IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VIA TECHNOLOGIES, INC., a Taiwan corporation, IP-FIRST, LLC, a Delaware corporation, and CENTAUR TECHNOLOGY, INC., a California corporation, Plaintiffs, v. APPLE INC., a California Corporation, Defendant.	C.A. No.: DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, VIA Technologies, Inc. ("VIA"), IP-First, LLC ("IP-First"), and Centaur Technology, Inc. ("Centaur"), for their Complaint against Defendant, Apple Inc. ("Apple"), hereby allege as follows:

Nature of the Action

1. This is an action under the laws of the United States relating to patents, 35 U.S.C. § 271 et seq., alleging infringement of three United States patents: U.S. Patent No. 6,253,311; U.S. Patent No. 6,253,312; and U.S. Patent No. 6,754,810. This Court has jurisdiction over the action under 28 U.S.C. § 1338(a).

Parties

2. Plaintiff VIA is a corporation organized and existing under the laws of Taiwan, with its principal place of business at 1F, 535, Zhongzheng Rd., Xindian District, New Taipei City 231, Taiwan. VIA is a fabless supplier of power efficient x86 processor platforms used in

the PC, client, ultra mobile and embedded markets that engages, among other things, in the design, research, development, manufacture, and distribution of semiconductor microprocessors and chipsets. VIA is the ultimate parent company of plaintiffs IP-First and Centaur.

3. Plaintiff IP-First is a limited liability company organized and existing under the laws of Delaware with a registered business address at 1045 Mission Court, Fremont, California 94539. IP-First owns and licenses rights under certain patents relating, among other things, to power efficient x86 processor platforms used in the PC, client, ultra mobile and embedded markets. IP-First is an wholly-owned subsidiary of plaintiff VIA.

4. Plaintiff Centaur is a company organized under the laws of the State of California with a registered business address at 7600-C North Capital of Texas Highway, Suite 300, Austin, Texas 78731. Centaur is a fabless designer of power efficient x86 processors and other computing devices with associated instruction sets used in the personal computer and related electronic products markets that engages, among other activities, in the research, development, and testing of semiconductor microprocessors and related integrated circuits. Centaur is a wholly-owned subsidiary of plaintiff VIA.

5. On information and belief, defendant Apple is involved in the design, development, manufacture, importation, and sale after importation of certain electronic products containing computing devices with associated instruction sets, including, but not limited to, smartphones, tablet computers, portable media players, and other computing devices and portable computers (collectively the "Accused Apple Products"). The Accused Apple Products in this Investigation include, but are not limited to, Apple's iPad, iPad 2, iPhone 4, iPhone 4 CDMA, iPod Touch 4th generation, and Apple TV 2nd generation product lines. Apple sells the Accused Apple Products within the United States by various means, including online and

through retail stores, direct sales, and third-party resellers. Further, on information and belief, Apple performs several services to support the importation and sale of Accused Apple Products into and within the United States, including marketing of the Accused Apple Products, development and distribution of software, repair of the Accused Apple Products, and other after-sale services, such as supporting and configuring the Accused Apple Products, as well as providing technical support to U.S.-based customers and distributors to conform the Accused Apple Products to purchaser requests.

Subject Matter Jurisdiction and Venue

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this civil action arises under the laws of the United States and because this civil action arises under an Act of Congress relating to patents.

7. This court has personal jurisdiction over the Apple because Apple has established minimum contacts with the forum State of Delaware. Apple, directly and/or through third-party manufacturers, manufactures and/or assembles Accused Apple Products that are and have been offered for sale, sold, purchased, and used within the State of Delaware. In addition, Apple, directly and/or through its distribution networks, regularly places Accused Apple Products within the stream of commerce, with the knowledge and/or understanding that such products will be sold in the State of Delaware, and Apple provides related services to residents of the State of Delaware. Thus, Apple has purposefully availed itself of the benefits of the State of Delaware indirectly.

8. Apple transacts business in the State of Delaware because, among other things, Apple manufactures and distributes, through its wholly owned Apple Store Christiana Mall, 125 Christiana Mall, Newark, Delaware 19702, and through independent commercial retailers

located in the State of Delaware, Accused Apple Products that are offered for sale, sold, purchased, and used within the State of Delaware, and has provided related services offered to residents of the State of Delaware. Apple also has committed tortious acts of patent infringement in the State of Delaware and is subject to personal jurisdiction in the State of Delaware. Venue is thus proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c), (d), and 1400(b).

Factual Background

9. The technology and products-at-issue generally concern microprocessors included in a variety of electronic products, such as certain smartphones, tablet computers, portable media players, and other computing devices and portable electronic products containing computing devices with associated instruction sets that are imported into and sold within the United States by or on behalf of Apple. The technology at issue in the '311, '312, and '810 patents relates to microprocessors included in these electronic devices. This technology generally provides efficient loading of data in the microprocessors and efficient conversion and transfer of data in the microprocessors. Microprocessors that include this technology can rapidly load data from memory, directly move data between floating point and integer registers, and rapidly convert data from one format to another, thereby increasing the operational speed of the microprocessors.

10. The U.S. Patent and Trademark Office, having determined that the requirements of law had been complied with, granted U.S. Patent No. 6,253,311 ("the '311 patent"), entitled "INSTRUCTION SET FOR BI-DIRECTIONAL CONVERSION AND TRANSFER OF INTEGER AND FLOATING POINT DATA," on June 26, 2001. The '311 patent issued from application No. 08/980,481, filed on November 29, 1997. VIA Technologies, Inc. and Centaur Technology, Inc. own by assignment the entire right, title, and interest in and to the '311 patent,

including the right to bring this suit and for injunctive relief and to seek past, present, and future damages.

11. The U. S. Patent and Trademark Office, having determined that the requirements of law had been complied with, granted U.S. Patent No. 6,253,312 ("the '312 patent"), entitled "METHOD AND APPARATUS FOR DOUBLE OPERAND LOAD," on June 26, 2001. The '312 patent issued from application No. 09/130,910, filed on August 7, 1998. IP-First, LLC owns by assignment the entire right, title, and interest in and to the '312 patent, including the right to bring this suit and to seek injunctive relief as well as to seek past, present, and future damages.

12. The U.S. Patent and Trademark Office, having determined that the requirements of law had been complied with, granted U.S. Patent No. 6,754,810 ("the '810 patent"), entitled "INSTRUCTION SET FOR BI-DIRECTIONAL CONVERSION AND TRANSFER OF INTEGER AND FLOATING POINT DATA," on June 22, 2004. The '810 patent issued from a continuation of application No. 09/866,078, filed on May 25, 2001, which in turn was a continuation of application No. 08/980,481, filed on November 29, 1997, which issued as the '311 patent. IP-First, LLC owns by assignment the entire right, title, and interest in and to the '810 patent, including the right to bring this suit to seek injunctive relief as well as to seek past, present, and future damages.

13. Upon information and belief, Apple has infringed and continues to infringe, directly and/or indirectly, one or more claims of each of the '311, '312, and '810 patents (collectively, "the Asserted Patents"), by engaging in acts that constitute infringement under 35 U.S.C. § 271, including, but not necessarily limited to:

(a) making, using, selling, and/or offering for sale, in the State of Delaware and elsewhere within the United States, and importing into the State of Delaware and the United States, certain electronic products containing computing devices with associated instruction sets, including, without limitation, one or more of the following: (i) certain smartphones, (ii) certain tablet computers, (iii) certain portable media players and similar electronic products containing computing devices and portable computers; and (iii) WiFi-enabled consumer devices such as streaming television (for example, and without limitation, Apple TV 2nd generation product lines), all of which are sold by Apple and used by consumers in conjunction with the previously identified Apple computers and mobile communications devices.

(b) providing one or more related services with respect to the foregoing electronic products containing computing devices, directly or indirectly, within the United States; and

(c) inducing and/or contributing to acts of infringement by others with respect to the foregoing electronic products containing computing devices, with direct infringement being accomplished, literally and/or under the doctrine of equivalents, by such persons when they use at least one or more of such electronic products containing computing devices and/or related services.

COUNT I — INFRINGEMENT OF U.S. PATENT NO. 6,253,311

14. Paragraphs 1-13 are incorporated by reference as if fully stated herein.

15. The '311 patent, entitled "INSTRUCTION SET FOR BI-DIRECTIONAL CONVERSION AND TRANSFER OF INTEGER AND FLOATING POINT DATA," was duly and legally issued on June 26, 2001. A copy of the '311 patent is attached as Exhibit A to this Complaint.

16. VIA and Centaur are the exclusive and current owners of all rights, title, and interest in the '311 patent, including the right to bring this suit for injunctive relief, compensatory damages, and enhanced damages for willful infringement under 35 U.S.C. § 284.

17. Apple has directly infringed and is directly infringing at least claims 1, 14, and 21 of the '311 patent, literally and/or under the doctrine of equivalents, by making, using, selling, and offering for sale within the United States, and/or importing into the United States, one or more of the Accused Apple Products and by providing related services that are covered by one or more claims of the '311 patent.

18. Upon information and belief, Apple has indirectly infringed the '311 patent by contributing to and/or inducing, and will continue to contribute to and/or to induce, infringement of at least claims 1, 14, and 21 of the '311 patent by others in this judicial district and elsewhere in the United States, with direct infringement being accomplished, literally and/or under the doctrine of equivalents, by users of at least one or more of the Accused Apple Products and related services.

19. VIA and Centaur have been and continue to be damaged by Apple's infringement of the '311 Patent, in an amount to be determined at trial. Upon information and belief, Apple has knowledge of the '311 patent and, if and to the extent it may be required, has received actual notice of its infringement of the '311 patent at least as of the filing date of the Complaint, if not earlier.

20. VIA and Centaur have suffered irreparable injury for which it has no adequate remedy at law and will continue to suffer such irreparable injury unless Apple's infringement of the '311 patent is enjoined by this Court.

21. Upon information and belief, Apple's infringement of the '311 patent is willful and, together with other conduct, renders this case exceptional and entitles VIA and Centaur to enhanced damages under 35 U.S.C. § 284, and their reasonable attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT II — INFRINGEMENT OF U.S. PATENT NO. 6,253,312

22. Paragraphs 1-13 are incorporated by reference as if fully stated herein.

23. The '312 patent, entitled "METHOD AND APPARATUS FOR DOUBLE OPERAND LOAD," was duly and legally issued on June 26, 2001. A copy of the '312 patent is attached as Exhibit B to this Complaint.

24. IP-First is the exclusive and current owner of all rights, title, and interest in the '312 patent, including the right to bring this suit for injunctive relief, compensatory damages, and enhanced damages for willful infringement under 35 U.S.C. § 284.

25. Apple has directly infringed and is directly infringing at least claims 1-4, 7-10, and 26-29 of the '312 patent, literally and/or under the doctrine of equivalents, by making, using, selling, and offering for sale within the United States, and/or importing into the United States, one or more of the Accused Apple Products and by providing related services that are covered by one or more claims of the '312 patent.

26. Upon information and belief, Apple has indirectly infringed the '312 patent by contributing to and/or inducing, and will continue to contribute to and/or to induce, infringement of at least claims 1-4, 7-10, and 26-29 of the '312 patent by others in this judicial district and elsewhere in the United States, with direct infringement being accomplished, literally and/or

under the doctrine of equivalents, by users of at least one or more of the Accused Apple Products and related services.

27. IP-First has been and continue to be damaged by Apple's infringement of the '312 patent, in an amount to be determined at trial. Upon information and belief, Apple has knowledge of the '312 patent, and, if and to the extent it may be required, has received actual notice of its infringement of the '312 patent at least as of the filing date of the Complaint, if not earlier.

28. IP-First has suffered irreparable injury for which they have no adequate remedy at law and will continue to suffer such irreparable injury unless Apple's infringement of the '312 patent is enjoined by this Court.

29. Upon information and belief, Apple's infringement of the '312 patent is willful and, together with other conduct, renders this case exceptional and entitles IP-First to enhanced damages under 35 U.S.C. § 284, and its reasonable attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT III — INFRINGEMENT OF U.S. PATENT NO. 6,754,810

33. Paragraphs 1-11 are incorporated by reference as if fully stated herein.

34. The '810 patent, entitled "INSTRUCTION SET FOR BI-DIRECTIONAL CONVERSION AND TRANSFER OF INTEGER AND FLOATING POINT DATA," was duly and legally issued on June 22, 2004. A copy of the '810 patent is attached as Exhibit C to this Complaint.

35. IP-First is the exclusive and current owner of all rights, title, and interest in the '810 patent, including the right to bring this suit for injunctive relief, compensatory damages, and enhanced damages for willful infringement under 35 U.S.C. § 284.

36. Apple has directly infringed and is directly infringing at least claims 20, 27, and 30 of the '810 patent, literally and/or under the doctrine of equivalents, by making, using, selling, and offering for sale within the United States, and/or importing into the United States, one or more of the Accused Apple Products and by providing related services that are covered by one or more claims of the '810 patent.

37. Upon information and belief, Apple has indirectly infringed '810 patent by contributing to and/or inducing, and will continue to contribute to and/or to induce, infringement of at least claims 20, 27, and 30 of the '810 patent by others in this judicial district and elsewhere in the United States, with direct infringement being accomplished, literally and/or under the doctrine of equivalents, by users of at least one or more of the Accused Apple Products and related services.

38. IP-First has been and continue to be damaged by Apple's infringement of the '810 Patent, in an amount to be determined at trial. Upon information and belief, Apple has knowledge of the '810 patent and, if and to the extent it may be required, has received actual notice of its infringement of the '810 patent at least as of the filing date of the Complaint, if not earlier.

39. IP-First has suffered irreparable injury for which they have no adequate remedy at law and will continue to suffer such irreparable injury unless Apple's infringement of the '810 patent is enjoined by this Court.

40. Upon information and belief, Apple's infringement of the '810 patent is willful and, together with other conduct, renders this case exceptional and entitles IP-First to enhanced damages under 35 U.S.C. § 284, and its reasonable attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs VIA, IP-First, and Centaur pray the Court to issue the following judgment against Apple:

A. That Apple has infringed, directly and/or indirectly, each and every one of the Asserted Patents;

B. That Apple, its officers, agents, employees, and those persons in active concert or participation with any of them, and their successors and assigns, be permanently enjoined from direct and indirect infringement, including, but not limited to, inducement of infringement and contributory infringement, of each and every one of the Asserted Patents, including, but not limited to, an injunction against making, using, selling, and/or offering for sale within the United States, and/or against importing into the United States, any products and/or providing any services that infringe the Asserted Patents.

C. That VIA, IP-First, and Centaur be awarded all damages adequate to compensate them for Apple's infringement of the Asserted Patents, such damages to be determined by a jury and, if necessary to adequately compensate VIA, IP-First, and Centaur for the infringement, an accounting, together with prejudgment and post-judgment interest at the maximum rate allowed by law;

D. That VIA, IP-First, and Centaur be awarded enhanced damages, as provided in 35 U.S.C. § 284, up to three times the amount found or assessed, for Apple's willful infringement;

E. That the Court find this case to be exceptional, as provided in 35 U.S.C. § 285, and award VIA, IP-First, and Centaur their reasonable attorney fees, together with any and all allowable fees, costs, and/other expenses incurred in connection with this action;

F. That the Court award such other relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiffs VIA, IP-First, and Centaur demand a trial by jury on all claims.

Respectfully submitted,

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