifiers, video
12 amplifiers, hard disc drives, ADC/DAC converters, DVD-RW players,
13 DSL modems, CCD cameras, satellite communication technology, and
14 other products where high performance, high speed analog circuits
15 are used, and/or components thereof; such specific Maxim products
16 include, without limitation, part numbers MAX 4180-MAX 4187 and
17 MAX 4223-MAX 4228 (and related families).

18 9. On information and belief, Maxim has known of the '188
19 Patent and has pursued its knowing and willful infringement
20 thereof in flagrant disregard of the rights of the plaintiff
21 thereunder.

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

24 11. Plaintiff has been damaged by such infringement.
25
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1 WHEREFORE, Plaintiff prays for judgment as follows:

2 A. For an accounting and award for damages resulting from
3 the infringement by the defendant and a trebling of such damages
4 because of the knowing, willful, and wanton nature of such
5 infringement;

6 B. For interest on the damages computed;

7 C. For a determination that this is an exceptional case and
8 an award of attorney's fees and costs and expenses in this
9 action; and

10 D. For such other and further relief as the Court deems just
11 and proper.

12
13 Dated: May 20, 2009
14 Piedmont, California

/S/
David N. Kuhn, counsel for Plaintiff

DEMAND FOR JURY TRIAL

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

Dated: May 20, 2009
Piedmont, California

 /s/
David N. Kuhn, counsel

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