

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

TELA INNOVATIONS, INC.,	)	
	)	
Plaintiff,	)	
	)	C.A. No. _____
v.	)	
	)	
MOTOROLA MOBILITY LLC,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	
	)	
	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

1. Plaintiff Tela Innovations, Inc. (“Tela” or “Plaintiff”), by and through its attorneys, hereby demands a jury trial and complains of Defendant Motorola Mobility LLC (“Defendant”) as follows:

**NATURE OF ACTION**

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, et seq., to enjoin infringement and obtain damages resulting from Defendant’s unauthorized manufacture, use, sale, offer to sell, and/or importation into the United States for subsequent use or sale of products, methods, processes, services, and/or systems that infringe one or more claims of United States Patent No. 8,217,428 (the “428 Patent”), entitled “Integrated Circuit Including Gate Electrode Level Region Including at Least Three Linear-Shaped Conductive Structures of Equal Length Having Aligned Ends and Positioned at Equal Pitch and Forming Multiple Gate Electrodes of Transistors of Different Type” (attached as Exhibit A); United States Patent No. 8,258,547 (the “547 Patent), entitled “Semiconductor Device with Linearly Restricted Gate Level Region Including Two Transistors

of First Type and Two Transistors of Second Type with Offset Gate Contacts” (attached as Exhibit B); United States Patent No. 8,030,689 (the “’689 Patent”), entitled “Integrated Circuit Device and Associated Layout Including Separated Diffusion Regions of Different Type Each Having Four Gate Electrodes with Each of Two Complementary Gate Electrode Pairs Formed from Respective Linear Conductive Segment” (attached as Exhibit C); United States Patent No. 8,258,550 (the “’550 Patent”), entitled “Semiconductor Device Including at Least Six Transistor Forming Linear Shapes Including at Least Two Transistor Forming Linear Shapes Having Different Extension Distances Beyond Gate Contact” (attached as Exhibit D); United States Patent No. 8,258,552 (the “’552 Patent”), entitled “Semiconductor Device Including at Least Six Transistor Forming Linear Shapes with at Least Two Transistor Forming Linear Shapes Having Offset Ends” (attached as Exhibit E); United States Patent No. 8,264,044 (the “’044 Patent”), entitled “Integrated Circuit Including Cross-Coupled Transistors Having Two Complementary Pairs of Co-Aligned Gate Electrodes with Offset Contacting Structures Positioned Between Transistors of Different Type” (attached as Exhibit F); and United States Patent No. 8,264,049 (the “’049 Patent”), entitled “Integrated Circuit Including Cross-Coupled Transistors with Two Transistors of Different Type Having Gate Electrodes Formed by Common Gate Level Feature with Shared Diffusion Regions on Opposite Sides of Common Gate Level Feature” (attached as Exhibit G).

3. This action for patent infringement involves Defendant’s manufacture, use, sale, offer for sale, and/or importation into the United States of infringing products, methods, processes, services, and systems that are primarily used or primarily adapted for use in portable communication devices, including, but not limited to, Defendant’s mobile telephones, telecommunication devices, computer tablets, and other portable communication devices.

4. Plaintiff seeks injunctive relief to prevent Defendant from continuing to infringe Plaintiff's patents. In addition, Plaintiff seeks a recovery of monetary damages resulting from Defendant's past infringement of these patents.

### **THE PARTIES**

5. Plaintiff Tela is a privately held company with its principal place of business at 485 Alberto Way, Suite 115, Los Gatos, California 95032.

6. Tela has developed and patented design solutions for advanced integrated circuit ("IC") manufacturing processes where lithography driven constraints require novel approaches to both digital circuit design and the physical implementation of these designs. More specifically, Tela developed patented design solutions that enable continued cost-effective scaling of semiconductor manufacturing processes.

7. Tela's products, including cell libraries, layouts and software, enable IC designers to achieve improved performance, area and power characteristics as semiconductor processes continue to scale. Tela has been the recipient of U.S. government contracts under which it has made significant contributions toward developing its technology for use by the U.S. government, in addition to private semiconductor manufacturing companies. Tela has also entered into numerous evaluation and testing agreements with customers and potential customers under which its products employing its patented technology have been evaluated.

8. Plaintiff Tela is the lawful assignee of all right, title, and interest in and to the '428, '547, '689, '550, '552, '044, and '049 Patents (collectively, the "Asserted Patents").

9. Upon information and belief, Defendant Motorola Mobility LLC is a communications corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 600 N. U.S. Highway 45, Libertyville, Illinois 60048. Motorola Mobility LLC is in the business of developing, manufacturing, importing into the

United States and selling products containing integrated circuit devices. Such devices include, without limitation, cellular telephones and computer tablets. Motorola Mobility LLC is referred to as “Motorola.”

10. Tela has been irreparably harmed by the Defendant’s infringement of its valuable patent rights. Moreover, Defendant’s unauthorized and infringing uses of Tela’s patented technology have threatened the value of this intellectual property because Defendant’s conduct results in Tela’s loss of its lawful patent rights to exclude others from making, using, selling, offering to sell, and/or importing the patented technology.

#### **JURISDICTION AND VENUE**

11. This Court has jurisdiction over the subject matter of this patent infringement action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

12. Upon information and belief, Defendant is subject to personal jurisdiction in the State of Delaware because it regularly transacts business in this judicial district and division by, among other things, offering its products and services to customers, business affiliates, and partners located in this judicial district. In addition, the Defendant has committed acts of direct infringement of one or more of the claims of one or more of the Asserted Patents in this judicial district.

13. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because the Defendant is subject to personal jurisdiction in this district and has committed acts of infringement in this district.

#### **COUNT I (INFRINGEMENT OF UNITED STATES PATENT NO. 8,217,428)**

14. Paragraphs 1 through 13 are incorporated by reference as if fully restated herein.

15. The '428 Patent has fifty-five (55) claims, including three (3) independent claims (claims 1, 54, and 55) and fifty-two (52) dependent claims (claims 2-53).

16. Upon information and belief, Defendant makes, uses, sells, offers to sell, and/or imports into the United States for subsequent sale or use products, services, methods, or processes that infringe, directly and/or indirectly, or which employ systems, components, and/or steps that make use of systems or processes that infringe, directly and/or indirectly, one or more of the claims of the '428 Patent, including, without limitation, claims 1-13 of the '428 Patent. Such devices include computer tablets, mobile telephones, and other portable communication devices, including, but not limited to, Defendant's Atrix HD device and other substantially similar devices.

17. Upon information and belief, Defendant has been infringing and continues to infringe one or more of the claims of the '428 Patent, including the above-cited claims 1-13 of the '428 Patent, through the aforesaid acts, and will continue to do so unless enjoined by this Court. Upon information and belief, Defendant's wrongful conduct has caused Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell, and/or importing the patented technology.

18. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

**COUNT II**  
**(INFRINGEMENT OF UNITED STATES PATENT NO. 8,258,547)**

19. Paragraphs 1 through 18 are incorporated by reference as if fully restated herein.

20. The '547 Patent has thirty-six (36) claims, including three (3) independent claims (claims 1, 35, and 36) and thirty-three (33) dependent claims (claims 2-34).

21. Upon information and belief, Defendant makes, uses, sells, offers to sell, and/or imports into the United States for subsequent sale or use products, services, methods, or processes that infringe, directly and/or indirectly, or which employ systems, components, and/or steps that make use of systems or processes that infringe, directly and/or indirectly one or more of the claims of the '547 Patent, including without limitation claims 1-34 of the '547 Patent. Such devices include computer tablets, mobile telephones, and other portable communication devices, including, but not limited, to Defendant's Atrix HD device and substantially similar devices.

22. Upon information and belief, Defendant has been infringing and continues to infringe one or more of the claims of the '547 Patent, including the above-cited claims 1-34 of the '547 Patent, through the aforesaid acts, and will continue to do so unless enjoined by this Court. Upon information and belief, the Defendant's wrongful conduct has caused Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell, and/or importing the patented technology.

23. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

**COUNT III  
(INFRINGEMENT OF UNITED STATES PATENT NO. 8,030,689)**

24. Paragraphs 1 through 23 are incorporated by reference as if fully restated herein.

25. The '689 Patent has forty-six (46) claims, including two (2) independent claims (claims 1 and 2) and forty-four (44) dependent claims (claims 3-46).

26. Upon information and belief, Defendant makes, uses, sells, offers to sell, and/or imports into the United States for subsequent sale or use products, services, methods, or

processes that infringe, directly and/or indirectly, or which employ systems, components, and/or steps that make use of systems or processes that infringe, directly and/or indirectly, one or more of the claims of the '689 Patent, including, without limitation, claims 2-4, 29, and 33-46 of the '689 Patent. Such devices include computer tablets, mobile telephones, and other portable communication devices, including, but not limited, to Defendant's Atrix HD device and substantially similar devices.

27. Upon information and belief, Defendant has been infringing and continues to infringe one or more of the claims of the '689 Patent, including the above-cited claims 2-4, 29, and 33-46 of the '689 Patent, through the aforesaid acts, and will continue to do so unless enjoined by this Court. Upon information and belief, the Defendant's wrongful conduct has caused Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell, and/or importing the patented technology.

28. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

**COUNT IV  
(INFRINGEMENT OF UNITED STATES PATENT NO. 8,258,550)**

29. Paragraphs 1 through 28 are incorporated by reference as if fully restated herein.

30. The '550 Patent has forty-eight (48) claims, including three (3) independent claims (claims 1, 47, and 48) and forty-five (45) dependent claims (claims 2-46).

31. Upon information and belief, Defendant makes, uses, sells, offers to sell, and/or imports into the United States for subsequent sale or use products, services, methods, or processes that infringe, directly and/or indirectly, or which employ systems, components, and/or

steps that make use of systems or processes that infringe, directly and/or indirectly, one or more of the claims of the '550 Patent, including without limitation claims 1-23, 26-31, and 38-46 of the '550 Patent. Such devices include computer tablets, mobile telephones, and other portable communication devices, including but not limited to Defendant's Atrix HD device and substantially similar devices.

32. Upon information and belief, Defendant has been infringing and continues to infringe one or more of the claims of the '550 Patent, including the above-cited claims 1-23, 26-31, and 38-46 of the '550 Patent, through the aforesaid acts, and will continue to do so unless enjoined by this Court. Upon information and belief, the Defendant's wrongful conduct has caused Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell, and/or importing the patented inventions.

33. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

**COUNT V  
(INFRINGEMENT OF UNITED STATES PATENT NO. 8,258,552)**

34. Paragraphs 1 through 33 are incorporated by reference as if fully restated herein.

35. The '552 Patent has forty-nine (49) claims, including three (3) independent claims (claims 1, 48, and 49) and forty-six (46) dependent claims (claims 2-47).

36. Upon information and belief, Defendant makes, uses, sells, offers to sell, and/or imports into the United States for subsequent sale or use products, services, methods, or processes that infringe, directly and/or indirectly, or which employ systems, components, and/or steps that make use of systems or processes that infringe, directly and/or indirectly, one or more



of the claims of the '552 Patent, including, without limitation, claims 1-5, 11, and 18-47 of the '552 Patent. Such devices include computer tablets, mobile telephones, and other portable communication devices, including, but not limited to, Defendant's Atrix HD device and substantially similar devices.

37. Upon information and belief, Defendant has been infringing and continues to infringe one or more of the claims of the '552 Patent, including the above-cited claims 1-5, 11, and 18-47 of the '552 Patent, through the aforesaid acts, and will continue to do so unless enjoined by this Court. Upon information and belief, the Defendant's wrongful conduct has caused Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell, and/or importing the patented inventions.

38. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

**COUNT VI  
(INFRINGEMENT OF UNITED STATES PATENT NO. 8,264,044)**

39. Paragraphs 1 through 38 are incorporated by reference as if fully restated herein.

40. The '044 Patent has forty-two (42) claims, including one (1) independent claim (claim 1) and forty-one (41) dependent claims (claims 2-41).

41. Upon information and belief, Defendant makes, uses, sells, offer to sell, and/or imports into the United States for subsequent sale or use products, services, methods, or processes that infringe, directly and/or indirectly, or which employ systems, components, and/or steps that make use of systems or processes that infringe, directly and/or indirectly one or more of the claims of the '044 Patent, including, without limitation, claims 1-5, 7, 8, 10-14, 17, 18, 21-

25, 28, 29, 32-36, 39, and 40 of the '044 Patent. Such devices include computer tablets, mobile telephones, and other portable communication devices, including, but not limited to, Defendant's Atrix HD device and substantially similar devices.

42. Upon information and belief, Defendant has been infringing and continues to infringe one or more of the claims of the '044 Patent, including the above-cited claims 1-5, 7, 8, 10-14, 17, 18, 21-25, 28, 29, 32-36, 39, and 40 of the '044 Patent, through the aforesaid acts, and will continue to do so unless enjoined by this Court. Upon information and belief, the Defendant's wrongful conduct has caused Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell, and/or importing the patented inventions.

43. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

**COUNT VII  
(INFRINGEMENT OF UNITED STATES PATENT NO. 8,264,049)**

44. Paragraphs 1 through 43 are incorporated by reference as if fully restated herein.

45. The '049 Patent has twenty-five (25) claims, including three (3) independent claims (claims 1, 24, and 25) and twenty-two (22) dependent claims (claims 2-23).

46. Upon information and belief, Defendant makes, uses, sells, offers to sell, and/or imports into the United States for subsequent sale or use products, services, methods, or processes that infringe, directly and/or indirectly, or which employ systems, components, and/or steps that make use of systems or processes that infringe, directly and/or indirectly, one or more of the claims of the '049 Patent, including, without limitation, claims 1-11 and 20-23 of the '049 Patent. Such devices include computer tablets, mobile telephones, and other portable

communication devices, including, but not limited to, Defendant's Atrix HD device and substantially similar devices.

47. Upon information and belief, Defendant has been infringing and continues to infringe one or more of the claims of the '049 Patent, including the above-cited claims 1-11 and 20-23 of the '049 Patent, through the aforesaid acts, and will continue to do so unless enjoined by this Court. Upon information and belief, the Defendant's wrongful conduct has caused Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell and/or importing the patented inventions.

48. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

**WHEREFORE**, Plaintiff prays for judgment against the Defendant, granting Plaintiff the following relief:

A. That this Court adjudge and decree that the '428 Patent is valid and enforceable against the Defendant; that the '547 Patent is valid and enforceable against the Defendant; that the '689 Patent is valid and enforceable against the Defendant; that the '550 Patent is valid and enforceable against the Defendant; that the '552 Patent is valid and enforceable against the Defendant; that the '044 Patent is valid and enforceable against the Defendant; and that the '049 Patent is valid and enforceable against the Defendant;

B. That this Court adjudge and decree that the Defendant has infringed the '428 Patent, the '547 Patent, the '689 Patent, the '550 Patent, the '552 Patent, the '044 Patent, and the '049 Patent;

C. That this Court permanently enjoin the Defendant and its parents, subsidiaries, affiliates, successors, and assigns, and each of its officers, directors, employees, representatives, agents, attorneys, and all persons acting in concert or active participation with, or on its behalf, or within its control, from making, using, selling, offering to sell, importing, or advertising products and/or services and/or employing systems, hardware, software, and/or components, and/or making use of systems or processes that infringe any of the claims of the Asserted Patents, or from otherwise engaging in acts of infringement of the Asserted Patents, all as alleged herein;

D. That this Court order an accounting, including a post-verdict accounting, to determine the damages to be awarded to Plaintiff as a result of the Defendant's infringement;

E. That this Court, pursuant to 35 U.S.C. § 284, enter an award to Plaintiff of such damages as it shall prove at trial against the Defendant that is adequate to compensate Plaintiff for said infringement, said damages to be no less than a reasonable royalty together with interest and costs;

F. That this Court assess pre-judgment and post-judgment interest and costs against the Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. § 284;

G. That this Court declare this case to be exceptional and direct Defendant to pay Tela's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. § 285; and

H. That this Court grant to Plaintiff such other, further, and different relief as may be just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury of all matters to which it is entitled to trial by jury pursuant to FED. R. CIV. P. 38.

Dated: February 8, 2013

Respectfully submitted,

/s/ Edmond D. Johnson

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