

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

COMMONWEALTH RESEARCH GROUP, LLC,

Plaintiff,

v.

NXP SEMICONDUCTORS USA, INC.;
NXP B.V.;
RENESAS TECHNOLOGY AMERICA, INC.;
RENESAS TECHNOLOGY CORPORATION;
SAMSUNG ELECTRONICS AMERICA, INC.;
SAMSUNG GROUP;
TOSHIBA AMERICA, INC.;
and TOSHIBA CORPORATION,

Defendants.

CA No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Commonwealth Research Group, LLC (“Commonwealth”) for its Complaint against NXP Semiconductors USA, Inc. (“NXP USA”); NXP B.V. (“NXP”); Renesas Technology America, Inc. (“Renesas America”); Renesas Technology Corporation (“Renesas”); Samsung Electronics America, Inc. (“Samsung America”); Samsung Group (“Samsung”); Toshiba America, Inc. (“Toshiba America”); and Toshiba Corporation (“Toshiba”) hereby alleges as follows:

Parties

1. Commonwealth is a Virginia corporation that owns United States Patent No. 6,026,493 entitled “System for Conserving Energy Among Electrical Components” (“Patent ‘493”).

2. Upon information and belief, NXP USA is a corporation organized and existing under the laws of Delaware with its principal place of business at 3595 Kenyon Road, Building A9, Marietta, Georgia 30066. Upon information and belief, NXP USA is engaged in the manufacture, sale, and/or importation in the United States of electronic components and systems that infringe the '493 patent.

3. Upon information and belief, NXP is a corporation with its principal place of business at High Tech Campus 60, 5656 AG Eindhoven, The Netherlands. Upon information and belief, NXP is engaged in the manufacture, sale, and/or importation in the United States of electronic components and systems that infringe the '493 patent.

4. Upon information and belief, Renesas America, is a corporation organized and existing under the laws of Delaware with its principal place of business at 450 Holger Way, San Jose, California 95134. Upon information and belief, Renesas America is engaged in the manufacture, sale, and/or importation in the United States of electronic components and systems that infringe the '493 patent.

5. Upon information and belief, Renesas is a corporation with its principal place of business at Nippon Bldg., 2-6-2 Otemachi Chiyoda-ku, Tokyo 100-0004. Upon information and belief, Renesas is engaged in the manufacture, sale, and/or importation in the United States of electronic components and systems that infringe the '493 patent.

6. Upon information and belief, Samsung America, is a corporation organized and existing under the laws of Delaware with its principal place of business at 105 Challenger Road, Ridgefield, New Jersey 07660. Upon information and belief, Samsung America is engaged in the manufacture, sale, and/or importation in the United States of electronic components and systems that infringe the '493 patent.

7. Upon information and belief, Samsung is a corporation with its principal place of business at 250, 2-ga Taepyung-ro, Jung-gu, Seoul, 100-7-42, South Korea. Upon information and belief, Samsung is engaged in the manufacture, sale, and/or importation in the United States of electronic components and systems that infringe the '493 patent.

8. Upon information and belief, Toshiba America is a corporation organized and existing under the laws of Delaware with its principal place of business at 1251 Avenue of the Americas, Suite 4110, New York, New York 10020. Upon information and belief, Toshiba America is engaged in the manufacture, sale, and/or importation in the United States of electronic components and systems that infringe the '493 patent.

9. Upon information and belief, Toshiba is a corporation with its principal place of business at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-8001, Japan. Upon information and belief, Toshiba is engaged in the manufacture, sale, and/or importation in the United States of electronic components and systems that infringe the '493 patent.

Jurisdiction and Venue

10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States.

11. This Court has personal jurisdiction over Defendants because the Defendants have established minimum contacts with the forum state Delaware. Defendants, directly and/or through third party manufacturers, manufacture or assemble products that are and have been offered for sale, sold, purchased, and used within the state of Delaware. In addition, Defendants, directly and/or through their distribution networks, regularly place their products within the stream of commerce, with the knowledge and/or understanding that such products will be sold in Delaware. Finally, each of the following Defendants are Delaware corporations: NXP USA,

Renesas America, Samsung America, and Toshiba America. Thus, Defendants have purposefully availed themselves of the benefits of the state of Delaware and the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

12. Defendants transact business in the state of Delaware because, among other things, Defendants manufacture and distribute products that are offered for sale, sold, purchased, and used within the state of Delaware. Defendants have also committed tortious acts of patent infringement in Delaware and are subject to personal jurisdiction in Delaware. Venue is thus proper in this district pursuant to 28 U.S.C. §§ 1391(b), (c), (d) and 1400 (b).

Cause of Action

13. Paragraphs 1 through 12 are incorporated by reference as if fully stated herein.

14. The '493 Patent was duly and legally issued on February 15, 2000 by the United States Patent and Trademark Office. A copy of the '493 Patent is attached hereto as Exhibit A.

15. Among other things, the '493 Patent claims a chip architecture that enables computer chips to conserve energy by turning off or reducing power to selected chip elements.

16. The '493 Patent is valid and enforceable.

17. Commonwealth is the exclusive and current owner of all rights, title, and interest, in the '493 Patent, including the right to bring this suit for injunctive relief and damages.

18. Upon information and belief, Defendants have infringed and continue to infringe one or more claims of the '493 Patent by engaging in acts that constitute infringement under 35 U.S.C. § 271, including but not necessarily limited to making, using, selling, and/or offering for sale, in Delaware and elsewhere in the United States, and/or importing into Delaware or elsewhere in the United States, chips and chip components that infringe the '493 Patent.

19. In addition, and upon information and belief, Defendants have – in violation of 35 U.S.C. § 271 – induced or contributed to the infringement of the ‘493 Patent by selling infringing chips and/or chip components to other organizations that incorporate the infringing chips and/or chip components in products that are sold in Delaware and throughout the United States.

20. Unless enjoined by this Court, Defendants will continue their infringement of the ‘493 Patent and Plaintiff has been and will continue to be seriously and irreparably injured.

21. Defendants infringement of ‘493 is exceptional and entitles Commonwealth to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

Prayer for Relief

Wherefore Commonwealth prays:

- a. That this Court enter judgment that Defendants have infringed or induced the infringement of United States Patent No. 6,026,493;
- b. That this Court enter a preliminary and permanent injunction restraining Defendants, their officers, agents, servants and employees, and each of them and anyone acting in concert therewith, from infringing United States Patent No. 6,026,493;
- c. That Commonwealth be awarded all damages adequate to compensate it for Defendants’ infringement of the ‘493 patent, such damages to be determined by a jury and, if necessary to adequately compensate Commonwealth for the infringement, an accounting;
- d. That Commonwealth be awarded treble damages and pre-judgment and post-judgment interest at the maximum rate allowed by law;
- e. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that Commonwealth be awarded attorneys’ fees, costs, and expenses incurred in connection with this action; and

- f. That Commonwealth be awarded such other and further relief as this Court deems just and proper.

Jury Demand

Plaintiff hereby demands a trial by jury of any issue triable by right by a jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: March 15, 2010



Richard K. Herrmann (I.D. #405)
Mary B. Matterer (I.D. #2696)
Amy A. Quinlan (I.D. #3021)
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, Delaware 19801
Telephone: (302) 888-6800
Facsimile: (302) 571-1750
rherrmann@morrisjames.com

Daniel Kotchen
Daniel L. Low
Alicia Gutierrez
KOTCHEN & LOW LLP
2300 M Street NW, Suite 800
Washington, DC 20037
Telephone: (202) 416-1848
Facsimile: (202) 280-1128
dkotchen@kotchen.com

Attorneys for COMMONWEALTH
RESEARCH GROUP, LLC