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12 13	Attorneys for Plaintiff, NXP B.V.		
14	UNITED STATES DISTRICT COURT		
15	NORTHERN DISTRI SAN JOSE		
16			
17	NXP B.V.,	CASE NO.:	
18 19	Plaintiff,	COMPLAINT FOR PATENT INFRINGEMENT	
20	VS.		
21	MARVELL SEMICONDUCTOR, INC. and MARVELL TECHNOLOGY GROUP LTD.,	DEMAND FOR JURY TRIAL	
22	Defendants.		
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	COMPLAINT FOR PAT	ENT INFRINGEMENT	

1	Plaintiff NXP B.V ("NXP" or "Plaintiff"), by its undersigned counsel, Brown Rudnick		
2	LLP, files this complaint against Defendants, Marvell Technology Group Ltd. and Marvell		
3	Semiconductor, Inc. (collectively, "Marvell"), alleging as follows:		
4	NATURE OF THE ACTION		
5	1. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1, <i>et</i>		
6	<i>seq.</i> , from Marvell's direct infringement and indirect infringement of United States Patent No.		
7	5,939,791 ("the '791 patent"); United States Patent No. 7,039,133 ("the '133 patent"); United		
8	States Patent No. 8,185,050 ("the '050 patent"); and United States Patent No. 8,203,432 ("the		
9	'432 patent'') (collectively, "the patents-in-suit").		
10	PARTIES		
11	2. Plaintiff NXP B.V. is a corporation organized and existing under the laws of The		
12	Netherlands with its principal place of business at High Tech Campus 60, 5656 AG, Eindhoven,		
13	The Netherlands.		
14	3. NXP is a holding company whose collective assets constitute one of the largest		
15	semiconductor manufacturers worldwide. NXP was the semiconductor division of its former		
16	parent company, Koninklijke Philips Electronics, from which it was spun off in 2006. NXP		
17	products are incorporated in automobiles, television sets, set-top boxes, and mobile telephones,		
18	and in security solutions for bank cards, electronic ID cards, passports and health cards.		
19	4. NXP is a renowned pioneer in the field of Near Field Communication ("NFC")		
20	technology, which enables consumers everywhere to exchange data using radio technology over		
21	short distances of just a few centimeters. Indeed, NXP co-invented NFC technology. In general,		
22	NFC enables two devices to wirelessly exchange many types of data at close range. NFC can be		
23	used as an access key for services that include cashless payments, paperless admission tickets,		
24	online banking, online streaming or downloading of content, keyless hotel room access, and more.		
25	5. NXP is the largest supplier of NFC controller chips worldwide. Moreover, NXP		
26	has led the development and standardization of NFC as a rapidly growing solution for secure		
27	short-range connectivity.		
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	COMPLAINT FOR PATENT INFRINGEMENT 2		

1	6. Upon information and belief, Defendant Marvell Semiconductor, Inc. is a		
2	corporation organized and existing under the laws of the State of California, with a principal place		
3	of business listed at 5488 Marvell Lane, Santa Clara, California.		
4	7. Upon information and belief, Defendant Marvell Technology Group Ltd. is a		
5	corporation organized and existing under the laws of Bermuda, with a principal place of business		
6	listed at 22 Victoria Street, Hamilton HM 12, Bermuda.		
7	JURISDICTION AND VENUE		
8	8. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and		
9	1338(a).		
10	9. Upon information and belief, this Court has personal jurisdiction over Marvell		
11	Semiconductor, Inc. because it resides in the State of California and in this judicial district and		
12	regularly conducts business within this state and judicial district. Upon information and belief,		
13	Marvell Semiconductor, Inc. designs, tests, demonstrates, advertises, directly distributes, offers		
14	for sale, and sells its products and services within this state and judicial district.		
15	10. Upon information and belief, this Court has personal jurisdiction over Marvell		
16	Technology Group Ltd. because it has committed, and continues to commit, acts of infringement		
17	in violation of 35 U.S.C. § 271 by placing infringing products into the stream of commerce with		
18	knowledge and/or understanding that such products are used and sold in the State of California		
19	and in this judicial district, in a manner that infringes the patents-in-suit, thereby causing damage		
20	to NXP. Upon information and belief, Marvell Technology Group Ltd. knowingly induced, and		
21	continues to knowingly induce, infringement within this state and judicial district by contracting		
22	with others to sell infringing products, and ultimately selling such products, that Marvell		
23	Technology Group Ltd. knew or should have known would be distributed and ultimately used		
24	within this state and judicial district. Upon information and belief, Marvell Technology Group		
25	Ltd. derives substantial revenue from interstate commerce, including from the sale of these		
26	infringing products, and/or expected or should reasonably have expected its actions to have		
27	consequences within this state and judicial district.		
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COMPLAINT FOR PATENT INFRINGEMENT 3

1	11. Mar	vell Technology Group Ltd. has also purposefully availed itself of the	
2	privilege of litigation	ng in this state and judicial district by filing a lawsuit in this Court.	
3	12. Ven	ue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b)	
4	because Marvell is	subject to personal jurisdiction in this district and has committed acts of direct	
5	and indirect patent	infringement in this district.	
6		FACTUAL BACKGROUND	
7	13. On .	August 17, 1999, the '791 patent, entitled "ELECTRICALLY CONDUCTIVE	
8	INTERCONNECT	S FOR INTEGRATED CIRCUITS," was duly and lawfully issued by the	
9	United States Pater	at and Trademark Office ("USPTO"). NXP is the sole and rightful owner of all	
10	rights, title and inte	erest in the '791 patent, including the right to sue for past infringement. A true	
11	and correct copy of	the '791 patent is attached hereto as Exhibit A.	
12	14. On 1	May 2, 2006, the '133 patent, entitled "DATA CARRIER HAVING MEANS	
13	FOR SYNCHRON	IZATION WITH A RECEIVED DATA STREAM," was duly and lawfully	
14	issued by the USPT	TO. NXP is the sole and rightful owner of all rights, title and interest in the	
15	'133 patent, includ	ing the right to sue for past infringement. A true and correct copy of the '133	
16	patent is attached hereto as Exhibit B.		
17	15. On 1	May 22, 2012, the '050 patent, entitled "COEXISTANCE DEVICE	
18	COMMUNICATION BETWEEN A BLUETOOTH DEVICE AND A WIRELESS LOCAL		
19	AREA NETWORK	C DEVICE," was duly and lawfully issued by the USPTO. NXP is the sole and	
20	rightful owner of a	ll rights, title and interest in the '050 patent, including the right to sue for past	
21	infringement. A tr	ue and correct copy of the '050 patent is attached hereto as Exhibit C.	
22	16. On .	June 19, 2012, the '432 patent, entitled "METHOD OF READING A	
23	PLURALITY OF N	NON-CONTACT DATA CARRIERS, INCLUDING AN ANTI-COLLISION	
24	SCHEME," was du	ly and lawfully issued by the USPTO. NXP is the sole and rightful owner of	
25	all rights, title and	interest in the '432 patent, including the right to sue for past infringement. A	
26	true and correct co	by of the '432 patent is attached hereto as Exhibit D.	
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28	///		
		COMPLAINT FOR PATENT INFRINGEMENT	

1		<u>COUNT I</u>				
2	(Infringement of the '791 Patent)					
3	17.	Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.				
4	18. NXP has not licensed or otherwise authorized Marvell to make, use, offer for sale,					
5	sell, or impor	t any products that embody the inventions of the '791 patent.				
6	19.	Marvell has and continues to directly infringe one or more claims of the '791				
7	patent, either	literally or under the doctrine of equivalents, by making, using, offering to sell,				
8	selling and/or importing into the United States infringing integrated circuits with near field					
9	communication capability ("NFC Chips"), including for example, the Marvell Avastar 88W8887					
10	and 88W8897—802.11ac integrated circuits ("the Avastar Chips"), without authority and in					
11	violation of 3	5 U.S.C. § 271.				
12	20.	Marvell has and continues to indirectly infringe one or more claims of the '791				
13	patent by knowingly and intentionally inducing others to directly infringe, either literally or under					
14	the doctrine of equivalents, by making, using, selling, offering to sell and/or importing devices					
15	incorporating Marvell's infringing NFC Chips. For example, Marvell, with knowledge that the					
16	Avastar Chips infringe the '791 patent, knowingly and intentionally induced, and continues to					
17	knowingly and intentionally induce, direct infringement of the '791 patent by selling the Avastar					
18	88W8897 chips, and providing product information and other assistance in using the Avastar					
19	88W8897 chips, with the intent that they be incorporated in the Xbox One® gaming consoles					
20	sold, offered for sale and imported into the United States by Microsoft Corporation and used by					
21	consumers an	d others within the United States.				
22	21.	NXP has suffered damages as a result of Marvell's direct and indirect infringement				
23	of the '791 pa	atent in an amount to be proved at trial.				
24	22.	NXP has suffered, and will continue to suffer, irreparable harm as a result of				
25	Marvell's inf	ringement of the '791 patent, for which there is no adequate remedy at law, unless				
26	Marvell's inf	ringement is enjoined by this Court.				
27	23.	Marvell has been aware of its infringement of the '791 patent since at least January				
28	9, 2015, when	n NXP notified Marvell that the Avastar 88W8897 infringes at least one claim of the				
		COMPLAINT FOR PATENT INFRINGEMENT 5				

1	'791 patent. Upon information and belief, Marvell does not reasonably believe that the NFC		
2	Chips do not infringe the '791 patent or that the '791 patent is invalid. Accordingly, Marvell's		
3	infringement of the '791 patent was and continues to be willful and deliberate, entitling NXP to		
4	an award of treble damages, reasonable attorney fees, and costs in bringing this action.		
5	<u>COUNT II</u>		
6	(Infringement of the '133 Patent)		
7	24. Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.		
8	25. NXP has not licensed or otherwise authorized Marvell to make, use, offer for sale,		
9	sell, or import any products that embody the inventions of the '133 patent.		
10	26. Marvell has and continues to directly infringe one or more claims of the '133		
11	patent, either literally or under the doctrine of equivalents, by making, using, offering to sell,		
12	selling and/or importing into the United States the infringing NFC Chips, including for example,		
13	the infringing Avastar Chips, without authority and in violation of 35 U.S.C. § 271.		
14	27. Marvell has and continues to indirectly infringe one or more claims of the '133		
15	patent by knowingly and intentionally inducing others to directly infringe, either literally or under		
16	the doctrine of equivalents, by making, using, selling, offering to sell and/or importing devices		
17	incorporating Marvell's infringing NFC Chips. For example, Marvell, with knowledge that the		
18	Avastar Chips infringe the '133 patent, knowingly and intentionally induced, and continues to		
19	knowingly and intentionally induce, direct infringement of the '133 patent by selling the Avastar		
20	88W8897 chips, and providing product information and other assistance in using the Avastar		
21	88W8897 chips, with the intent that they be incorporated in the Xbox One® gaming consoles		
22	sold, offered for sale and imported into the United States by Microsoft Corporation and used by		
23	consumers and others within the United States.		
24	28. NXP has suffered damages as a result of Marvell's direct and indirect infringement		
25	of the '133 patent in an amount to be proved at trial.		
26	29. NXP has suffered, and will continue to suffer, irreparable harm as a result of		
27	Marvell's infringement of the '133 patent, for which there is no adequate remedy at law, unless		
28	Marvell's infringement is enjoined by this Court.		
	COMPLAINT FOR PATENT INFRINGEMENT 6		

1	30. Marvell has been aware of its infringement of the '133 patent since at least May
2	14, 2014, when NXP notified Marvell that the Avastar 88W8897 infringes at least one claim of
3	the '133 patent. Upon information and belief, Marvell does not reasonably believe that the NFC
4	Chips do not infringe the '133 patent or that the '133 patent is invalid. Accordingly, Marvell's
5	infringement of the '133 patent was and continues to be willful and deliberate, entitling NXP to
6	an award of treble damages, reasonable attorney fees, and costs in bringing this action.
7	<u>COUNT III</u>
8	(Infringement of the '050 Patent)
9	31. Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.
10	32. NXP has not licensed or otherwise authorized Marvell to make, use, offer for sale,
11	sell, or import any products that embody the inventions of the '050 patent.
12	33. Marvell has and continues to directly infringe one or more claims of the '050
13	patent, either literally or under the doctrine of equivalents, by making, using, offering to sell,
14	selling and/or importing into the United States the infringing NFC Chips, including for example,
15	the infringing Avastar Chips, without authority and in violation of 35 U.S.C. § 271.
16	34. Marvell has and continues to indirectly infringe one or more claims of the '050
17	patent by knowingly and intentionally inducing others to directly infringe, either literally or under
18	the doctrine of equivalents, by making, using, selling, offering to sell and/or importing devices
19	incorporating Marvell's infringing NFC Chips. For example, Marvell, with knowledge that the
20	Avastar Chips infringe the '050 patent, knowingly and intentionally induced, and continues to
21	knowingly and intentionally induce, direct infringement of the '050 patent by selling the Avastar
22	88W8897 chips, and providing product information and other assistance in using the Avastar
23	88W8897 chips, with the intent that they be incorporated in the Xbox One® gaming consoles
24	sold, offered for sale and imported into the United States by Microsoft Corporation and used by
25	consumers and others within the United States.
26	35. NXP has suffered damages as a result of Marvell's direct and indirect infringement
27	of the '050 patent in an amount to be proved at trial.
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COMPLAINT FOR PATENT INFRINGEMENT

1 36. NXP has suffered, and will continue to suffer, irreparable harm as a result of 2 Marvell's infringement of the '050 patent, for which there is no adequate remedy at law, unless 3 Marvell's infringement is enjoined by this Court. 4 37. Marvell has been aware of its infringement of the '050 patent since at least 5 September 4, 2014, when NXP notified Marvell that the Avastar 88W8897 infringes at least one 6 claim of the '050 patent. Upon information and belief, Marvell does not reasonably believe that 7 the NFC Chips do not infringe the '050 patent or that the '050 patent is invalid. Accordingly, 8 Marvell's infringement of the '050 patent was and continues to be willful and deliberate, entitling 9 NXP to an award of treble damages, reasonable attorney fees, and costs in bringing this action. 10 **COUNT IV** 11 (Infringement of the '432 Patent) 12 38. Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein. 13 39. NXP has not licensed or otherwise authorized Marvell to make, use, offer for sale, 14 sell, or import any products that embody the inventions of the '432 patent. 15 40. Marvell has and continues to directly infringe one or more claims of the '432 16 patent, either literally or under the doctrine of equivalents, by making, using, offering to sell, 17 selling and/or importing into the United States the infringing NFC Chips, including for example, 18 the infringing Avastar Chips, without authority and in violation of 35 U.S.C. § 271. 19 41. Marvell has and continues to indirectly infringe one or more claims of the '432 20 patent by knowingly and intentionally inducing others to directly infringe, either literally or under 21 the doctrine of equivalents, by making, using, selling, offering to sell and/or importing devices 22 incorporating Marvell's infringing NFC Chips. For example, Marvell, with knowledge that the 23 Avastar Chips infringe the '432 patent, knowingly and intentionally induced, and continues to 24 knowingly and intentionally induce, direct infringement of the '432 patent by selling the Avastar 25 88W8897 chips, and providing product information and other assistance in using the Avastar 26 88W8897 chips, with the intent that they be incorporated in the Xbox One® gaming consoles 27 sold, offered for sale and imported into the United States by Microsoft Corporation and used by 28 consumers and others within the United States.

COMPLAINT FOR PATENT INFRINGEMENT

1	42.	NXP has suffered damages as a result of Marvell's direct and indirect infringement	
2	of the '432 patent in an amount to be proved at trial.		
3	43.	NXP has suffered, and will continue to suffer, irreparable harm as a result of	
4	Marvell's infringement of the '432 patent, for which there is no adequate remedy at law, unless		
5	Marvell's infringement is enjoined by this Court.		
6	44.	Marvell has been aware of its infringement of the '432 patent since at least May	
7	14, 2014, who	en NXP notified Marvell that the Avastar 88W8897 infringes at least one claim of	
8	the '432 patent. Upon information and belief, Marvell does not reasonably believe that the NFC		
9	Chips do not infringe the '432 patent or that the '432 patent is invalid. Accordingly, Marvell's		
10	infringement of the '432 patent was and continues to be willful and deliberate, entitling NXP to		
11	an award of treble damages, reasonable attorney fees, and costs in bringing this action.		
12		PRAYER FOR RELIEF	
13	WHI	EREFORE, NFC prays for relief against Marvell as follows:	
14	a.	Entry of judgment declaring that Marvell has directly and/or indirectly infringed	
15	each of the patents-in-suit;		
16	b.	Entry of judgment declaring that Marvell's infringement of the patents-in-suit has	
17	been willful and deliberate;		
18	C.	An order pursuant to 35 U.S.C. § 283 permanently enjoining Marvell, its officers,	

18 c. An order pursuant to 35 U.S.C. § 283 permanently enjoining Marvell, its officers,
 19 agents, servants, employees, attorneys, and those persons in active concert or participation with it,
 20 from further acts of infringement of the patents-in-suit;

d. An order awarding damages sufficient to compensate NFC for Marvell's
infringement of the patents-in-suit, but in no event less than a reasonable royalty, together with
interest and costs;

e. An order awarding NXP treble damages under 35 U.S.C. § 284 as a result of
Marvell's willful and deliberate infringement of the patents-in-suit;

f. Entry of judgment declaring that this case is exceptional and awarding NXP its
costs and reasonable attorney fees under 35 U.S.C. § 285; and

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COMPLAINT FOR PATENT INFRINGEMENT

1	g.	Such other and	further relief as	the Court deems just and proper.
2				
3	DATED:	January 21, 2015	Resp BRC	bectfully submitted, DWN RUDNICK LLP
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5			Dru	/a/ Donald Dua
6			By:	/s/ Ronald Rus RONALD RUS
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		С	OMPLAINT FOR F	PATENT INFRINGEMENT 10
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1	DEMAND FOR JURY TRIAL			
2	Pursuant to Rule 38(b) of the	he Federal Rules of Civil Procedure, Plaintiff hereby demands a		
3	trial by jury on all issues triable of	trial by jury on all issues triable of right by a jury.		
4				
5	DATED: January 21, 2015	Respectfully submitted, BROWN RUDNICK LLP		
6				
7		By: /s/ Ronald Rus		
8		RONALD RUS		
9		Attorneys for Plaintiff, NXP B.V.		
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