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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

NEXEDGE, L.L.C.,)	
an Illinois Limited Liability Company,)	
Plaintiff,)	No.
)	
vs.)	<u>COMPLAINT</u>
)	(Jury Trial Demanded)
FREESCALE SEMICONDUCTOR, INC.,)	
a Delaware Corporation, and)	
EVERSPIN TECHNOLOGIES INC.,)	
a Delaware Corporation,)	
Defendants.)	

Plaintiff NeXedge, LLC (“NeXedge”) complains against defendants Freescale Semiconductor, Inc. (“Freescale”) and Everspin Technologies Inc. (“Everspin”) as follows:

1. This action arises under the Patent Laws of the United States, 35 United States Code. This Court has jurisdiction of this action under 28 U.S.C. § 1338(a).

2. NeXedge, LLC is an Illinois limited liability company to which U.S. Patent 7,205,643, titled “Stray Field Shielding Structure for Semiconductors” (the “Asserted Patent”) has been assigned, and which is entitled to sue for and recover the relief requested below, including all past damages.

3. Defendant Freescale Semiconductor, Inc. is a corporation established under the laws of the State of Delaware with its principal place of business in Austin, Texas and with a fabrication plant in Chandler, Arizona. This court has general jurisdiction over Freescale.

4. Defendant Everspin Technologies Inc. is a corporation established under the laws of the State of Delaware with its principal place of business in Chandler, Arizona. Everspin was created in 2008 when Freescale spun off its MRAM products division. This court has general jurisdiction over Everspin.

5. Defendants manufacture and sell, or have manufactured and sold, magnetoresistive random access memory (“MRAM”) products, including selling or offering to sell such MRAM products (including the accused devices) within this judicial district and by conducting other business within this judicial district and elsewhere in the United States that impacts this jurisdiction. Accordingly, venue is appropriate in this District under 28 U.S.C. §§ 1391(c) and 1400(b).

6. The Asserted Patent claims a stray field shielding structure for die attaching onto a magnetorestrictive random access memory (MRAM) chip to prevent loss of memory due magnetic stray fields. Each individual magnetic shield is adapted for placement by pick and place machines and/or die bonders. The magnetic shielding material is cut to a precise desired size by etching to remove all burrs and debris in the streets between blocks of shielding material. This results in a vastly improved shielding structure that is manufactured at much lower cost when compared to traditional “cutting” techniques that employ a blade.

7. NeXedge believes Defendants are using methods that infringe claim 1 of the Asserted Patent. NeXedge bases its belief on, among other things, microphotographs

of a Freescale MRAM chip showing a shield structure that appears to be etched, as opposed to cut with a blade. However, the actual “process requirements” for the subject MRAM products are retained as highly confidential within Defendants’ facilities, and cannot be obtained publicly by NeXedge. Thus, NeXedge informed Defendants repeatedly that, if they did not etch the shield, infringement was unlikely, and in contrast, if they etched the shield, infringement was likely. Defendants failed to answer whether the Nexedge MRAM products use shields that are etched.

8. Therefore, NeXedge alleges on information and belief that Defendants have manufactured, used, sold and offered for sale devices that infringe at least claim 1 of the Asserted Patent, including but not limited to the MR2A16A and MR4A16B chips.

9. In the six-year period preceding the filing of this action, Defendants, and each of them, have infringed the Asserted Patent in violation of 35 U.S.C. § 271 with resultant damage to NeXedge, in an amount to be proven at trial. NeXedge gave written notice to Defendants of the issued patent and of Defendants’ infringement thereof.

10. Thus, Defendants, with actual knowledge of the Asserted Patent and without lawful justification, willfully and deliberately infringed said patent.

WHEREFORE, NEXEDGE PRAYS FOR:

(a) judgment on the Complaint that Defendants, and each of them, have infringed U.S. Patent 7,205,643;

(b) that a preliminary injunction and a permanent injunction be issued enjoining and restraining Everspin Technologies, Inc. and its officers, directors, agents, servants, employees, attorneys, licensees, successors, assigns, and those in active concert and participation with it, and each of them, from making, using, selling, offering for sale, or importing any products by methods which fall within the scope of any or all claims of the Asserted Patent, and from inducing or contributing to the infringement of any such claims by others;

(c) an award of damages against Defendants adequate to compensate NeXedge for past infringement of the Asserted Patent, together with interest and costs as fixed by

the Court, such damages to be trebled because of the willful and deliberate character of the infringement;

(d) judgment that this case is “exceptional” in the sense of 35 U.S.C. § 285, and that NeXedge is entitled to an award of its reasonable attorneys’ fees in the prosecution of this action; and

(e) such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby makes a demand for a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure as to all issues in this lawsuit.

Dated: February 17, 2011

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