

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CRADLE IP, LLC,
a Delaware Limited Liability Company,

Plaintiff,

v.

ALTERA CORPORATION,
a Delaware Corporation,

Defendant.

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C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Cradle IP, LLC brings this action against Defendant Altera Corporation, and for its causes of action alleges as follows:

THE PARTIES

1. Plaintiff Cradle IP, LLC (“Cradle”) is a Delaware Limited Liability Company with its corporate headquarters and principal place of business at 82 Pioneer Way, Suite 103, Mountain View, California 94041.

2. Defendant Altera Corporation (“Altera”) is a corporation organized and existing under the laws of the State of Delaware and has a principal place of business at 101 Innovation Drive, San Jose, California 95134. Altera may be served with process through its registered agent Corporation Service Company, 2711 Centerville Rd., Suite 400, Wilmington, Delaware 19808.

3. Throughout this Complaint, and unless specifically noted otherwise, Defendant Altera Corporation is referenced as the “Defendant.”

THE PATENT

U.S. Patent No. 6,212,591 B1

4. On April 3, 2001, United States Patent No. 6,212,591 B1, entitled “Configurable I/O Circuitry Defining Virtual Ports” (“the ‘591 patent”) was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘591 patent is attached as Exhibit A.

5. Pursuant to 35 U.S.C. § 282, the ‘591 patent is presumed valid.

6. Cradle is sole holder of the entire right, title, and interest in the ‘591 patent, including the right to recover damages for past, present, and future infringement.

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, Title 35 United States Code, particularly §§ 271 and 281. This Court has jurisdiction over the claim for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

8. Personal jurisdiction exists specifically over the Defendant because the Defendant is a corporation organized and existing under the laws of the State of Delaware.

9. This Court also has personal jurisdiction over Defendant at least because Defendant has committed acts of infringement in violation of 35 U.S.C. § 271 and has placed infringing products into the stream of commerce with the knowledge and/or understanding that such products are used and sold in this District and/or to companies organized and existing under the laws of the State of Delaware.

10. On information and belief, Defendant derives substantial revenue from the sale of the Accused Products to companies organized and existing under the laws of the State of Delaware, and/or Defendant derives substantial revenue from products sold or distributed within this District.

11. On information and belief, Defendant derives substantial revenue from interstate and international commerce.

12. On information and belief, Defendant expects or should reasonably expect their actions to have consequences within this District.

13. The above acts cause injury to Cradle within this District.

14. Venue is proper in this Court under Title 28 United States Code §§ 1391(b) - (c) and 1400(b).

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,212,591 B1

15. The Defendant has been and is now making, using, selling, offering for sale within the United States, or importing into the United States, at least the following computer chip (field-programmable gate array) products: Stratix III, Stratix IV, Stratix V, Arria II GX, and Arria II GZ (hereinafter the “Accused Products”).

16. By so making, using, selling, or offering to sell within the United States, or importing into the United States at least the aforementioned Accused Products, the Defendant has directly infringed and continues to infringe at least claims 1, 2, 3, and 8 of the ‘591 patent, either literally or by equivalents.

17. By so making, using, selling, or offering to sell within the United States, or importing into the United States at least the Stratix V, the Defendant has directly infringed and continues to infringe at least claim 10 of the ‘591 patent, either literally or by equivalents.

18. The Defendant’s acts of infringement of the ‘591 patent as alleged above have injured Cradle and thus Cradle is entitled to recover damages adequate to compensate it for that infringement, which in no event can be less than a reasonable royalty.

DEMAND FOR JURY TRIAL

19. Cradle hereby demands a jury trial on all claims and issues triable of right by a jury, including Defendant's counterclaims.

PRAYER FOR RELIEF

WHEREFORE, Cradle prays for entry of judgment declaring:

- A. That the Defendant has infringed one or more claims of the '591 patent;
- B. That the Defendant accounts for and pays to Cradle all damages caused by the infringement of the '591 patent, which by statute can be no less than a reasonable royalty;
- C. That Cradle be granted pre-judgment and post-judgment interest on the damages caused to it by reason of the Defendant's infringement of the '591 patent;
- D. That the case be declared exceptional pursuant to 35 U.S.C. § 285, in favor of Cradle, and that Cradle be granted its attorneys' fees in this action;
- E. That costs be awarded to Cradle;
- F. That Cradle be granted such other and further relief that is just and proper under the circumstances.

Dated: October 5, 2012

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