

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TEXAS INSTRUMENTS INCORPORATED,)	
)	
Plaintiff,)	Civil Action No. _____
)	
v.)	
)	
CRADLE IP, LLC,)	Jury Trial Requested
)	
Defendant.)	
)	
)	

COMPLAINT

Texas Instruments Incorporated (“TI”) hereby alleges for its complaint against Cradle IP, LLC on personal knowledge as to its own activities and on information and belief as to the activities of others as follows:

PARTIES

1. TI is a corporation organized under the laws of the State of Delaware, with its principal place of business at 12500 TI Boulevard, Dallas, Texas, 75243.
2. On information and belief, Cradle IP, LLC (“Cradle”) is a wholly owned subsidiary of Cradle Technologies, organized and existing under the laws of the State of Delaware, with its principal place of business at 82 Pioneer Way, Suite 103, Mountain View, California 94041.

NATURE OF THE ACTION

3. This is an action for a declaratory judgment that TI does not infringe any valid claim of United States Patent Nos. 6,874,049 (“the ‘049 Patent”), 6,708,259 (“the ‘259 Patent”), and 6,647,450 (“the ‘450 Patent”) (collectively, “the Cradle Patents”).

4. A true and correct copy of the '049 Patent is attached hereto as Exhibit A.
5. A true and correct copy of the '259 Patent is attached hereto as Exhibit B.
6. A true and correct copy of the '450 Patent is attached hereto as Exhibit C.

JURISDICTION

7. This Complaint is brought pursuant to the Declaratory Judgment Act, codified at 28 U.S.C. §§ 2201 et seq. As discussed in detail below, declaratory judgment jurisdiction is proper because there is a case or actual controversy between TI, on the one hand, and Cradle on the other. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338 (a), because this action arises under the patent laws of the United States, including, but not limited to, 35 U.S.C. § 1 et seq.

PERSONAL JURISDICTION AND VENUE

8. Upon information and belief, through written communications sent to or occurring in Dallas, Texas, Cradle has expressly accused TI of infringing specific claims of each of the Cradle Patents by manufacturing and/or selling specific products, including, without limitation TMS320TCI6487, TMS320TCI6488, TMS320TCI6489, TMS320TCI6670, TMS320TCI6671, TMS320TCI6672, TMS320TCI6674, TMS320TCI6678, TMS320TCI6602, TMS320TCI6604, TMS320TCI6608, TMS320TCI6612, TMS320TCI6614, TMS320TCI6616, TMS320TCI6618, TMS320TCI6474 (Collectively, "Multicore Digital Signal Processors") and AM389x Sitara ARM Microprocessors, OMAP34xx devices, OMAP35xx devices, OMAP36xx devices, and OMAP4xxx devices (Collectively "Multiprocessors and OMAP devices").

9. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 (b) because, among other things, a substantial part of the events giving rise to the claims occurred in this district.

COUNT 1:
NONINFRINGEMENT AND INVALIDITY OF U.S. PATENT NO. 6,874,049

10. TI realleges and incorporates the allegations of Paragraphs 1-9 as if set forth herein in their entirety.

11. None of TI's Multicore Digital Signal Processors infringes or has infringed, either directly or indirectly, any valid claim of the '049 Patent.

12. An actual controversy exists between TI and Cradle with respect to whether TI infringes a valid claim of the '049 Patent.

13. TI seeks a declaration that it does not infringe any claim of the '049 patent and/or that such claims are invalid for failure to comply with one or more of the requirements of the patent laws of the United States, including, at least, those codified by 35 U.S. §§ 102 103, and 112.

COUNT 2:
NONINFRINGEMENT AND INVALIDITY OF U.S. PATENT NO. 6,708,259

14. TI realleges and incorporates the allegations of Paragraphs 1-13 as if set forth herein in their entirety.

15. None of TI's Multiprocessor and/or OMAP devices infringes or has infringed, either directly or indirectly, any valid claim of the '259 Patent.

16. An actual controversy exists between TI and Cradle with respect to whether TI infringes a valid claim of the '259 Patent.

17. TI seeks a declaration that it does not infringe any claim of the '259 patent and/or that such claims are invalid for failure to comply with one or more of the requirements of the patent laws of the United States, including, at least, those codified by 35 U.S. §§ 102 103, and 112.

COUNT 3:
THE NONINFRINGEMENT AND INVALIDITY OF U.S. PATENT NO. 6,647,450

18. TI realleges and incorporates the allegations of Paragraphs 1-17 as if set forth herein in their entirety.

19. None of TI's Multiprocessor and/or OMAP devices infringes or has infringed, either directly or indirectly, any valid claim of the '450 Patent.

20. An actual controversy exists between TI and Cradle with respect to whether TI infringes a valid claim of the '450 Patent.

21. TI seeks a declaration that it does not infringe any claim of the '450 patent and/or that such claims are invalid for failure to comply with one or more of the requirements of the patent laws of the United States, including, at least, those codified by 35 U.S. §§ 102, 103, and 112.

PRAYER FOR RELIEF

WHEREFORE, TI prays for an Order and entry of Judgment against Cradle as follows:

A. Declaring that TI does not infringe the '049 Patent and/or that the claims of the '049 Patent are invalid;

B. Declaring that TI does not infringe the '259 Patent and/or that the claims of the '259 Patent are invalid;

C. Declaring that TI does not infringe the '450 Patent and/or that the claims of the '450 Patent are invalid;

D. Declaring the case exceptional under 35 U.S.C. § 285 and awarding TI its reasonable attorneys' fees in this action;

E. Awarding TI its costs and expenses in this action; and

F. Granting such other and further relief as the Court deems proper and just.

DEMAND FOR JURY TRIAL

TI, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so trial by right.

DATED: March 5, 2012

Respectfully submitted,

TEXAS INSTRUMENTS
INCORPORATED

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CERTIFICATE OF FILING

I hereby certify that on March 5, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Respectfully submitted,

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DLI-6391646v2