IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FASTVDO LLC,	
Plaintiff,	
v.	**Civil Action No.**
TEXAS INSTRUMENTS INCORPORATED,	**DEMAND FOR JURY TRIAL**
Defendant.	

COMPLAINT

Plaintiff FastVDO LLC ("FastVDO") alleges as follows:

PARTIES

1.   FastVDO is a Florida limited liability corporation with a principal place of business at 750 N. Atlantic Ave., Cocoa Beach, FL 32931.

2.   On information and belief, Texas Instruments Incorporated ("TI") is a Delaware corporation with a principal place of business at 12500 TI Boulevard, P.O. Box 660199, Dallas, Texas 75266.

JURISDICTION AND VENUE

3.   This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*, including § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4.   This Court has personal jurisdiction over TI because, among other reasons, TI is incorporated under the laws of the State of Delaware, and TI has conducted and continues to conduct regular and ongoing business in Delaware. Additionally, on information and belief, TI has committed and continues to commit acts of direct and indirect infringement in this District by making, using, importing, offering for sale, and/or selling infringing products, and inducing others to perform method steps claimed by FastVDO's patent in Delaware.

5.   Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because, among other reasons, TI is incorporated under the laws of the State of Delaware, and TI has conducted and continues to conduct regular and ongoing business in Delaware. Additionally, on information and belief, TI has committed and continues to commit acts of direct and indirect infringement in this District by making, using, importing, offering for sale, and/or selling infringing products, and inducing others to perform method steps claimed by FastVDO's patent in Delaware.

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COUNT I

(Infringement of U.S. Patent No. RE 40,081)

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6.   FastVDO is the owner by assignment and merger of United States Patent No. RE 40,081 ("the '081 patent"), entitled "Fast Signal Transforms With Lifting Steps." The '081 patent reissued on February 19, 2008, based on an initial application filed December 16, 1998. A true and correct copy of the '081 patent is attached hereto as Exhibit A. The '081 patent enables digital video compression through the coding and decoding of blocks of digital image intensities with a block coder and transform coder that utilizes an invertible linear transform having a +/-1 butterfly step, a lifting step, and a scaling factor. International Telecommunications Union – Telecommunication Standardization Sector (ITU-T) H.264 (also known as MPEG-4 Part 10, Audio Video Coding or AVC) (herein "H.264" or "MPEG-4 AVC") is a video compression standard that performs digital image compression by coding and decoding blocks of digital image intensities with a block coder and with a transform coder that includes an invertible linear transform, which is representable as a cascade using at least one +/-1 butterfly step, at least one lifting step, and at least one scaling factor. The FastVDO patent is essential to the H.264 standard, and it was properly identified to the International Telecommunications Union on May 14, 2003, before the promulgation of the H.264 standard in March 2005.

7.   On information and belief, in violation of one or more provisions of 35 U.S.C. § 271, TI has infringed one or more claims of the '081 patent by making, using, selling, offering to sell, or importing Application Processors, Communication Infrastructure Digital Signal

Processors, DaVinci Digital Media System-on-Chip, Digital Media Processors, Digital Media System-on-Chip, Digital Signal Processors, Fixed-Point Digital Signal Processors, HiRel DaVinci Digital Media System-on-Chip, Multicore Digital Signal Processors, tools and software that use H.264 to code and decode videos, including, but not limited to, AVCE64671T, OMAP3503, OMAP3515, OMAP3525, OMAP3530, SM320DM6446-HIREL, TMS320DM365, TMS320DM368, TMS320DM647, TMS320DM648, TMS320DM6437, TMS320DM6441, TMS320DM6443, TMS320DM6446, TMS320DM6448, TMS320DM6467, TMS320DM6467T, TMS320C6452, TMS320C6454, TMS320C6455, TMS320C6457, TMS320C6472, TMS320C6474, and VCE6467T. Additionally, TI has had knowledge of the '081 patent since at least November 8, 2012,[1] or alternatively since being served with this complaint, and TI has induced others, such as its customers, users of its customers' products, to code and decode video with H.264 and practice the method steps of the '081 patent with its marketing materials, advertising materials, manuals, and customer support materials and services since at least this time. For example, as shown below, TI's website links to H.264 Video Codecs and Software Development Kits that are optimized for its accused products:[2]

Current Inventory

Algorithms / Codecs by Platform												
	Target Hardware											
Codecs	C64x+™ DSP core-based devices*	Optimized for DM814x	Optimized for DM8168	Optimized for DM3730	Optimized for DM36x (DM365, DM368)**	Optimized for DM355S**	Optimized for OMAP35x	Optimized for DM646x	Optimized for DM644x	Optimized for DM643x	Optimized for DM648	C55x™
Video & Imaging												
H.264 Video Decoder	●	○	○	○	●		●	●	●		●	
H.264 Video Encoder	●	○	○	○	●		●	●	●	Request PROD	●	

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[1] *See* Exhibit B.
[2] Available at http://focus.ti.com/dsp/docs/dspfindtoolswbytooltype.tsp?sectionId=3&tabId=1460&toolTypeId=65&familyId=44.

By clicking on the links shown above, developers can download the software and documentation from TI:[3]

Order Now

Part Number	Texas Instruments	Status	Price (US$)
C64XPLUSCODECSAUD: C64x+ Audio Codecs - Software and Documentation	Get Software	ACTIVE	Free
C64XPLUSCODECSVID: C64x+ Video Codecs - Software and Documentation	Get Software	ACTIVE	Free

TI's website also offers extensive technical documentation and support for its accused products, including datasheets, product bulletins, articles, white papers, reference designs, wikis and blogs, that describe how to incorporate its accused products into digital video equipment that meets the needs of end-users.[4] For instance, the DaVinci™ Technology Overview Product Bulletin (Rev. D)[5], explains that "DaVinci technology is the first integrated portfolio of Digital Signal Processing (DSP) SoCs, software, tools and support for digital video systems." *Id.* at 1. Specifically, with respect to the TMS320DM6446 and TMS320DM6443, this product brief states that these "processors are ideal for applications such as videophones, automotive infotainment, digital still cameras, streaming media, and IP set-top boxes." *Id.* These representative marketing and technical materials exemplify how TI induces others to code and decode digital videos using H.264 and perform the method steps of the '081 patent (e.g., coding and decoding blocks of digital image intensities with a block coder and transform coder that utilizes an invertible linear transform having a +/- butterfly step, a lifting step, and a scaling factor). By continuing the representative aforementioned activities with knowledge of the '081

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[3] Available at http://www.ti.com/tool/c64xpluscodecs.
[4] See http://www.ti.com/solution/stb-streaming-media-diagram#Reference%20Designs.
[5] Available at http://www.ti.com/litv/pdf/sprt378d (attached hereto as Exhibit C).

patent and its essentiality to the H.264 standard, TI has known, or should have known, that it was inducing infringement by causing the method steps of the '081 patent to be performed.

PRAYER FOR RELIEF

FastVDO prays for the following relief:

1.   A judgment that TI has directly infringed (either literally or under the doctrine of equivalents) one or more claims of the '081 patent;

2.   A judgment that TI has induced the infringement of one or more claims of the '081 patent;

3.   A permanent injunction enjoining TI and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with them, from infringing each of the '081 patent;

4.   An award of damages resulting from TI's acts of infringement in accordance with 35 U.S.C. § 284;

5.   A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to FastVDO its reasonable attorneys' fees

6.   A judgment and order requiring TI to provide an accounting and to pay supplemental damages to FastVDO, including without limitation, pre-judgment and post-judgment interest; and

7.   Any and all other relief to which FastVDO may show itself to be entitled.

DEMAND FOR JURY TRIAL

FastVDO demands a trial by jury on all issues so triable.

Dated: November 9, 2012

FARNAN LLP

 /s/ Brian E. Farnan
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