

The Secretary of State may forward service to Defendant TOSHIBA at its home office address located at Shibaura 1-chome, Minato-ku, Tokyo, 105-8001, Japan, 81 3 3457 4511.

3. Upon information and belief, Defendant TOSHIBA SEMICONDUCTOR COMPANY (“TOSHIBA SEMICONDUCTOR”) is a corporation organized and existing under the laws of Japan, with a principal place of business in Tokyo, Japan. Upon information and belief, Defendant TOSHIBA SEMICONDUCTOR engages in business in the State of Texas, but upon information and belief, does not maintain a regular place of business in the State or a designated agent for service of process. Therefore, pursuant to § 17.044 of the Tex. Civ. Prac. & Rem. Code, Defendant TOSHIBA SEMICONDUCTOR has designated the Secretary of State as its agent for service of process and may be served with process through its counsel or by serving the Secretary of State. The Secretary of State may forward service to Defendant TOSHIBA SEMICONDUCTOR at its home office address located at Shibaura 1-chome, Minato-ku, Tokyo, 105-8001, Japan, 81 3 3457 4511.

4. Upon information and belief, TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC. (“TOSHIBA AEC”) is a California corporation with a principal place of business located in Irvine, CA. Defendant TOSHIBA AEC may be served with process by serving its Registered Agent, CT Corporation Systems, 350 N. St. Paul St., Ste. 2900, Dallas, TX 75201-4234.

II. JURISDICTION AND VENUE

5. This is an action for infringement of a United States patent. Federal question jurisdiction is conferred to this Court over such action under 28 U.S.C. §§ 1331 and 1338(a). Advanced Data Access LLC (“ADA” or “Plaintiff”) is a subsidiary of Acacia Research Group LLC (“ARG”). Both ARG and ADA maintain their principal place of business in Frisco, Texas.

6. ARG (formerly known as Acacia Patent Acquisition Corp.) acquired United States Patent No. 5,781,497 (“the ‘497 Patent”) on June 28, 2007. Since that time, the ‘497 Patent has been successfully licensed and/or covenanted to various entities. Licensing efforts are ongoing through ADA.

7. Upon information and belief, Defendants have had minimum contacts with the Tyler Division of the Eastern District of Texas such that this venue is fair and reasonable. Defendants have committed such purposeful acts and/or transactions in this district that they reasonably should know and expect that they could be haled into this Court as a consequence of such activity. Upon information and belief, Defendants have transacted and, at the time of the filing of this Complaint, are transacting business within the Tyler Division of the Eastern District of Texas.

8. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

III. PATENT INFRINGEMENT

9. On July 14, 1998, United States Patent No. 5,781,497 (“the ‘497 Patent”) was duly and legally issued for “Random Access Memory Word Line Select Circuit Having Rapid Dynamic Deselect.” A true and correct copy of the ‘497 Patent is attached hereto as Exhibit “A” and made a part hereof.

10. By way of assignment, Plaintiff is the owner of all right, title and interest in and to the ‘497 Patent, with all rights to enforce the ‘497 Patent against infringers and to collect damages for all relevant times, including the right to prosecute this action.

11. The ‘497 Patent is referred to as the “Patent-in-Suit.”

12. Upon information and belief, Defendants manufacture, make, have made, import, have imported, market, sell and/or use products and/or systems that infringe one or more claims of the Patent-in-Suit.

13. More specifically, on information and belief, Defendants TOSHIBA, TOSHIBA SEMICONDUCTOR, and TOSHIBA AEC, without authority, consent, right, or license, and in direct infringement of the '497 Patent, manufacture, use, sell, import, and/or offer for sale systems and/or products directly infringing one or more claims of the '497 Patent. By way of example only, its MPEG-4 Audiovisual LSI product, model number TC35273, directly infringes at least claim 14 of the '497 Patent.

14. Further, upon information and belief, Defendants induce and/or contribute to the infringement of one or more of the claims of the Patent-in-Suit by others.

15. For example, on information and belief, Defendants' customer Ocean Electronic (Int'L) Limited ("OEI"), without authority, consent, right, or license, and in direct infringement of the '497 Patent, manufactures, uses, sells, imports, and/or offers for sale systems and/or products directly infringing one or more claims of the '497 Patent. OEI directly infringes at least claim 14 of the '497 Patent by making, using, and/or selling Defendants' MPEG-4 Audiovisual LSI product, model number TC35273.

16. Upon information and belief, Defendants had knowledge of, or were willfully blind to, the existence of the Patent-in-Suit. Defendants possessed specific intent to induce infringement by providing, at a minimum, product specification sheets and instructions on how to use the product in a manner that would infringe the patent. For example, Defendants provided a Tentative Technical Data Sheet for the MPEG-4 Audiovisual LSI, detailing the architecture and functionality of their MPEG-4 Audiovisual LSI product, model number TC35273.

17. Upon information and belief, defendants actively induced OEI to infringe the Patent-in-Suit by advertising an infringing use and by providing instruction on how to engage in an infringing use. For example, Defendants advertise an infringing use of their MPEG-4 Audiovisual LSI product by providing a datasheet detailing the use of its product in a 3GPP video telephony system.

18. Upon information and belief, OEI sells Defendants' MPEG-4 Audiovisual LSI product in the United States.

19. Upon information and belief, Defendants' MPEG-4 Audiovisual LSI product, part number TC35273, has no substantial non-infringing uses. In fact, Defendants state in their datasheet that their DDR2 SDRAM product includes a 12-Mbit embedded DRAM that is integrated as a shared memory for the three signal processing units.

20. Plaintiff reserves the right to assert additional claims for the '497 Patent and reserves the right to assert additional patents.

21. Plaintiff has been damaged as a result of Defendants' infringing conduct. Defendants are, thus, liable to Plaintiff in an amount that adequately compensates for their infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

22. Upon information and belief, Defendants will continue their infringement of the Patent-in-Suit unless enjoined by the Court. Defendants' infringing conduct has caused Plaintiff irreparable harm and will continue to cause such harm without the issuance of an injunction.

IV. RELATED CASE

23. Defendant and the Court are hereby advised of the following related case: ADVANCED DATA ACCESS LLC v. NANYA TECHNOLOGY CORPORATION et al., Civil

Action No. No. 6:11-cv-00473-LED, which was filed by ADA on September 9, 2011 and is currently pending in the United States District Court, Tyler Division, Eastern District of Texas. In that action, ADA alleges infringement of the same '497 Patent described herein by various manufacturers of semiconductor chips.

IV. JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of the Patent-in-Suit have been infringed, either literally and/or under the doctrine of equivalents, by Defendants and/or by others to whose infringement Defendants have contributed to and/or by others whose infringement has been induced by Defendants;
- b. Judgment that Defendants account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendants' infringing activities and other conduct complained of herein;
- c. That Defendants' infringement be found to be willful from the time Defendants became aware of the infringing nature of their product, which is the time of filing of Plaintiff's Complaint at the latest, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
- d. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
- e. That Defendants be permanently enjoined from any further activity or conduct that infringes one or more claims of the Patent-in-Suit; and
- f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: November 15, 2011.

Respectfully submitted,

/s/ Jonathan T. Suder
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