

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
GODO KAISHA IP BRIDGE 1)	
)	
<i>Plaintiff,</i>)	Civil Action No. _____
)	
VS.)	
)	
OMNIVISION TECHNOLOGIES, INC.)	JURY TRIAL DEMANDED
)	
<i>Defendant.</i>)	
)	
_____)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Godo Kaisha IP Bridge 1, by and through its undersigned counsel, files this action for patent infringement against OmniVision Technologies, Inc. as follows:

THE PARTIES

1. Godo Kaisha IP Bridge 1 (“IP Bridge” or “Plaintiff”) is a Japanese corporation having a principal address of c/o Sakura Sogo Jimusho, 1-11 Kanda Jimbocho, Chiyoda-ku, Tokyo 101-0051 Japan.
2. OmniVision Technologies, Inc. (“OmniVision” or “Defendant”) is a corporation organized under the laws of Delaware with its principal place of business at 4275 Burton Drive, Santa Clara, California 95054.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This is a patent infringement lawsuit, over which this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
4. OmniVision is subject to general personal jurisdiction in this Court because it is a



Delaware corporation. OmniVision has a registered agent for service of process in this State. It has conducted and does conduct business in and through this State.

5. If the Court finds it cannot exercise general jurisdiction, it has specific personal jurisdiction over OmniVision. Directly or through intermediaries (including distributors, retailers, and others), OmniVision ships, distributes, offers for sale, and/or sells its products in the United States and in the State of Delaware. OmniVision has purposefully and voluntarily placed one or more of its infringing products into the stream of commerce with the expectation that they will be purchased by consumers in the state of Delaware. Upon information and belief, OmniVision has committed acts of patent infringement within the State of Delaware.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(1), (b)(2), and/or (c), as well as 28 U.S.C. § 1400(b).

PATENTS-IN-SUIT

7. On March 25, 2003, the United States Patent and Trademark Office issued U.S. Patent No. US 6,538,324 entitled “Multi-layered wiring layer and method of fabricating the same” (the “’324 Patent”). A true and correct copy of the ’324 Patent is attached hereto as Exhibit A.

8. On September 21, 2004, the United States Patent and Trademark Office issued U.S. Patent No. US 6,794,677 entitled “Semiconductor integrated circuit device and method for fabricating the same” (the “’677 Patent”). A true and correct copy of the ’677 Patent is attached hereto as Exhibit B.

9. On March 23, 2004, the United States Patent and Trademark Office issued U.S. Patent No. US 6,709,950 entitled “Semiconductor device and method of manufacturing the same” (the “’950 Patent”). A true and correct copy of the ’950 Patent is attached hereto as

Exhibit C.

10. On October 24, 2006, the United States Patent and Trademark Office issued U.S. Patent No. US 7,126,174 entitled “Semiconductor device and method of manufacturing the same” (the “’174 Patent”). A true and correct copy of the ’174 Patent is attached hereto as Exhibit D.

11. On December 27, 2011, the United States Patent and Trademark Office issued U.S. Patent No. US 8,084,796 entitled “Solid state imaging apparatus, method for driving the same and camera using the same” (the “’796 Patent”). A true and correct copy of the ’796 Patent is attached hereto as Exhibit E.

12. On January 31, 2012, the United States Patent and Trademark Office issued U.S. Patent No. US 8,106,431 entitled “Solid state imaging apparatus, method for driving the same and camera using the same” (the “’431 Patent”). A true and correct copy of the ’431 Patent is attached hereto as Exhibit F.

13. On February 19, 2013, the United States Patent and Trademark Office issued U.S. Patent No. US 8,378,401 entitled “Solid state imaging apparatus, method for driving the same and camera using the same” (the “’401 Patent”). A true and correct copy of the ’401 Patent is attached hereto as Exhibit G.

14. On October 9, 2007, the United States Patent and Trademark Office issued U.S. Patent No. US 7,279,727 entitled “Semiconductor device” (the “’727 Patent”). A true and correct copy of the ’727 Patent is attached hereto as Exhibit H.

15. On May 4, 2010 the United States Patent and Trademark Office issued U.S. Patent No. US 7,709,900 entitled “Semiconductor device” (the “’900 Patent”). A true and correct copy of the ’900 Patent is attached hereto as Exhibit I.

16. On October 26, 2010, the United States Patent and Trademark Office issued U.S. Reissue Patent No. 41,867 entitled “MOS image pick-up device and camera incorporating same” (the “’867 Patent”). A true and correct copy of the ’867 Patent is attached hereto as Exhibit J.

17. The ’324 Patent, ’677 Patent, ’950 Patent, ’174 Patent, ’796 Patent, ’431 Patent, ’401 Patent, ’727 Patent, ’900 Patent, and ’867 Patent are collectively referred to herein as the “IP Bridge Patents.”

NOTICE AND PRE-SUIT NEGOTIATIONS

18. As a matter of policy, IP Bridge does not file lawsuits before first making great efforts to negotiate a reasonable license. As part of that policy, on or before March 1, 2016, counsel for IP Bridge contacted OmniVision’s counsel and informed the latter that an undisclosed entity had several patents that it was going to assert against multiple OmniVision CMOS image sensing products, but would agree to forego suing if OmniVision would agree to exchange information and meet in good faith in advance. OmniVision’s counsel called back and confirmed that his client would prefer to meet pre-suit. Over the next several days, IP Bridge’s counsel, directly as a result of OmniVision’s agreement to meet and negotiate pre-suit, identified IP Bridge as the assignee of the patents. Thus, no later than early March 2016, IP Bridge contacted OmniVision to meet to discuss OmniVision’s back side illumination (“BSI”) image sensors that infringe the patents-in-suit.

19. On March 11, 2016, OmniVision’s counsel again confirmed his client’s willingness to meet, and based upon that agreement IP Bridge’s counsel sent OmniVision’s counsel a draft Forbearance Agreement. On March 15, 2016, OmniVision’s attorney sent a revised form of the Forbearance Agreement and requested claim charts for the patents to be asserted. By March 18, 2016, in reliance upon OmniVision’s promises to meet and negotiate in

good faith, IP Bridge executed a final Forbearance Agreement and sent a copy of the executed agreement to OmniVision.

20. For much of the rest of March, the parties continued discussing mutually convenient dates for conferring in person. In addition, to facilitate discussions and in reliance on OmniVision's agreement to meet, IP Bridge sent claim charts for the patents-in-suit to OmniVision under the nondisclosure terms of the agreement.

21. Specifically relying upon OmniVision's promises to meet in good faith, on March 28, 2016, IP Bridge's counsel sent OmniVision's counsel a cover letter and a secure file transfer protocol link to claim charts and each of the patents in suit. The claim charts identified the OmniVision PureCel CMOS part no. OV8858 as a product that infringed one or more claims of each of the 10 patents in suit. Therefore, OmniVision had notice of its infringement of each patent in suit no later than March 28, 2016.

22. Specifically relying upon OmniVision's promises to meet in good faith, on March 29, March 30, March 31 and April 7, IP Bridge's counsel sent OmniVision's counsel cover letters and additional claim charts that read one or more claims of the patents in suit on the OmniVision PureCel-S CMOS part no. OV23850 (March 29 letter), OmniVision OmniBSI-2 CMOS part nos. OV4689 and OV8850 (March 30 letter), OmniVision OmniBSI CMOS part nos. OV5650 and OV10640 (March 31 letter), and an additional claim chart for the OV8850 part (April 7 letter).

23. On April 1, 2016, OmniVision's counsel asked IP Bridge to confirm that all claim charts for discussion had been sent. By this time, the parties had agreed to a meeting on April 20, 2016 at OmniVision's headquarters in California. Arrangements had been made for IP Bridge personnel to fly from Japan to California for the meeting.

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