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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____ DEPUTY _____

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CIVIL ACTION NO. _____

Decorative separator

Defendants.

Plaintiff, Freescale Semiconductor, Inc., hereby files this Complaint for patent infringement against Defendants Zoran Corporation and MediaTek Inc. (hereinafter collectively referred to as "Defendants").

PARTIES

1. Plaintiff, Freescale Semiconductor, Inc. ("Freescale"), is a Delaware corporation with its headquarters located at 6501 William Cannon Drive West, Austin, Texas. Freescale was formed in 2004 as a result of the divestiture of the Semiconductor Products Sector of Motorola, Inc.

2. Upon information and belief, Defendant Zoran Corporation is a corporation organized under the laws of California, and maintains its principal place of business at 1390 Kifer Road, Sunnyvale, CA 94086.

3. Upon information and belief, Defendant MediaTek Inc. is a corporation organized under the laws of Taiwan, and maintains its principal place of business at No. 1, Dusing Rd. 1, Hsinchu Science Park, Hsinchu City 30078, Taiwan, R.O.C.

4. Defendant Zoran Corporation is hereinafter referred to as "Zoran."

5. Defendant MediaTek Inc. is hereinafter referred to as "MediaTek."

JURISDICTION AND VENUE

6. This is a civil action for patent infringement, injunctive relief, and damages arising under the patent laws of the United States, 35 U.S.C. §§ 1, et seq. This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

7. Upon information and belief, Defendants have ongoing and systematic contacts within the State of Texas and within this district. Defendants, directly or through intermediaries (including distributors, retailers, and others), ship, distribute, offer for sale, sell, and/or advertise their products in the United States, the State of Texas, and the Western District of Texas.

8. Defendants have purposefully and voluntarily placed one or more of their infringing products into the stream of commerce with the expectation that they will be purchased by consumers in the Western District of Texas. These infringing products have been and continue to be purchased by consumers in the Western District of Texas.

9. Defendants have committed the tort of patent infringement within the State of Texas, and, more particularly, within the Western District of Texas. Therefore, this Court has personal jurisdiction over Defendants.

10. Venue is proper in the Western District of Texas under 28 U.S.C. §§ 1391 and 1400(b).

U.S. PATENT NO. 5,467,455

11. On November 14, 1995, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,467,455 (the "'455 patent" or the "Gay patent"), titled

"Data processing system and method for performing dynamic bus termination," to James G. Gay and William B. Ledbetter, Jr. A true and correct copy of the '455 patent is attached as Exhibit 1.

12. Motorola was the owner by assignment of the '455 patent until Motorola divested its Semiconductor Products Sector business and Freescale was formed. Motorola assigned the '455 patent to Freescale. Freescale is the sole owner and assignee of all right, title, and interest in and to the '455 patent and possesses all rights of recovery under the '455 patent, including the right to recover damages for past infringements.

13. The '455 patent is valid and enforceable.

GENERAL ALLEGATIONS

14. Upon information and belief, Defendants manufacture, use, sell, offer for sale, and/or distribute or offer for distribution one or more products, including but not limited to, certain, integrated circuits and/or chipsets that are included in products such as televisions, that practice each of the elements of one or more claims of the '455 patent without license from Freescale, in the Western District of Texas and throughout the United States. Examples of those integrated circuits and/or chipsets include the Zoran SupraHD digital television integrated circuits and/or chipsets and the MediaTek MT5382 and MT8392 television system-on-chip integrated circuits and/or chipsets.

15. Defendants' continuing acts of infringement are irreparably harming and causing damage to Freescale. Freescale has no adequate remedy at law to redress Defendants' continuing acts of infringement. The hardships that would be imposed upon Defendants by an injunction are less than those faced by Freescale should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

16. Upon information and belief, Defendants have knowledge of the '455 patent and have not ceased their infringing activities in light of such knowledge.

17. Upon information and belief, Defendants' infringing products are not staple articles of commerce and have no substantial noninfringing use.

Count One – Infringement of U.S. Patent No. 5,467,455

18. This count incorporates by reference paragraphs 1 through 17 as if fully set forth herein.

19. Upon information and belief, Defendants manufacture, use, sell, offer for sale, and/or distribute or offer for distribution one or more products, including but not limited to those listed in Paragraph 14, that practice each of the elements of one or more claims of the '455 patent, without license from Freescale, in the Western District of Texas and throughout the United States.

20. By manufacturing, using, selling, offering for sale, and/or distributing or offering for distribution its products, Defendants have directly infringed, and will continue to directly infringe, one or more claims of the '455 patent under 35 U.S.C. § 271 (a), literally and/or under the doctrine of equivalents.

21. By manufacturing, using, selling, offering for sale, and/or distributing or offering for distribution its products, Defendants have contributorily infringed, and will continue to contributorily infringe, one or more claims of the '455 patent under 35 U.S.C. § 271 (c) and/or (f), literally and/or under the doctrine of equivalents.

22. By manufacturing, using, selling, offering for sale, and/or distributing or offering for distribution its products Defendants have induced infringement of, and will continue to induce infringement of, one or more claims of the '455 patent under 35 U.S.C. § 271 (b) and/or (f), literally and/or under the doctrine of equivalents.

23. As a direct and proximate consequence of the acts and practices of Defendants, Freescale has been, is being and, unless such acts and practices are enjoined by the Court, will

continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284.

24. As a direct and proximate consequence of the acts and practices, Defendants have also caused, are causing and, unless such acts and practices are enjoined by the Court, will continue to cause irreparable harm to Freescale for which there is no adequate remedy at law, and for which Freescale is entitled to injunctive relief under 35 U.S.C. § 283.

25. Upon information and belief, Defendants' infringement of the '455 patent has been and continues to be willful and deliberate.

REQUEST FOR A JURY TRIAL

26. Freescale requests a jury trial of all issues in this action so triable.

PRAYER FOR RELIEF

WHEREFORE, Freescale prays for judgment against Defendants as follows and for the following relief:

A. a judgment that the '455 Patent was duly and legally issued, is valid and is enforceable;

B. a permanent injunction restraining Defendants and their respective officers, employees, agents, parents, subsidiaries, affiliates, and anyone else in active concert or participation with them, from taking any actions that would directly or indirectly infringe the '455 patent ;

C. a judgment that Defendants have directly infringed, contributorily infringed, and/or induced infringement of one or more claims of the '455 Patent;

D. a judgment that Defendants have willfully infringed one or more claims of the '455 Patent;

E. actual damages through verdict and post-verdict until Defendants are enjoined from further infringing activities;

F. an accounting of damages through verdict and post-verdict until Defendants are enjoined from further infringing activities;

G. all pre-judgment and post-judgment interest allowed by law, including an award of prejudgment interest, pursuant to 35 U.S.C. § 284, from the date of each act of infringement of the Patent-in-Suit to the day a damages judgment is entered, and further award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid, at the maximum rate allowed by law;

H. a judgment and order finding this to be an exceptional case and requiring Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285;


I. reasonable attorneys' fees and costs;

J. an award of increased damages pursuant to 35 U.S.C. § 284 for Defendants' willful and deliberate patent infringement; and

K. such other and further relief as the Court deems just and equitable.

Dated: 6/8/11

Respectfully submitted,

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