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CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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ANALOG DEVICES, INC.,  
14 FREESCALE SEMICONDUCTOR, INC., and  
NATIONAL SEMICONDUCTOR CORP.

LB

15  
16 **IN THE UNITED STATES DISTRICT COURT**  
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
18 **SAN FRANCISCO DIVISION**

19  
20 FREESCALE SEMICONDUCTOR, INC.,  
21 NATIONAL SEMICONDUCTOR CORP., and  
ANALOG DEVICES, INC.,  
22  
23 Plaintiffs,  
24  
25 v.  
26 UNITED MODULE CORP., and  
KERANOS, LLC,  
27  
28 Defendants.

Case No.: **CV 10 5196**

**COMPLAINT**  
**Demand for Jury Trial**

1 Plaintiffs, Freescale Semiconductor, Inc. (“Freescale”), National Semiconductor Corp.  
2 (“NSC”), and Analog Devices, Inc. (“Analog Devices”), hereby demand a jury trial and seek a  
3 declaration that they did not infringe expired United States Patent Nos. 4,795,719 (“’719  
4 Patent”), attached hereto as Exhibit 1, 4,868,629 (“’629 Patent”), attached hereto as Exhibit 2,  
5 and 5,042,009 (“’009 Patent”), attached hereto as Exhibit 3; and that each of those patents—the  
6 ’719 Patent, ’629 Patent, and ’009 Patent—is invalid and unenforceable.

7 **PARTIES**

8 1. Plaintiff Analog Devices is a Massachusetts corporation with its principal place of  
9 business at One Technology Way, Norwood, MA 02062.

10 2. Plaintiff Freescale is a Delaware corporation with a principal place of business at  
11 6501 William Cannon Drive West, Austin, TX 78735.

12 3. Plaintiff NSC is a Delaware corporation with a principal place of business at 2900  
13 Semiconductor Drive, Santa Clara, CA 95052.

14 4. Upon information and belief, Defendant United Module Corp. (“United Module”)  
15 is a California corporation having its principal place of business located at 978 Highlands Circle,  
16 Los Altos, CA 94024.

17 5. Upon information and belief, Defendant Keranos, LLC (“Keranos”) is a Texas  
18 limited liability company having its principal place of business located at 211 E. 7th Street, Suite  
19 620, Austin, TX 78701.

20 **JURISDICTION**

21 6. This complaint arises under the patent laws of the United States, Title 35 of the  
22 United States Code, and the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201–02. This  
23 Court has original jurisdiction over the subject matter of these claims made under 28 U.S.C.  
24 §§ 1331 & 1338(a).

25 7. On June 23, 2010, Defendant Keranos filed an action alleging past infringement  
26 of the ’719 Patent, ’629 Patent, and ’009 Patent (collectively the “patents-in-suit”) by plaintiffs  
27 Analog Devices, Freescale, NSC, and other parties, including Microchip Technology, Inc.  
28 (“Microchip”) in United States District Court for the Eastern District of Texas. The case is

1 captioned *Keranos LLC v. Analog Devices, Inc., et al.*, Civil Action No. 2:10-cv-207 (“Texas  
2 Case”). Defendant United Module is not a party to that suit.

3 8. On September 20, 2010, Microchip moved to dismiss the Texas Case on grounds  
4 that Defendant Keranos lacks constitutional standing.

5 9. Defendant Keranos lacks standing because it is not the owner or exclusive  
6 licensee of any of the patents-in-suit.

7 10. Defendant United Module, not Keranos, is the owner of the patents-in-suit.

8 11. Defendant United Module is listed with the U.S. Patent and Trademark Office  
9 (“PTO”) as the assignee of record of each of the patents-in-suit.

10 12. Keranos alleges in its complaint in the Texas Case that United Module is the  
11 owner of the patents-in-suit: “Keranos currently holds all applicable exclusive enforcement  
12 rights for infringement of the patents-in-suit through an agreement with United Module, Inc.,  
13 which owns all rights, title and interest in the patents-in-suit.”

14 13. Defendant Keranos is not an exclusive licensee of the patents-in-suit because each  
15 of these expired before Keranos was formed and before the date of the agreement purporting to  
16 transfer rights in these patents to Keranos.

17 14. Plaintiffs Freescale, NSC, and Analog Devices have joined Microchip’s motion to  
18 dismiss the Texas Case under Rule 12(b)(1). The motion to dismiss in the Texas Case is  
19 pending.

20 15. On September 20, 2010, Microchip and Silicon Storage Technology, Inc. (“SST”)  
21 filed a related lawsuit in the United States District Court for the Northern District of California  
22 seeking a declaration of past non-infringement and invalidity of the same patents as the expired  
23 patents-in-suit. This case is captioned: *Microchip Tech., Inc. et al. v. United Module Corp. et al.*,  
24 Case No. 3:10-cv-4241-JCS (N.D. Cal.) (“Microchip California Case”).

25 16. Because this case and the Microchip California Case are in their nascent stages  
26 and involve the same patents and common questions of fact and law, consolidation of the present  
27 lawsuit with the Microchip California Case is appropriate.  
28

1           17.     Upon information and belief, defendant United Module resides and conducts  
2 business in this judicial district, and is subject to personal jurisdiction in this Court.

3           18.     Upon information and belief, defendant Keranos conducts business in this judicial  
4 district, and is subject to personal jurisdiction in this Court. For example, in its complaint filed  
5 in the Texas Case, Keranos alleges it entered into an agreement relating to the expired patents-in-  
6 suit with United Module, which is a resident of this judicial district. As alleged in the Texas  
7 Case, that agreement involves the purported rights in the patents-in-suit. Further, upon  
8 information and belief, J. Nicholas Gross is a resident of this judicial district and is the sole  
9 governing member of Keranos.

10          19.     In its complaint filed in the Texas Case, defendant Keranos alleges that Analog  
11 Devices “infringed; induced others to infringe; and/or committed acts of contributory  
12 infringement, literally or under the doctrine of equivalents, of one or more claims of the [patents-  
13 in-suit] by importing, making using, offering to sell, and/or selling products and devices which  
14 embody the patented invention, including, among other devices, integrated circuits using  
15 embedded flash memory embodied in discrete form, wafer form, or incorporated within larger  
16 systems on printed circuit boards.” Analog Devices products that are specifically accused of  
17 patent infringement in the Texas Case “include certain devices identified by Analog Devices in  
18 press releases and other public literature as model numbers/series ADUC814; ADUC824; and  
19 ADUC831 and related family of products.”

20          20.     Because defendant Keranos has accused Analog Devices’s ADUC814;  
21 ADUC824; and ADUC831 products of infringing the patents-in-suit in the Texas Case, Keranos  
22 has taken a position that raises a substantial controversy, between parties having adverse legal  
23 interests, that is of sufficient immediacy and reality to warrant the issuance of a declaratory  
24 judgment. Accordingly, an actual controversy exists between the Defendants and Analog  
25 Devices as to past non-infringement and invalidity of each of the patents-in-suit.

26          21.     In its complaint filed in the Texas Case, defendant Keranos alleges that Freescale  
27 “infringed; induced others to infringe; and/or committed acts of contributory infringement,  
28 literally or under the doctrine of equivalents, of one or more claims of the [patents-in-suit] by

1 importing, making using, offering to sell, and/or selling products and devices which embody the  
2 patented invention, including, among other devices, integrated circuits using embedded flash  
3 memory embodied in discrete form, wafer form, or incorporated within larger systems on printed  
4 circuit boards.” Freescale products that are specifically accused of past infringement in the  
5 Texas Case “include certain microcontrollers identified by defendant in press releases and other  
6 public literature as model numbers/series 68HC05 (CPU05), 68HC08 (CPU08), 68HC11  
7 (CPU11), 68HC12 (CPU12), 68HC16 (CPU16), 683XX, MPC500, MPC 860, MPC 8240/8250,  
8 MPC 8540/8555/8560, MM908E624 & 625; HC08 and related family of products.”

9       22. Because defendant Keranos has accused Freescale’s 68HC05 (CPU05), 68HC08  
10 (CPU08), 68HC11 (CPU11), 68HC12 (CPU12), 68HC16 (CPU16), 683XX, MPC500, MPC  
11 860, MPC 8240/8250, MPC 8540/8555/8560, MM908E624 & 625, and HC08 products of  
12 infringing the patents-in-suit in the Texas Case, Keranos has taken a position that raises a  
13 substantial controversy, between parties having adverse legal interests, that is of sufficient  
14 immediacy and reality to warrant the issuance of a declaratory judgment. Accordingly, an actual  
15 controversy exists between defendants and Freescale as to past non-infringement and invalidity  
16 of each of the patents-in-suit.

17       23. In its complaint filed in the Texas Case, defendant Keranos alleges that NSC  
18 “infringed; induced others to infringe; and/or committed acts of contributory infringement,  
19 literally or under the doctrine of equivalents, of one or more claims of the [patents-in-suit] by  
20 importing, making using, offering to sell, and/or selling products and devices which embody the  
21 patented invention, including, among other devices, integrated circuits using embedded flash  
22 memory embodied in discrete form, wafer form, or incorporated within larger systems on printed  
23 circuit boards.” NSC products that are specifically accused of past infringement in the Texas  
24 Case “include certain microcontrollers identified by defendant in press releases and other public  
25 literature as model numbers/series COP8, CR16 and related family of products.”

26       24. Because defendant Keranos has accused NSC’s COP8 and CR16 products of  
27 infringing the patents-in-suit in the Texas Case, Keranos has taken a position that raises a  
28 substantial controversy, between parties having adverse legal interests, that is of sufficient

1 immediacy and reality to warrant the issuance of a declaratory judgment. Accordingly, an actual  
2 controversy exists between defendants and NSC as to non-infringement and invalidity of each of  
3 the patents-in-suit.

4 VENUE

5 25. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400 because, on  
6 information and belief, defendant United Module resides in this district. On information and  
7 belief, defendant Keranos is subject to personal jurisdiction in this district. Plaintiffs Freescale,  
8 NSC, and Analog Devices do business in this district.

9 **COUNT I**  
10 **DECLARATORY JUDGMENT OF**  
11 **NON-INFRINGEMENT OF THE EXPIRED '719 PATENT**

12 26. Plaintiffs reallege the allegations in paragraphs 1–25 as though fully set forth  
13 herein.

14 27. An actual and justiciable controversy has arisen and exists between Plaintiffs  
15 Freescale, NSC, and Analog Devices, and defendants United Module and Keranos regarding the  
16 '719 Patent.

17 **Declaratory Judgment that Analog Devices Did Not Infringe the Expired '719 Patent**

18 28. Analog Devices did not directly or indirectly infringe any claim of the '719 Patent  
19 before it expired, either literally or under the doctrine of equivalents, by previously making,  
20 using, selling, offering to sell, marketing, licensing, or importing its products, the ADUC814;  
21 ADUC824; ADUC831 and related family of products.

22 29. Analog Devices did not induce its customers to infringe any claim of the '719  
23 Patent before it expired by previously making, using, selling, offering to sell, marketing,  
24 licensing, or importing its products, the ADUC814; ADUC824; ADUC831 and related family of  
25 products.

26 30. Analog Devices did not engage in contributory infringement any claim of the  
27 expired '719 Patent before it expired by previously making, using, selling, offering to sell,  
28 marketing, licensing, or importing its products, including the ADUC814; ADUC824; ADUC831  
and related family of products,

1           31.     A judicial declaration of non-infringement of the expired '719 Patent is necessary  
2 and appropriate so that Analog Devices can ascertain its rights, duties, and obligations with  
3 respect to the defendants, the expired '719 Patent, and its past conduct involving its products,  
4 including the ADUC814; ADUC824; ADUC831 and related family of products.

5           **Declaratory Judgment that Freescale Did Not Infringe the Expired '719 Patent**

6           32.     Freescale did not directly or indirectly infringe any claim of the '719 Patent,  
7 literally or under the doctrine of equivalents, before it expired by previously making, using,  
8 selling, offering to sell, marketing, licensing, or importing its products, including the 68HC05  
9 (CPU05), 68HC08 (CPU08), 68HC11 (CPU11), 68HC12 (CPU12), 68HC16 (CPU16), 683XX,  
10 MPC500, MPC 860, MPC 8240/8250, MPC 8540/8555/8560, MM908E624 &625; HC08 and  
11 related family of products.

12           33.     Freescale did not induce its customers to infringe any claim of the '719 Patent  
13 before it expired by previously making, using, selling, offering to sell, marketing, licensing, or  
14 importing its products, including the 68HC05 (CPU05), 68HC08 (CPU08), 68HC11 (CPU11),  
15 68HC12 (CPU12), 68HC16 (CPU16), 683XX, MPC500, MPC 860, MPC 8240/8250, MPC  
16 8540/8555/8560, MM908E624 &625; HC08 and related family of products.

17           34.     Freescale did not engage in contributory infringement of any claim of the '719  
18 Patent before it expired by previously making, using, selling, offering to sell, marketing,  
19 licensing, or importing its products, including the 68HC05 (CPU05), 68HC08 (CPU08), 68HC11  
20 (CPU11), 68HC12 (CPU12), 68HC16 (CPU16), 683XX, MPC500, MPC 860, MPC 8240/8250,  
21 MPC 8540/8555/8560, MM908E624 &625; HC08 and related family of products.

22           35.     A judicial declaration of non-infringement of the expired '719 Patent is necessary  
23 and appropriate so that Freescale can ascertain its past rights, duties, and obligations with respect  
24 to the defendants, the expired '719 Patent, and its past conduct involving its products, including  
25 the 68HC05 (CPU05), 68HC08 (CPU08), 68HC11 (CPU11), 68HC12 (CPU12), 68HC16  
26 (CPU16), 683XX, MPC500, MPC 860, MPC 8240/8250, MPC 8540/8555/8560, MM908E624  
27 &625; HC08, and related family of products.  
28





1 44. A judicial declaration that the claims of the expired '719 Patent were not valid is  
2 necessary and appropriate so that plaintiffs Freescale, NSC, and Analog Devices can ascertain  
3 their past rights, duties, and obligations with respect to the expired '719 Patent.

4  
5 **COUNT III**  
6 **DECLARATORY JUDGMENT OF**  
7 **NON-INFRINGEMENT OF THE EXPIRED '629 PATENT**

8 45. Plaintiffs reallege the allegations in paragraphs 1–44 as though fully set forth  
9 herein.

10 46. An actual and justiciable controversy has arisen and exists between plaintiffs  
11 Freescale, NSC, and Analog Devices, and defendants United Module and Keranos regarding the  
12 expired '629 Patent.

13 **Declaratory Judgment that Analog Devices Did Not Infringe the Expired '629 Patent**

14 47. Analog Devices did not directly or indirectly infringe any claim of the '629 Patent  
15 before it expired, either literally or under the doctrine of equivalents, by previously making,  
16 using, selling, offering to sell, marketing, licensing, or importing its products, the ADUC814;  
17 ADUC824; ADUC831 and related family of products.

18 48. Analog Devices did not induce its customers to infringe any claim of the '629  
19 Patent before it expired by previously making, using, selling, offering to sell, marketing,  
20 licensing, or importing its products, the ADUC814; ADUC824; ADUC831 and related family of  
21 products.

22 49. Analog Devices did not engage in contributory infringement any claim of the  
23 expired '629 Patent before it expired by previously making, using, selling, offering to sell,  
24 marketing, licensing, or importing its products, including the ADUC814; ADUC824; ADUC831  
25 and related family of products,

26 50. A judicial declaration of non-infringement of the expired '629 Patent is necessary  
27 and appropriate so that Analog Devices can ascertain its rights, duties, and obligations with  
28 respect to the defendants, the expired '629 Patent, and its past conduct involving its products,  
including the ADUC814; ADUC824; ADUC831 and related family of products.

1                   **Declaratory Judgment that Freescale Did Not Infringe the Expired '629 Patent**

2           51.     Freescale did not directly or indirectly infringe any claim of the '629 Patent,  
3 literally or under the doctrine of equivalents, before it expired by previously making, using,  
4 selling, offering to sell, marketing, licensing, or importing its products, including the 68HC05  
5 (CPU05), 68HC08 (CPU08), 68HC11 (CPU11), 68HC12 (CPU12), 68HC16 (CPU16), 683XX,  
6 MPC500, MPC 860, MPC 8240/8250, MPC 8540/8555/8560, MM908E624 &625; HC08 and  
7 related family of products.

8           52.     Freescale did not induce its customers to infringe any claim of the '629 Patent  
9 before it expired by previously making, using, selling, offering to sell, marketing, licensing, or  
10 importing its products, including the 68HC05 (CPU05), 68HC08 (CPU08), 68HC11 (CPU11),  
11 68HC12 (CPU12), 68HC16 (CPU16), 683XX, MPC500, MPC 860, MPC 8240/8250, MPC  
12 8540/8555/8560, MM908E624 &625; HC08 and related family of products.

13           53.     Freescale did not engage in contributory infringement of any claim of the '629  
14 Patent before it expired by previously making, using, selling, offering to sell, marketing,  
15 licensing, or importing its products, including the 68HC05 (CPU05), 68HC08 (CPU08), 68HC11  
16 (CPU11), 68HC12 (CPU12), 68HC16 (CPU16), 683XX, MPC500, MPC 860, MPC 8240/8250,  
17 MPC 8540/8555/8560, MM908E624 &625; HC08 and related family of products.

18           54.     A judicial declaration of non-infringement of the expired '629 Patent is necessary  
19 and appropriate so that Freescale can ascertain its past rights, duties, and obligations with respect  
20 to the defendants, the expired '629 Patent, and its past conduct involving its products, including  
21 the 68HC05 (CPU05), 68HC08 (CPU08), 68HC11 (CPU11), 68HC12 (CPU12), 68HC16  
22 (CPU16), 683XX, MPC500, MPC 860, MPC 8240/8250, MPC 8540/8555/8560, MM908E624  
23 &625; HC08, and related family of products.

24                   **Declaratory Judgment that NSC did not infringe the expired '629 Patent**

25           55.     NSC did not directly or indirectly infringe any claim of the '629 Patent, literally  
26 or under the doctrine of equivalents, before it expired by previously making, using, selling,  
27 offering to sell, marketing, licensing, or importing its products, including the COP8, CR16, and  
28 related family of products.

1 56. NSC did not induce its customers to infringe any claim of the '629 Patent before  
2 it expired by previously making, using, selling, offering to sell, marketing, licensing, or  
3 importing its products, including the COP8, CR16, and related family of products.

4 57. NSC did not engage in contributory infringement of any claim of the '629 Patent  
5 before it expired by previously making, using, selling, offering to sell, marketing, licensing, or  
6 importing its products, including the COP8, CR16, and related family of products.

7 58. A judicial declaration of non-infringement of the expired '629 Patent is necessary  
8 and appropriate so that NSC can ascertain its past rights, duties, and obligations with respect to  
9 the defendants, the expired '629 Patent, and its past conduct involving its products, including the  
10 COP8, CR16, and related family of products.

11  
12 **COUNT IV**  
13 **DECLARATORY JUDGMENT OF**  
14 **INVALIDITY OF THE EXPIRED '629 PATENT**

15 59. Plaintiffs reallege the allegations in paragraphs 1–58 as though fully set forth  
16 herein.

17 60. An actual and justiciable controversy has arisen regarding the invalidity of the  
18 '629 Patent during the period before it expired.

19 61. The claims of the expired '629 Patent are invalid because of a failure to meet the  
20 conditions of patentability and/or otherwise comply with one or more of 35 U.S.C. §§ 100 *et*  
21 *seq.*, including §§ 102, 103, and 112.

22 62. One or more prior art references disclose or render obvious each of the claims of  
23 the '629 Patent, including prior art references identified in the expired '629 Patent and its  
24 prosecution history.

25 63. A judicial declaration that the claims of the expired '629 Patent were not valid is  
26 necessary and appropriate so that plaintiffs Freescale, NSC, and Analog Devices can ascertain  
27 their past rights, duties, and obligations with respect to the expired '629 Patent.  
28

**COUNT V  
DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE EXPIRED '009 PATENT**

1  
2  
3 64. Plaintiffs reallege the allegations in paragraphs 1–63 as though fully set forth  
4 herein.

5 65. An actual and justiciable controversy has arisen and exists between plaintiffs  
6 Freescale, NSC, and Analog Devices, and defendants United Module and Keranos regarding the  
7 expired '009 Patent.

8 **Declaratory Judgment that Analog Devices did not infringe the expired '009 Patent**

9 66. Analog Devices did not directly or indirectly infringe any claim of the '009 Patent  
10 before it expired, either literally or under the doctrine of equivalents, by previously making,  
11 using, selling, offering to sell, marketing, licensing, or importing its products, the ADUC814;  
12 ADUC824; ADUC831 and related family of products.

13 67. Analog Devices did not induce its customers to infringe any claim of the '009  
14 Patent before it expired by previously making, using, selling, offering to sell, marketing,  
15 licensing, or importing its products, the ADUC814; ADUC824; ADUC831 and related family of  
16 products.

17 68. Analog Devices did not engage in contributory infringement any claim of the  
18 expired '009 Patent before it expired by previously making, using, selling, offering to sell,  
19 marketing, licensing, or importing its products, including the ADUC814; ADUC824; ADUC831  
20 and related family of products,

21 69. A judicial declaration of non-infringement of the expired '009 Patent is necessary  
22 and appropriate so that Analog Devices can ascertain its rights, duties, and obligations with  
23 respect to the defendants, the expired '009 Patent, and its past conduct involving its products,  
24 including the ADUC814; ADUC824; ADUC831 and related family of products.

25 **Declaratory Judgment that Freescale Did Not Infringe the Expired '009 Patent**

26 70. Freescale did not directly or indirectly infringe any claim of the '009 Patent,  
27 literally or under the doctrine of equivalents, before it expired by previously making, using,  
28 selling, offering to sell, marketing, licensing, or importing its products, including the 68HC05

1 (CPU05), 68HC08 (CPU08), 68HC11 (CPU11), 68HC12 (CPU12), 68HC16 (CPU16), 683XX,  
2 MPC500, MPC 860, MPC 8240/8250, MPC 8540/8555/8560, MM908E624 &625; HC08 and  
3 related family of products.

4 71. Freescale did not induce its customers to infringe any claim of the '009 Patent  
5 before it expired by previously making, using, selling, offering to sell, marketing, licensing, or  
6 importing its products, including the 68HC05 (CPU05), 68HC08 (CPU08), 68HC11 (CPU11),  
7 68HC12 (CPU12), 68HC16 (CPU16), 683XX, MPC500, MPC 860, MPC 8240/8250, MPC  
8 8540/8555/8560, MM908E624 &625; HC08 and related family of products.

9 72. Freescale did not engage in contributory infringement of any claim of the '009  
10 Patent before it expired by previously making, using, selling, offering to sell, marketing,  
11 licensing, or importing its products, including the 68HC05 (CPU05), 68HC08 (CPU08), 68HC11  
12 (CPU11), 68HC12 (CPU12), 68HC16 (CPU16), 683XX, MPC500, MPC 860, MPC 8240/8250,  
13 MPC 8540/8555/8560, MM908E624 &625; HC08 and related family of products.

14 73. A judicial declaration of non-infringement of the expired '009 Patent is necessary  
15 and appropriate so that Freescale can ascertain its past rights, duties, and obligations with respect  
16 to the defendants, the expired '009 Patent, and its past conduct involving its products, including  
17 the 68HC05 (CPU05), 68HC08 (CPU08), 68HC11 (CPU11), 68HC12 (CPU12), 68HC16  
18 (CPU16), 683XX, MPC500, MPC 860, MPC 8240/8250, MPC 8540/8555/8560, MM908E624  
19 &625; HC08, and related family of products.

20 **Declaratory Judgment that NSC Did Not Infringe the Expired '009 Patent**

21 74. NSC did not directly or indirectly infringe any claim of the '009 Patent, literally  
22 or under the doctrine of equivalents, before it expired by previously making, using, selling,  
23 offering to sell, marketing, licensing, or importing its products, including the COP8, CR16, and  
24 related family of products.

25 75. NSC did not induce its customers to infringe any claim of the '009 Patent before  
26 it expired by previously making, using, selling, offering to sell, marketing, licensing, or  
27 importing its products, including the COP8, CR16, and related family of products.  
28



**REQUEST FOR RELIEF**

1  
2 WHEREFORE, Plaintiffs Freescale, NSC, and Analog Devices request judgment as  
3 follows:

4 A. For a declaration that the claims of expired U.S. Patent No. 4,795,719 were  
5 invalid;

6 B. For a declaration that neither Analog Devices nor any of its products previously  
7 infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) any claim of  
8 expired U.S. Patent No. 4,795,719;

9 C. For a declaration that Analog Devices did not previously engage in contributory  
10 infringement or induce infringement of any valid claim of expired U.S. Patent No. 4,795,719;

11 D. For a declaration that no valid claim of expired U.S. Patent No. 4,795,719 was  
12 previously infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) by  
13 any of Analog Devices's customers by virtue of incorporating any Analog Devices product into  
14 any such customer's products;

15 E. For a declaration that neither Freescale nor any of its products previously  
16 infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) any valid claim  
17 of expired U.S. Patent No. 4,795,719;

18 F. For a declaration that Freescale did not previously engage in contributory  
19 infringement or induce infringement of any valid claim of expired U.S. Patent No. 4,795,719;

20 G. For a declaration that no valid claim of expired U.S. Patent No. 4,795,719 was  
21 previously infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) by  
22 any of Freescale's customers/licensees by virtue of incorporating any Freescale technology into  
23 any such customer's/licensee's products;

24 H. For a declaration that neither NSC nor any of its products previously infringed  
25 (directly, indirectly, literally, and/or under the doctrine of equivalents) any valid claim of expired  
26 U.S. Patent No. 4,795,719;

27 I. For a declaration that NSC did not previously engage in contributory infringement  
28 or induce infringement of any valid claim of expired U.S. Patent No. 4,795,719;

1 J. For a declaration that no valid claim of expired U.S. Patent No. 4,795,719 was  
2 previously infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) by  
3 any of NSC's customers by virtue of incorporating any NSC product into any such customer's  
4 products;

5 K. For a declaration that the claims of expired U.S. Patent No. 4,868,629 were  
6 invalid;

7 L. For a declaration that neither Analog Devices nor any of its products previously  
8 infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) any valid claim  
9 of expired U.S. Patent No. 4,868,629;

10 M. For a declaration that Analog Devices did not previously engage in contributory  
11 infringement or induce infringement of any valid claim of expired U.S. Patent No. 4,868,629;

12 N. For a declaration that no valid claim of expired U.S. Patent No. 4,868,629 was  
13 previously infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) by  
14 any of Analog Devices's customers by virtue of incorporating any Analog Devices product into  
15 any such customer's products;

16 O. For a declaration that neither Freescale nor any of its products previously  
17 infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) any valid claim  
18 of expired U.S. Patent No. 4,868,629;

19 P. For a declaration that Freescale did not previously engage in contributory  
20 infringement or induce infringement of any valid claim of expired U.S. Patent No. 4,868,629;

21 Q. For a declaration that no valid claim of expired U.S. Patent No. 4,868,629 was  
22 previously infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) by  
23 any of Freescale's customers/licensees by virtue of incorporating any Freescale technology into  
24 any such customer's/licensee's products;

25 R. For a declaration that neither NSC nor any of its products previously infringed  
26 (directly, indirectly, literally, and/or under the doctrine of equivalents) any valid claim of expired  
27 U.S. Patent No. 4,868,629;

28



1 S. For a declaration that NSC did not previously engage in contributory infringement  
2 or induce infringement of any valid claim of expired U.S. Patent No. 4,868,629;

3 T. For a declaration that no valid claim of expired U.S. Patent No. 4,868,629 was  
4 previously infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) by  
5 any of NSC's customers by virtue of incorporating any NSC product into any such customer's  
6 products;

7 U. For a declaration that the claims of expired U.S. Patent No. 5,042,009 were  
8 invalid;

9 V. For a declaration that neither Analog Devices nor any of its products previously  
10 infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) any valid claim  
11 of expired U.S. Patent No. 5,042,009;

12 W. For a declaration that Analog Devices did not previously engage in contributory  
13 infringement or induce infringement of any valid claim of expired U.S. Patent No. 5,042,009;

14 X. For a declaration that no valid claim of expired U.S. Patent No. 5,042,009 was  
15 previously infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) by  
16 any of Analog Devices's customers by virtue of incorporating any Analog Devices product into  
17 any such customer's products;

18 Y. For a declaration that neither Freescale nor any of its products previously  
19 infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) any valid claim  
20 of expired U.S. Patent No. 5,042,009;

21 Z. For a declaration that Freescale did not previously engage in contributory  
22 infringement or induce infringement of any valid claim of expired U.S. Patent No. 5,042,009;

23 AA. For a declaration that no valid claim of expired U.S. Patent No. 5,042,009 was  
24 previously infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) by  
25 any of Freescale's customers/licensees by virtue of incorporating any Freescale technology into  
26 any such customer's/licensee's products;

1 BB. For a declaration that neither NSC nor any of its products previously infringed  
2 (directly, indirectly, literally, and/or under the doctrine of equivalents) any valid claim of expired  
3 U.S. Patent No. 5,042,009;

4 CC. For a declaration that NSC did not previously engage in contributory infringement  
5 or induce infringement of any valid claim of expired U.S. Patent No. 5,042,009;

6 DD. For a declaration that no valid claim of expired U.S. Patent No. 5,042,009 was  
7 previously infringed (directly, indirectly, literally, and/or under the doctrine of equivalents) by  
8 any of NSC's customers by virtue of incorporating any NSC product into any such customer's  
9 products;

10 EE. For a determination that this case is exceptional under 35 U.S.C. § 285 and an  
11 award to Freescale, NSC, and Analog Devices of their attorneys' fees, costs, and expenses in  
12 conjunction with this action; and

13 FF. Such other and further relief as this Court or a jury may deem proper and just.  
14

15 Dated: November 16, 2010

Respectfully submitted,

16  
17 

18 Paul J. Andre  
19 Lisa Kobialka  
20 Sean Boyle  
21 KING & SPALDING LLP  
22 333 Twin Dolphin Drive  
23 Suite 400  
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25 Telephone: (650) 590-0700  
26 Facsimile: (650) 590-1900

27 Attorney for Plaintiffs  
28 ANALOG DEVICES, INC.,  
FREESCALE SEMICONDUCTOR, INC., and  
NATIONAL SEMICONDUCTOR CORP.,

and

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Attorney for Plaintiffs  
ANALOG DEVICES, INC.,  
FREESCALE SEMICONDUCTOR, INC., and  
NATIONAL SEMICONDUCTOR CORP.

**DEMAND FOR JURY TRIAL**

1  
2 Freescale, NSC, and Analog Devices hereby request a jury trial as to all issues triable  
3 to a jury.

4  
5 Dated: November 16, 2010

Respectfully submitted,

6 

7 Paul J. Andre  
8 Lisa Kobialka  
9 Sean Boyle  
10 KING & SPALDING LLP  
11 333 Twin Dolphin Drive  
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16 Attorney for Plaintiffs  
17 ANALOG DEVICES, INC.,  
18 FREESCALE SEMICONDUCTOR, INC., and  
19 NATIONAL SEMICONDUCTOR CORP.,

20 and

21 Bruce W. Slayden II (*pro hac vice* to be filed)  
22 Brian C. Banner (*pro hac vice* to be filed)  
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ANALOG DEVICES, INC.,  
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