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Pro Hac Vice Status Pending

14 Attorneys for Plaintiff
15 CHIP PACKAGING SOLUTIONS LLC

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**
18

19
20 CHIP PACKAGING SOLUTIONS
LLC,

21 Plaintiff,

22 vs.

23 TEXAS INSTRUMENTS, INC.

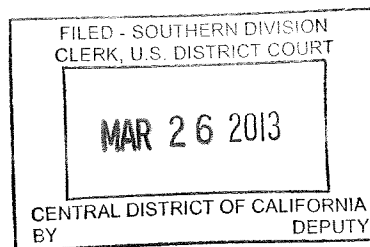
24 Defendant.

SACV13-479 AG(ANx)
CASE NO:

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT
INFRINGEMENT**

Trial Date: None Set



1 Plaintiff, Chip Packaging Solutions LLC (“CPS”), by and through its
2 attorneys, files this Complaint for Patent Infringement against Defendant, TEXAS
3 INSTRUMENTS, INC. (“TI”), and avers as follows:

4 **PARTIES**

5 1. CPS is a limited liability company formed and existing under the laws
6 of Texas, having its principal place of business at 2400 Dallas Parkway, Plano, TX
7 75093. CPS is the owner, through assignment, of the entire right, title and interest
8 in United States Patent No. 5,838,072, entitled “INTRACHIP POWER
9 DISTRIBUTION PACKAGE AND METHOD FOR SEMICONDUCTORS
10 HAVING A SUPPLY NODE ELECTRICALLY INTERCONNECTED WITH
11 ONE OR MORE INTERMEDIATE NODES” (“the 072 Patent”).

12 2. Upon information and belief, TI is a corporation incorporated under the
13 laws of Delaware, having its principal place of business at 12500 TI Boulevard,
14 Dallas, TX 75243. TI’s registered agent for service of process in the State of
15 California is CT Corporation, 818 W. Seventh St., Los Angeles, CA 90017.

16 3. Upon information and belief, TI is and has been engaged in the
17 business of manufacturing, using, marketing, offering for sale, and/or selling in the
18 United States, and/or importing into the United States, semiconductor chip packages
19 that allow distribution of electrical power to semiconductor chips within an
20 integrated circuit.

21 **JURISDICTION AND VENUE**

22 4. This action arises under the patent laws of the United States, 35 U.S.C.
23 §§ 1 et seq. This Court has subject matter jurisdiction over this action pursuant to
24 28 U.S.C. §§ 1331 and § 1338(a).

25 5. This Court has personal jurisdiction over Defendant in this district, in
26 that Defendant, directly or through their agents, are residents of, and/or have
27 regularly conducted business activities in this district; have committed infringing
28 activities in this district by manufacturing, using, marketing, offering for sale,

1 selling and/or importing products and systems that infringe the '072 Patent; and/or
2 have placed products and systems that infringe the '072 Patent in the stream of
3 commerce with the knowledge and intent that they would be used, offered for sale
4 and/or sold by others in this district.

5 6. Venue is proper pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

6 **GENERAL ALLEGATIONS**

7 7. The '072 Patent was duly and legally issued by the United States Patent
8 and Trademark Office ("USPTO") on November 17, 1998, naming Li-Chun Li,
9 Lawrence C. Liu and Michael A. Murray as inventors, and Mosel Vitalic
10 Corporation as assignor. A true and correct copy of the '072 Patent is attached as
11 Exhibit "A" hereto.

12 8. The '072 Patent relates to a structure of an integrated circuit package
13 that is comprised of a semiconductor die, a supply node electrically connected to a
14 power source, intermediate nodes, and respective conductive leads lying external to
15 and within the periphery of the die. The '072 Patent further describes a method for
16 distributing power from the supply node to the intermediate nodes electrically
17 connected to the circuitry of the semiconductor die, utilizing minimal chip space.

18 9. The '072 Patent as issued by the USPTO is valid and enforceable.

19 10. The '072 Patent was ultimately assigned to CPS, and CPS is the
20 exclusive and current owner of all rights, title and interest in the '072 Patent, and is
21 entitled to enforce the '072 Patent against infringers, including by commencing the
22 present action.

23 11. TI has engaged and continues to engage in acts of infringement under
24 35 U.S.C. § 271, *inter alia*, by manufacturing, using, offering for sale and/or selling
25 in the United States, products and systems comprising semiconductor chip packages
26 that embody each element of at least one (1) claim of the '072 Patent, including,
27 without limitation, Independent Claim 1, either literally or by equivalence.

28 12. By way of example only, one of the infringing products that TI has

1 specifically manufactured, used, offered for sale and/or sold in the United States,
2 and/or imported into the United States for sale, and continues to manufacture, use,
3 offer for sale and/or sell in the United States, and/or import into the United States
4 for sale, is the TI OMAP 2420 EZAC Processor.

5 13. TI does not have a license or other authorization to practice the claims
6 set forth in the '072 Patent.

7 **CLAIM FOR PATENT INFRINGEMENT**

8 14. CPS incorporates by reference and in their entirety the averments set
9 forth in paragraphs 1 through 13, inclusive, of this Complaint.

10 15. TI has manufactured, used, offered for sale, sold and/or imported into
11 the United States for sale, and continues to manufacture, use, offer for sale, sell
12 and/or import into the United States for sale, semiconductor chip packages that
13 infringe at least one claim of the '072 Patent.

14 16. TI has caused and will continue to cause CPS substantial damage by
15 virtue of its infringing activities.

16 17. CPS is entitled to recover from TI the damages it has sustained as a
17 result of TI's infringing activities.

18 **DEMAND FOR JURY TRIAL**

19 18. CPS hereby demands a trial by jury of all issues triable of right before a
20 jury.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, CPS respectfully requests the following relief:

- 23 a) That this Court enter judgment in favor of CPS and against TI that TI
24 has infringed the '072 Patent;
- 25 b) That this Court award CPS all damages adequate to compensate CPS
26 for the harm it has suffered as a result of TI's infringement of the '072
27 Patent, together with interest and costs as fixed by the Court, all
28 pursuant to 35 U.S.C. § 284;

- 1 c) In the event that evidence is adduced through discovery or at trial that
2 TI's infringement was willful and deliberate, that this Court award CPS
3 enhanced damages pursuant to 35 U.S.C. § 284;
4 d) In the event that circumstances warrant a declaration that this case be
5 declared to be exceptional, that this Court award CPS its reasonable
6 attorneys' fees pursuant to 35 U.S.C. § 285; and
7 e) That this Court award to CPS such other and further relief as this Court
8 deems to be just and proper.
9

10 DATED: March 26, 2013

THOMAS WHITE LAW LLP

11
12 By: 
13

14 JOSEPH E. THOMAS
15 WILLIAM J. KOLEGRAFF
16 JAMES M. WHITE LAW
17 KERRI A. RICH
18 Attorneys for Plaintiff
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Andrew Guilford and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

SACV13 - 479 AG (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Joseph E. Thomas (State Bar No. 101443)
 William J. Kolegraff (State Bar No. 183861)
 THOMAS WHITELAW LLP
 18101 Von Karman Avenue, Suite 230
 Irvine, California 92612

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

CHIP PACKAGING SOLUTIONS LLC,

CASE NUMBER

SACV13-479 AG(ANx)

PLAINTIFF(S)

v.

TEXAS INSTRUMENTS, INC.

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Joseph E. Thomas/William J. Kolegraff, whose address is 18101 Von Karman Avenue, Suite 230, Irvine, California 92612. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: _____

MAR 26 2013

By: _____

NANCY INTERIANO

Deputy Clerk

(Seal of the Court)

1224

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

CHIP PACKAGING SOLUTIONS LLC

DEFENDANTS (Check box if you are representing yourself ☐)

TEXAS INSTRUMENTS, INC.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Joseph E. Thomas/William J. Kolegraff

THOMAS WHITELAW LLP

18101 Von Karman Avenue, Suite 230, Irvine, California 92612

(949) 679-6400

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
- ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant
- ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding
- ☐ 2. Removed from State Court
- ☐ 3. Remanded from Appellate Court
- ☐ 4. Reinstated or Reopened
- ☐ 5. Transferred from Another District (Specify)
- ☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION** under F.R.Cv.P. 23: ☐ Yes ☒ No☐ **MONEY DEMANDED IN COMPLAINT:** \$ _____**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

35 U.S.C. §§ 271, et seq.

Infringement of U.S. Patent No. 5,838,072

VII. NATURE OF SUIT (Place an X in one box only).

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> Habeas Corpus: 463 Alien Detainee	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input checked="" type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 530 General	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument			<input type="checkbox"/> 535 Death Penalty	
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	TORTS	TORTS	<input type="checkbox"/> 540 Mandamus/Other	SOCIAL SECURITY
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	PERSONAL INJURY-	PERSONAL PROPERTY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	FEDERAL TAX SUITS
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 893 Environmental Matters		<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157		<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 895 Freedom of Info. Act		<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	LABOR	
<input type="checkbox"/> 896 Arbitration		<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	REAL PROPERTY	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
	<input type="checkbox"/> 210 Land	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 740 Railway Labor Act	
	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 751 Family and Medical Leave Act	
	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	
			<input type="checkbox"/> 448 Education		

FOR OFFICE USE ONLY: Case Number:

SACV13-479 AG(ANx)

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Chip Packaging Solutions LLC - Texas

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Texas Instruments, Inc. - Orange County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
NOTE: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT):

DATE: March 26, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code Abbreviation

Substantive Statement of Cause of Action

861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))