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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8 SAN FRANCISCO DIVISION

9 GREGORY BENDER,) Case No. C 09-01251 EMC
10)
Plaintiff,) AMENDED COMPLAINT FOR PATENT
11 vs.) INFRINGEMENT; AND
) DEMAND FOR JURY TRIAL
12 CIRRUS LOGIC, INC., a Delaware)
corporation,)
13)
Defendant.)
14)

15 Plaintiff Gregory Bender, through counsel, hereby amends his
16 complaint against Cirrus Logic, Inc. so that, as so amended, it
17 alleges as follows:

18 JURISDICTION AND VENUE

19 1. This is an action for patent infringement arising under
20 the patent laws of the United States 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. Sections 1391(b) and (c) and 1400(b).

25 Amended complaint
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INTRADISTRICT ASSIGNMENT

3. This patent action is an excepted category pursuant to Local Rule 3-2(c), Assignment of 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 Cirrus Logic, Inc. ("Cirrus") is a Delaware corporation with its principal place of business situated in Austen, Texas.

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., Cirrus 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

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1 8-14 and 29-46) by making, using, offering for sale, and/or
2 selling high-precision analog and mixed-signal integrated circuit
3 products that consist of, comprise, and/or contain at least one
4 circuit, silicon or otherwise, which contains and/or utilizes at
5 least one buffered transconductance amplifier (commonly known in
6 the analog electronics industries as a "current feedback
7 amplifier," a "high-gain current feedback amplifier," or a
8 "voltage feedback amplifier" as the case may be) and/or by
9 practicing related methods embodying inventions claimed therein,
10 which such products include, without limitation, cell phones,
11 computer equipment, network drivers, high definition television
12 sets, ultrasound machines, MRI machines, lab equipment, arbitrary
13 waveform generators, audio amplifiers, video amplifiers, hard
14 disc drives, ADC/DAC converters, DVD-RW players, DSL modems, CCD
15 cameras, satellite communication technology, and other products
16 where high performance, high speed analog circuits are used,
17 and/or components thereof; such specific Cirrus products include,
18 by way of example and without limitation, parts PA85 and PA85A
19 High Voltage Power Operational Amplifiers.

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

24 10. On information and belief, such conduct described in
25

26 Amended complaint

1 paragraphs 8 and 9 constitutes willful infringement.

2 11. Plaintiff has been damaged by such infringement.

3 WHEREFORE, Plaintiff prays for judgment as follows:

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

8 B. For interest on the damages computed;

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

12 D. For such other and further relief as the Court deems just
13 and proper.

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15 Dated: July 12, 2009
16 Piedmont, California

_____/S/_____
David N. Kuhn, counsel for plaintiff

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DEMAND FOR JURY TRIAL

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

Dated: July 12, 2009
Piedmont, California

David N. Kuhn, counsel

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