Duncan M. McNeill 1514 Van Dyke Avenue San Francisco, CA 94124 Tel.: (650) 994-2295 Fax: (650) 994-2297 dmcneill1@netzero.com Fed. Bar No. 136416 4 5 Attorneys for the Plaintiff 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA 10 11 Covil Actical No. 12 **FUZZYSHARP TECHNOLOGIES** INCORPORATED, 13 Plaintiff. 14 **JURY TRIAL** vs. 15 16 NVIDIA CORPORATION, 17 Defendant. 18 NOW COMES Plaintiff, FUZZYSHARP TECHNOLOGIES INCORPORATED 19 ("FST"), through its attorneys, and files this Complaint for Patent Infringement and Demand for 20 Jury Trial against Nvidia Corporation ("Nvidia"). In support thereof, Plaintiff FST states as 21 follows: 22 23 24 25 26 27 28

RICHARD W. WIEKING CLERK. U.S. DISTRICT COUR N NORTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR

Complaint for Patent Infringement and Demand for Jury Trial FuzzySharp Technologies Incorporated v. Nvidia Corporation Civil Action No.

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JURISDICTION AND VENUE

- 1. This is an action for patent infringement of United States Patent No. 6,172,679 (hereinafter "the '679 Patent"), and United States Patent No. 6,618,047 (hereinafter "the '047 Patent") pursuant to the laws of the United States of America as set forth in Title 35 Sections 271 and 281 of the United States Code.
- This court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
 Sec. 1338(a) and 28 U.S.C. Sec. 1331.
- Venue is proper in this judicial district under 28 U.S.C. § 1391(d) and 1400 (b) because Defendant Nvidia has committed acts of infringement in this Federal District.
- 4. Plaintiff FST, is a corporation organized under the laws of the State of Texas.
- On information and belief, Defendant Nvidia is a Delaware Corporation, and has a corporate office at 2701 San Tomas Expressway, Santa Clara, CA 95050.

INTRADISTRICT ASSIGNMENT

6. This is an action for Patent Infringement, which is an excepted category under Civil L.R. 3-2(c). Pursuant to Civil L.R. 3-2(c), this action is assigned on a district-wide basis.

CAUSES OF ACTION FOR PATENT INFRINGEMENT

- 7. On January 9, 2001, the '679 Patent entitled "VISIBILITY CALCULATIONS FOR 3D COMPUTER GRAPHICS", was duly and legally issued to Hong Lip Lim, as the sole patentee.
- 8. The '679 Patent is assigned entirely to Plaintiff FST
- 9. Plaintiff FST is the sole owner of the '679 Patent, and has standing to bring this action.
- 10. On September 9, 2003, the '047 Patent entitled "VISIBILITY CALCULATIONS FOR 3D COMPUTER GRAPHICS", was duly and legally issued to Hong Lip Lim, as the sole patentee.

11. The '047 Patent is assigned entirely to FST.

COUNT ONE

- 12. Plaintiff FST, repeats and incorporates herein the allegations contained in paragraphs 1 through 11 above.
- 13. Defendant Nvidia is engaged in wilful direct, and/or indirectly infringement of at least one claim of the '679 Patent pursuant to 35 U.S.C. § 271(a) at least by selling, and offering to sell Graphic Processors Units capable of performing occlusion culling during the computer graphics rendering process.
- 14. Plaintiff previously sued Nvidia on November 16, 2009, thereby providing good notice of patent infringement to Nvidia and Nvidia has willfully continued its patent infringement.

COUNT TWO

- 15. Plaintiff, FST, repeats and incorporates herein the allegations contained in paragraphs 1 through 11 above.
- 16. Defendant Intel is engaged in direct, and/or indirect infringement of at least claim 1 of the '0479 Patent pursuant to 35 U.S.C. § 271(a) at least by selling, and offering to sell Graphic Processors Units capable of performing occlusion culling during the computer graphics rendering process.
- 17. Plaintiff previously sued Nvidia on November 16, 2009, thereby providing good notice of patent infringement to Nvidia and Nvidia has willfully continued its patent infringement.

18. Pursuant to Fed. R. Civ. P. 38, Plaintiff hereby demands a jury trial as to all issues in this lawsuit.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to:

- a. Enter judgment for Plaintiff on this Complaint for the Defendant;
- b. Order that an accounting be had for the damages caused to the Plaintiff by the infringing activities of the Defendant;
- c. Award Plaintiff additional damages due to willful patent infringement;
- c. Award Plaintiff interest and costs; and
- d. Award Plaintiff such other and further relief as this Court may deem just and equitable.

THE PLAINTIFF FUZZYSHARP TECHNOLOGIES INCORPORATED

> Duncan M. McNeill Attorney for the Plaintiff

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