

JS 44 (Rev. 12/07) (CAND Rev 1/10)

CIVIL COVER SHEET

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

<p>I. (a) PLAINTIFFS XILINX, INC.</p>	<p>DEFENDANTS INVENTION INVESTMENT FUND I, LP ET AL.</p>
<p>(b) County of Residence of First Listed Plaintiff Santa Clara (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p>County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p>
<p>(c) Attorney's (Firm Name, Address, and Telephone Number)</p> <p>Kenneth R. Adamo JONES DAY 2727 North Harwood Street Dallas, TX 75201</p> <p>Behrooz Shariati JONES DAY 1755 Embarcadero Road Palo Alto, CA 94303</p>	<p>Attorneys (If Known)</p> <p style="font-size: 2em; text-align: center;">CV 11 - 0671 LB</p>

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;"><input checked="" type="checkbox"/> 1</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business In This State</td> <td style="width:10%;"><input type="checkbox"/> 4</td> <td style="width:10%;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input checked="" type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input checked="" type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input checked="" 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 checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input checked="" type="checkbox"/> 5	<input checked="" 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
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4														
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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. NATURE OF SUIT (Place an "X" in One Box Only)

<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 362 Personal Injury—Med. Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury—Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs.</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus—Alien Detainee</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input checked="" type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p>		

V. 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 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. §§ 2201 et seq.,

Brief description of cause:
Declaratory Judgment Patent Non-Infringement and Invalidity

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** CHECK YES only if demanded in complaint. **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

SAN FRANCISCO/OAKLAND SAN JOSE EUREKA

DATE: February 14, 2011 SIGNATURE OF ATTORNEY OF RECORD: 

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3 JONES DAY
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7 Facsimile: (650) 739-3900

8 *Attorneys for Plaintiff, Xilinx, Inc.*

ORIGINAL FILED

FEB 14 2011

Richard W. Wierking
Clerk, U.S. District Court
Northern District of California
San Jose

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

Case No. **CV 11-0671 LB**

12 XILINX, INC.,

13 Plaintiff,

14 v.

15 INVENTION INVESTMENT FUND I LP,
16 INVENTION INVESTMENT FUND II LLC,
17 INTELLECTUAL VENTURES LLC,
18 INTELLECTUAL VENTURES
19 MANAGEMENT LLC,
20 INTELLECTUAL VENTURES I LLC,
21 INTELLECTUAL VENTURES II LLC,

22 Defendants.

**COMPLAINT FOR DECLARATORY
JUDGMENT OF PATENT NON-
INFRINGEMENT AND INVALIDITY**

DEMAND FOR JURY TRIAL

23 Xilinx, Inc. ("Xilinx" or "Plaintiff"), by and through its undersigned counsel, complains
24 against Invention Investment Fund I LP, Invention Investment Fund II LLC, Intellectual Ventures
25 LLC, Intellectual Ventures Management LLC, Intellectual Ventures I LLC, Intellectual Ventures
26 II LLC, as follows:
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28

1 **NATURE OF THE ACTION**

2 1. This is an action for declaratory judgment of patent non-infringement, invalidity,
3 and unenforceability arising under the patent laws of the United States, Title 35 of the United
4 States Code.

5 **THE PARTIES**

6 2. Plaintiff, Xilinx, is a Delaware corporation with its principal place of business at
7 2100 Logic Drive, San Jose, California 95124. Xilinx is engaged in the business of designing,
8 developing, and marketing complete programmable logic solutions, including advanced
9 integrated circuits, software design tools, predefined system functions delivered as intellectual
10 property cores, design services, customer training, field engineering, and customer support.

11 3. On information and belief, Defendants, Invention Investment Fund I LP, is a
12 Delaware limited partnership, and Invention Investment Fund II LLC, Intellectual Ventures LLC,
13 Intellectual Ventures Management LLC, Intellectual Ventures I LLC, Intellectual Ventures II
14 LLC, and are Delaware limited liability companies each with their principal place of business
15 3150 139th Avenue SE, Building 4, Bellevue, Washington 98005.

16 4. On information and belief, each of the Defendants is in the business of acquiring
17 and licensing patents and patent portfolios. Upon information and belief, each of the Defendants
18 is otherwise subject to the jurisdiction of this Court. Throughout this complaint, the defendants
19 are collectively referred to as "IV".

20 **JURISDICTION AND VENUE**

21 5. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*,
22 under the patent laws of the United States, Title 35 of the United States Code. This Court has
23 subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, 1367, 2201, and 2202.

24 6. This Court has personal jurisdiction over Defendants by virtue of their sufficient
25 minimum contacts with this forum as a result of the business they conduct within the State of
26 California and within the Northern District of California.

27 7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

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INTRADISTRICT ASSIGNMENT

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2 8. For purposes of intradistrict assignment pursuant to Civil Local Rules 3-2(c) and
3 3-5(b), this Intellectual Property Action is to be assigned on a district-wide basis.

THE PATENTS-IN-SUIT

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5 9. The United States Patent and Trademark Office (the "USPTO") issued United
6 States Patent No. 5,524,251 ("the '251 patent"), entitled "Microcomputer having ALU
7 Performing Min and Max Operations," on June 4, 1996

8 10. The USPTO issued United States Patent No. 5,687,325 ("the '325 patent"),
9 entitled "Application Specific Field Programmable Gate Array," on November 11, 1997. On
10 December 8, 2010, Intellectual Ventures II, LLC alleged infringement of the '325 patent by
11 Altera Corporation, Microsemi Corporation, and Lattice Semiconductor Corporation in case 1:10-
12 cv-01065 filed in the District of Delaware.

13 11. The USPTO issued United States Patent No. 5,751,736 ("the '736 patent"),
14 entitled "Testable Electronic System," on May 12, 1998.

15 12. The USPTO issued United States Patent No. 5,887,165 ("the '165 patent"),
16 entitled "Dynamically Reconfigurable Hardware System for Real-time Control of Processes," on
17 March 23, 1999.

18 13. The USPTO issued United States Patent No. 6,252,527 ("the '527 patent"),
19 entitled "Interface Unit for Serial-to-Parallel Conversion and/or Parallel-to-Serial Conversion,"
20 on June 26, 2001.

21 14. The USPTO issued United States Patent No. 6,260,087 ("the '087 patent"),
22 entitled "Embedded Configurable Logic ASIC," on July 10, 2001 On December 8, 2010,
23 Intellectual Ventures II, LLC alleged infringement of the '325 patent by Altera Corporation,
24 Microsemi Corporation, and Lattice Semiconductor Corporation in case 1:10-cv-01065 filed in
25 the District of Delaware.

26 15. The USPTO issued United States Patent No. 6,272,646 ("the '646 patent"),
27 entitled "Programmable Logic Device Having an Integrated Phase Lock Loop," on August 7,
28 2001. On December 8, 2010, Intellectual Ventures II, LLC alleged infringement of the '325

1 patent by Altera Corporation, Microsemi Corporation, and Lattice Semiconductor Corporation in
2 case 1:10-cv-01065 filed in the District of Delaware.

3 16. The USPTO issued United States Patent No. 6,321,331 (“the ’331 patent”),
4 entitled “Real Time Debugger Interface for Embedded Systems,” on November 20, 2001.

5 17. The USPTO issued United States Patent No. 6,408,415 (“the ’415 patent”),
6 entitled “Test Mode Setup Circuit for Microcontroller Unit,” on June 18, 2002.

7 18. The USPTO issued United States Patent No. 6,687,865 (“the ’865 patent”),
8 entitled “On-Chip Service Processor for Test and Debug of Integrated Circuits,” on February 3,
9 2004.

10 19. The USPTO issued United States Patent No. 6,698,001 (“the ’001 patent”),
11 entitled “Method for Generating Register Transfer Level Code,” on February 24, 2004.

12 20. The USPTO issued United States Patent No. 6,747,350 (“the ’350 patent”),
13 entitled “Flip Chip Package Structure,” on June 8, 2004.

14 21. The USPTO issued United States Patent No. 6,768,497 (“the ’497 patent”),
15 entitled “Elastic Presentation Space,” on July 27, 2004.

16 22. The USPTO issued United States Patent No. 6,993,669 (“the ’669 patent”),
17 entitled “Low Power Clocking Systems and Methods,” on January 31, 2006. On December 8,
18 2010, Intellectual Ventures I, LLC alleged infringement of the ’325 patent by Altera Corporation
19 and Lattice Semiconductor Corporation in case 1:10-cv-01065 filed in the District of Delaware.

20 23. The USPTO issued United States Patent No. 7,080,301 (“the ’301 patent”),
21 entitled “On-Chip Service Processor,” on July 18, 2006.

22 24. The USPTO issued United States Patent No. 7,100,061 (“the ’061 patent”),
23 entitled “Adaptive Power Control,” on August 29, 2006.

24 **FIRST COUNT**

25 **(Declaratory Judgment of Non-Infringement of the ’251 Patent)**

26 25. The allegations contained in paragraphs 1 through 24 are incorporated by reference
27 as if fully set herein.

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1 34. On information and belief, the '251 patent is invalid because of its failure to
2 comply with one or more of the requirements of the patent laws of the United States, including,
3 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

4 35. A judicial declaration of invalidity of the '251 patent is necessary and appropriate
5 in order to resolve this controversy.

6 **THIRD COUNT**

7 **(Declaratory Judgment of Lack of Standing to Enforce the '251 Patent)**

8 36. The allegations contained in paragraphs 1 through 35 are incorporated by reference
9 as if fully set herein.

10 37. IV claims to be the owner and assignee of all rights, title, and interest in and under
11 the '251 patent.

12 38. On information and belief, IV has not shown that it has the right to bring an action
13 to enforce the '251 patent.

14 39. Under all the circumstances in this dispute, IV has, at a minimum, created a
15 substantial, immediate, and real controversy between the parties as to whether IV has standing to
16 enforce the '251 patent. A valid and justiciable controversy has arisen and exists between
17 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

18 40. A judicial declaration that IV lacks standing to enforce the '251 patent is necessary
19 and appropriate in order to resolve this controversy.

20 **FOURTH COUNT**

21 **(Declaratory Judgment of Non-Infringement of the '325 Patent)**

22 41. The allegations contained in paragraphs 1 through 40 are incorporated by reference
23 as if fully set herein.

24 42. IV claims to be the owner and assignee of all rights, title, and interest in and under
25 the '325 patent.

26 43. IV has accused Plaintiff of infringing the '325 patent through its manufacture, sale,
27 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
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1 license to the '325 patent to lawfully continue the manufacture, sale, use, and/or importation of
2 these integrated circuits.

3 44. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
4 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
5 '325 patent.

6 45. Under all the circumstances in this dispute, IV has, at a minimum, created a
7 substantial, immediate, and real controversy between the parties as to the non-infringement of the
8 '325 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
9 within the meaning of 28 U.S.C. § 2201.

10 46. Upon information and belief, Plaintiff has not directly or indirectly infringed any
11 valid and enforceable claims of the '325 patent, either literally or under the doctrine of
12 equivalents.

13 47. A judicial declaration of non-infringement of the '325 patent is necessary and
14 appropriate in order to resolve this controversy.

15 **FIFTH COUNT**

16 **(Declaratory Judgment of Invalidity of the '325 Patent)**

17 48. The allegations contained in paragraphs 1 through 47 are incorporated by reference
18 as if fully set herein.

19 49. Under all the circumstances in this dispute, IV has, at a minimum, created a
20 substantial, immediate, and real controversy between the parties as to the invalidity of the '325
21 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
22 the meaning of 28 U.S.C. § 2201.

23 50. Upon information and belief, the '325 patent is invalid because of its failure to
24 comply with one or more of the requirements of the patent laws of the United States, including,
25 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

26 51. A judicial declaration of invalidity of the '325 patent is necessary and appropriate
27 in order to resolve this controversy.

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SIXTH COUNT

(Declaratory Judgment of Lack of Standing to Enforce the '325 Patent)

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3 52. The allegations contained in paragraphs 1 through 51 are incorporated by reference
4 as if fully set herein.

5 53. IV claims to be the owner and assignee of all rights, title, and interest in and under
6 the '325 patent.

7 54. On information and belief, IV has not shown that it has the right to bring an action
8 to enforce the '325 patent.

9 55. Under all the circumstances in this dispute, IV has, at a minimum, created a
10 substantial, immediate, and real controversy between the parties as to whether IV has standing to
11 enforce the '325 patent. A valid and justiciable controversy has arisen and exists between
12 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

13 56. A judicial declaration that IV lacks standing to enforce the '325 patent is necessary
14 and appropriate in order to resolve this controversy.

SEVENTH COUNT

(Declaratory Judgment of Non-Infringement of the '736 Patent)

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17 57. The allegations contained in paragraphs 1 through 56 are incorporated by reference
18 as if fully set herein.

19 58. IV claims to be the owner and assignee of all rights, title, and interest in and under
20 the '736 patent.

21 59. IV has accused Plaintiff of infringing the '736 patent through its manufacture, sale,
22 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
23 license to the '736 patent to lawfully continue the manufacture, sale, use, and/or importation of
24 these integrated circuits.

25 60. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
26 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
27 '736 patent.

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1 61. Under all the circumstances in this dispute, IV has, at a minimum, created a
2 substantial, immediate, and real controversy between the parties as to the non-infringement of the
3 '736 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
4 within the meaning of 28 U.S.C. § 2201.

5 62. On information and belief, Plaintiff has not directly or indirectly infringed any
6 valid and enforceable claims of the '736 patent, either literally or under the doctrine of
7 equivalents.

8 63. A judicial declaration of non-infringement of the '736 patent is necessary and
9 appropriate in order to resolve this controversy.

10 **EIGHTH COUNT**

11 **(Declaratory Judgment of Invalidity of the '736 Patent)**

12 64. The allegations contained in paragraphs 1 through 63 are incorporated by reference
13 as if fully set herein.

14 65. Under all the circumstances in this dispute, IV has, at a minimum, created a
15 substantial, immediate, and real controversy between the parties as to the invalidity of the '736
16 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
17 the meaning of 28 U.S.C. § 2201.

18 66. On information and belief, the '736 patent is invalid because of its failure to
19 comply with one or more of the requirements of the patent laws of the United States, including,
20 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

21 67. A judicial declaration of invalidity of the '736 patent is necessary and appropriate
22 in order to resolve this controversy.

23 **NINTH COUNT**

24 **(Declaratory Judgment of Lack of Standing to Enforce the '736 Patent)**

25 68. The allegations contained in paragraphs 1 through 67 are incorporated by reference
26 as if fully set herein.

27 69. IV claims to be the owner and assignee of all rights, title, and interest in and under
28 the '736 patent.

1 79. A judicial declaration of non-infringement of the '165 patent is necessary and
2 appropriate in order to resolve this controversy.

3 **ELEVENTH COUNT**

4 **(Declaratory Judgment of Invalidity of the '165 Patent)**

5 80. The allegations contained in paragraphs 1 through 79 are incorporated by reference
6 as if fully set herein.

7 81. Under all the circumstances in this dispute, IV has, at a minimum, created a
8 substantial, immediate, and real controversy between the parties as to the invalidity of the '165
9 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
10 the meaning of 28 U.S.C. § 2201.

11 82. On information and belief, the '165 patent is invalid because of its failure to
12 comply with one or more of the requirements of the patent laws of the United States, including,
13 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

14 83. A judicial declaration of invalidity of the '165 patent is necessary and appropriate
15 in order to resolve this controversy.

16 **TWELFTH COUNT**

17 **(Declaratory Judgment of Lack of Standing to Enforce the '165 Patent)**

18 84. The allegations contained in paragraphs 1 through 83 are incorporated by reference
19 as if fully set herein.

20 85. IV claims to be the owner and assignee of all rights, title, and interest in and under
21 the '165 patent.

22 86. On information and belief, IV has not shown that it has the right to bring an action
23 to enforce the '165 patent.

24 87. Under all the circumstances in this dispute, IV has, at a minimum, created a
25 substantial, immediate, and real controversy between the parties as to whether IV has standing to
26 enforce the '165 patent. A valid and justiciable controversy has arisen and exists between
27 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

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1 88. A judicial declaration that IV lacks standing to enforce the '165 patent is necessary
2 and appropriate in order to resolve this controversy.

3 **THIRTEENTH COUNT**

4 **(Declaratory Judgment of Non-Infringement of the '527 Patent)**

5 89. The allegations contained in paragraphs 1 through 88 are incorporated by reference
6 as if fully set herein.

7 90. IV claims to be the owner and assignee of all rights, title, and interest in and under
8 the '527 patent.

9 91. IV has accused Plaintiff of infringing the '527 patent through its manufacture, sale,
10 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
11 license to the '527 patent to lawfully continue the manufacture, sale, use, and/or importation of
12 these integrated circuits.

13 92. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
14 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
15 '527 patent.

16 93. Under all the circumstances in this dispute, IV has, at a minimum, created a
17 substantial, immediate, and real controversy between the parties as to the non-infringement of the
18 '527 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
19 within the meaning of 28 U.S.C. § 2201.

20 94. Upon information and belief, Plaintiff has not directly or indirectly infringed any
21 valid and enforceable claims of the '527 patent, either literally or under the doctrine of
22 equivalents.

23 95. A judicial declaration of non-infringement of the '527 patent is necessary and
24 appropriate in order to resolve this controversy.

25 **FOURTEENTH COUNT**

26 **(Declaratory Judgment of Invalidity of the '527 Patent)**

27 96. The allegations contained in paragraphs 1 through 95 are incorporated by reference
28 as if fully set herein.

1 97. Under all the circumstances in this dispute, IV has, at a minimum, created a
2 substantial, immediate, and real controversy between the parties as to the invalidity of the '527
3 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
4 the meaning of 28 U.S.C. § 2201.

5 98. Upon information and belief, the '527 patent is invalid because of its failure to
6 comply with one or more of the requirements of the patent laws of the United States, including,
7 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

8 99. A judicial declaration of invalidity of the '527 patent is necessary and appropriate
9 in order to resolve this controversy.

10 **FIFTEENTH COUNT**

11 **(Declaratory Judgment of Lack of Standing to Enforce the '527 Patent)**

12 100. The allegations contained in paragraphs 1 through 99 are incorporated by reference
13 as if fully set herein.

14 101. IV claims to be the owner and assignee of all rights, title, and interest in and under
15 the '527 patent.

16 102. On information and belief, IV has not shown that it has the right to bring an action
17 to enforce the '527 patent.

18 103. Under all the circumstances in this dispute, IV has, at a minimum, created a
19 substantial, immediate, and real controversy between the parties as to whether IV has standing to
20 enforce the '527 patent. A valid and justiciable controversy has arisen and exists between
21 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

22 104. A judicial declaration that IV lacks standing to enforce the '527 patent is necessary
23 and appropriate in order to resolve this controversy.

24 **SIXTEENTH COUNT**

25 **(Declaratory Judgment of Non-Infringement of the '087 Patent)**

26 105. The allegations contained in paragraphs 1 through 104 are incorporated by
27 reference as if fully set herein.

28

1 106. IV claims to be the owner and assignee of all rights, title, and interest in and under
2 the '087 patent.

3 107. IV has accused Plaintiff of infringing the '087 patent through its manufacture, sale,
4 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
5 license to the '087 patent to lawfully continue the manufacture, sale, use, and/or importation of
6 these integrated circuits.

7 108. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
8 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
9 '087 patent.

10 109. Under all the circumstances in this dispute, IV has, at a minimum, created a
11 substantial, immediate, and real controversy between the parties as to the non-infringement of the
12 '087 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
13 within the meaning of 28 U.S.C. § 2201.

14 110. Upon information and belief, Plaintiff has not directly or indirectly infringed any
15 valid and enforceable claims of the '087 patent, either literally or under the doctrine of
16 equivalents.

17 111. A judicial declaration of non-infringement of the '087 patent is necessary and
18 appropriate in order to resolve this controversy.

19 **SEVENTEENTH COUNT**

20 **(Declaratory Judgment of Invalidity of the '087 Patent)**

21 112. The allegations contained in paragraphs 1 through 111 are incorporated by
22 reference as if fully set herein.

23 113. Under all the circumstances in this dispute, IV has, at a minimum, created a
24 substantial, immediate, and real controversy between the parties as to the invalidity of the '087
25 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
26 the meaning of 28 U.S.C. § 2201.

27

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1 114. Upon information and belief, the '087 patent is invalid because of its failure to
2 comply with one or more of the requirements of the patent laws of the United States, including,
3 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

4 115. A judicial declaration of invalidity of the '087 patent is necessary and appropriate
5 in order to resolve this controversy.

6 **EIGHTEENTH COUNT**

7 **(Declaratory Judgment of Lack of Standing to Enforce the '087 Patent)**

8 116. The allegations contained in paragraphs 1 through 115 are incorporated by
9 reference as if fully set herein.

10 117. IV claims to be the owner and assignee of all rights, title, and interest in and under
11 the '087 patent.

12 118. On information and belief, IV has not shown that it has the right to bring an action
13 to enforce the '087 patent.

14 119. Under all the circumstances in this dispute, IV has, at a minimum, created a
15 substantial, immediate, and real controversy between the parties as to whether IV has standing to
16 enforce the '087 patent. A valid and justiciable controversy has arisen and exists between
17 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

18 120. A judicial declaration that IV lacks standing to enforce the '087 patent is necessary
19 and appropriate in order to resolve this controversy.

20 **NINETEENTH COUNT**

21 **(Declaratory Judgment of Non-Infringement of the '646 Patent)**

22 121. The allegations contained in paragraphs 1 through 120 are incorporated by
23 reference as if fully set herein.

24 122. IV claims to be the owner and assignee of all rights, title, and interest in and under
25 the '646 patent.

26 123. IV has accused Plaintiff of infringing the '646 patent through its manufacture, sale,
27 use, and/or importation of certain software products, and has asserted that Plaintiff must take a
28

1 license to the '646 patent to lawfully continue the manufacture, sale, use, and/or importation of
2 these software products.

3 124. Plaintiff has informed IV that Plaintiff contends that it has the right to be engaged
4 in the manufacture, sale, use, and/or importation of these software products without a license to
5 the '646 patent.

6 125. Under all the circumstances in this dispute, IV has, at a minimum, created a
7 substantial, immediate, and real controversy between the parties as to the non-infringement of the
8 '646 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
9 within the meaning of 28 U.S.C. § 2201.

10 126. Upon information and belief, Plaintiff has not directly or indirectly infringed any
11 valid and enforceable claims of the '646 patent, either literally or under the doctrine of
12 equivalents.

13 127. A judicial declaration of non-infringement of the '646 patent is necessary and
14 appropriate in order to resolve this controversy.

15 **TWENTIETH COUNT**

16 **(Declaratory Judgment of Invalidity of the '646 Patent)**

17 128. The allegations contained in paragraphs 1 through 127 are incorporated by
18 reference as if fully set herein.

19 129. Under all the circumstances in this dispute, IV has, at a minimum, created a
20 substantial, immediate, and real controversy between the parties as to the invalidity of the '646
21 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
22 the meaning of 28 U.S.C. § 2201.

23 130. Upon information and belief, the '646 patent is invalid because of its failure to
24 comply with one or more of the requirements of the patent laws of the United States, including,
25 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

26 131. A judicial declaration of invalidity of the '646 patent is necessary and appropriate
27 in order to resolve this controversy.

28

TWENTY-FIRST COUNT

(Declaratory Judgment of Lack of Standing to Enforce the '646 Patent)

132. The allegations contained in paragraphs 1 through 131 are incorporated by reference as if fully set herein.

133. IV claims to be the owner and assignee of all rights, title, and interest in and under the '646 patent.

134. On information and belief, IV has not shown that it has the right to bring an action to enforce the '646 patent.

135. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to whether IV has standing to enforce the '646 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

136. A judicial declaration that IV lacks standing to enforce the '646 patent is necessary and appropriate in order to resolve this controversy.

TWENTY-SECOND COUNT

(Declaratory Judgment of Non-Infringement of the '331 Patent)

137. The allegations contained in paragraphs 1 through 136 are incorporated by reference as if fully set herein.

138. IV claims to be the owner and assignee of all rights, title, and interest in and under the '331 patent.

139. IV has accused Plaintiff of infringing the '331 patent through its manufacture, sale, use, and/or importation of certain hardware products and/or integrated circuits, and has asserted that Plaintiff must take a license to the '331 patent to lawfully continue the manufacture, sale, use, and/or importation of the accused integrated circuits.

140. Plaintiff has informed IV that Plaintiff contends it has the right to engage in the manufacture, sale, use, and/or importation of these hardware products and/or integrated circuits without a license to the '331 patent.

1 141. Under all the circumstances in this dispute, IV has, at a minimum, created a
2 substantial, immediate, and real controversy between the parties as to the non-infringement of the
3 '331 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
4 within the meaning of 28 U.S.C. § 2201.

5 142. On information and belief, Plaintiff has not directly or indirectly infringed any
6 valid and enforceable claims of the '331 patent, either literally or under the doctrine of
7 equivalents.

8 143. A judicial declaration of non-infringement of the '331 patent is necessary and
9 appropriate in order to resolve this controversy.

10 **TWENTY-THIRD COUNT**

11 **(Declaratory Judgment of Invalidity of the '331 Patent)**

12 144. The allegations contained in paragraphs 1 through 143 are incorporated by
13 reference as if fully set herein.

14 145. Under all the circumstances in this dispute, IV has, at a minimum, created a
15 substantial, immediate, and real controversy between the parties as to the invalidity of the '331
16 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
17 the meaning of 28 U.S.C. § 2201.

18 146. On information and belief, the '331 patent is invalid because of its failure to
19 comply with one or more of the requirements of the patent laws of the United States, including,
20 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

21 147. A judicial declaration of invalidity of the '331 patent is necessary and appropriate
22 in order to resolve this controversy.

23 **TWENTY-FOURTH COUNT**

24 **(Declaratory Judgment of Lack of Standing to Enforce the '331 Patent)**

25 148. The allegations contained in paragraphs 1 through 147 are incorporated by
26 reference as if fully set herein.

27 149. IV claims to be the owner and assignee of all rights, title, and interest in and under
28 the '331 patent.

1 150. On information and belief, IV has not shown that it has the right to bring an action
2 to enforce the '331 patent.

3 151. Under all the circumstances in this dispute, IV has, at a minimum, created a
4 substantial, immediate, and real controversy between the parties as to whether IV has standing to
5 enforce the '331 patent. A valid and justiciable controversy has arisen and exists between
6 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

7 152. A judicial declaration that IV lacks standing to enforce the '331 patent is necessary
8 and appropriate in order to resolve this controversy.

9
10 **TWENTY-FIFTH COUNT**

11 **(Declaratory Judgment of Non-Infringement of the '415 Patent)**

12 153. The allegations contained in paragraphs 1 through 152 are incorporated by
13 reference as if fully set herein.

14 154. IV claims to be the owner and assignee of all rights, title, and interest in and under
15 the '415 patent.

16 155. IV has accused Plaintiff of infringing the '415 patent through its manufacture, sale,
17 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
18 license to the '415 patent to lawfully continue the manufacture, sale, use, and/or importation of
19 these integrated circuits.

20 156. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
21 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
22 '415 patent.

23 157. Under all the circumstances in this dispute, IV has, at a minimum, created a
24 substantial, immediate, and real controversy between the parties as to the non-infringement of the
25 '415 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
26 within the meaning of 28 U.S.C. § 2201.
27
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1 158. On information and belief, Plaintiff has not directly or indirectly infringed any
2 valid and enforceable claims of the '415 patent, either literally or under the doctrine of
3 equivalents.

4 159. A judicial declaration of non-infringement of the '415 patent is necessary and
5 appropriate in order to resolve this controversy.

6 **TWENTY-SIXTH COUNT**

7 **(Declaratory Judgment of Invalidity of the '415 Patent)**

8 160. The allegations contained in paragraphs 1 through 159 are incorporated by
9 reference as if fully set herein.

10 161. Under all the circumstances in this dispute, IV has, at a minimum, created a
11 substantial, immediate, and real controversy between the parties as to the invalidity of the '415
12 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
13 the meaning of 28 U.S.C. § 2201.

14 162. On information and belief, the '415 patent is invalid because of its failure to
15 comply with one or more of the requirements of the patent laws of the United States, including,
16 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

17 163. A judicial declaration of invalidity of the '415 patent is necessary and appropriate
18 in order to resolve this controversy.

19 **TWENTY-SEVENTH COUNT**

20 **(Declaratory Judgment of Lack of Standing to Enforce the '415 Patent)**

21 164. The allegations contained in paragraphs 1 through 163 are incorporated by
22 reference as if fully set herein.

23 165. IV claims to be the owner and assignee of all rights, title, and interest in and under
24 the '415 patent.

25 166. On information and belief, IV has not shown that it has the right to bring an action
26 to enforce the '415 patent.

27 167. Under all the circumstances in this dispute, IV has, at a minimum, created a
28 substantial, immediate, and real controversy between the parties as to whether IV has standing to

1 enforce the '415 patent. A valid and justiciable controversy has arisen and exists between
2 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

3 168. A judicial declaration that IV lacks standing to enforce the '415 patent is necessary
4 and appropriate in order to resolve this controversy.

5 **TWENTY-EIGHTH COUNT**

6 **(Declaratory Judgment of Non-Infringement of the '865 Patent)**

7 169. The allegations contained in paragraphs 1 through 168 are incorporated by
8 reference as if fully set herein.

9 170. IV claims to be the owner and assignee of all rights, title, and interest in and under
10 the '865 patent.

11 171. IV has accused Plaintiff of infringing the '865 patent through its manufacture, sale,
12 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
13 license to the '865 patent to lawfully continue the manufacture, sale, use, and/or importation of
14 these integrated circuits.

15 172. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
16 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
17 '865 patent.

18 173. Under all the circumstances in this dispute, IV has, at a minimum, created a
19 substantial, immediate, and real controversy between the parties as to the non-infringement of the
20 '865 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
21 within the meaning of 28 U.S.C. § 2201.

22 174. On information and belief, Plaintiff has not directly or indirectly infringed any
23 valid and enforceable claims of the '865 patent, either literally or under the doctrine of
24 equivalents.

25 175. A judicial declaration of non-infringement of the '865 patent is necessary and
26 appropriate in order to resolve this controversy.

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1 **TWENTY-NINTH COUNT**

2 **(Declaratory Judgment of Invalidity of the '865 Patent)**

3 176. The allegations contained in paragraphs 1 through 175 are incorporated by
4 reference as if fully set herein.

5 177. Under all the circumstances in this dispute, IV has, at a minimum, created a
6 substantial, immediate, and real controversy between the parties as to the invalidity of the '865
7 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
8 the meaning of 28 U.S.C. § 2201.

9 178. On information and belief, the '865 patent is invalid because of its failure to
10 comply with one or more of the requirements of the patent laws of the United States, including,
11 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

12 179. A judicial declaration of invalidity of the '865 patent is necessary and appropriate
13 in order to resolve this controversy.

14 **THIRTIETH COUNT**

15 **(Declaratory Judgment of Non-Infringement of the '001 Patent)**

16 180. The allegations contained in paragraphs 1 through 179 are incorporated by
17 reference as if fully set herein.

18 181. IV claims to be the owner and assignee of all rights, title, and interest in and under
19 the '001 patent.

20 182. IV has accused Plaintiff of infringing the '001 patent through its manufacture, sale,
21 use, and/or importation of certain software products, and has asserted that Plaintiff must take a
22 license to the '001 patent to lawfully continue the manufacture, sale, use, and/or importation of
23 these software products.

24 183. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
25 the manufacture, sale, use, and/or importation of these software products without a license to the
26 '001 patent.

27 184. Under all the circumstances in this dispute, IV has, at a minimum, created a
28 substantial, immediate, and real controversy between the parties as to the non-infringement of the

1 '001 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
2 within the meaning of 28 U.S.C. § 2201.

3 185. On information and belief, Plaintiff has not directly or indirectly infringed any
4 valid and enforceable claims of the '001 patent, either literally or under the doctrine of
5 equivalents.

6 186. A judicial declaration of non-infringement of the '001 patent is necessary and
7 appropriate in order to resolve this controversy.

8 **THIRTY-FIRST COUNT**

9 **(Declaratory Judgment of Invalidity of the '001 Patent)**

10 187. The allegations contained in paragraphs 1 through 186 are incorporated by
11 reference as if fully set herein.

12 188. Under all the circumstances in this dispute, IV has, at a minimum, created a
13 substantial, immediate, and real controversy between the parties as to the invalidity of the '001
14 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
15 the meaning of 28 U.S.C. § 2201.

16 189. On information and belief, the '001 patent is invalid because of its failure to
17 comply with one or more of the requirements of the patent laws of the United States, including,
18 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

19 190. A judicial declaration of invalidity of the '001 patent is necessary and appropriate
20 in order to resolve this controversy.

21 **THIRTY-SECOND COUNT**

22 **(Declaratory Judgment of Lack of Standing to Enforce the '001 Patent)**

23 191. The allegations contained in paragraphs 1 through 190 are incorporated by
24 reference as if fully set herein.

25 192. IV claims to be the owner and assignee of all rights, title, and interest in and under
26 the '001 patent.

27 193. On information and belief, IV has not shown that it has the right to bring an action
28 to enforce the '001 patent.

THIRTY-FOURTH COUNT

(Declaratory Judgment of Invalidity of the '350 Patent)

203. The allegations contained in paragraphs 1 through 202 are incorporated by reference as if fully set herein.

204. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '350 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

205. Upon information and belief, the '350 patent is invalid because of its failure to comply with one or more of the requirements of the patent laws of the United States, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

206. A judicial declaration of invalidity of the '350 patent is necessary and appropriate in order to resolve this controversy.

THIRTY-FIFTH COUNT

(Declaratory Judgment of Lack of Standing to Enforce the '350 Patent)

207. The allegations contained in paragraphs 1 through 206 are incorporated by reference as if fully set herein.

208. IV claims to be the owner and assignee of all rights, title, and interest in and under the '350 patent.

209. On information and belief, IV has not shown that it has the right to bring an action to enforce the '350 patent.

210. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to whether IV has standing to enforce the '350 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

211. A judicial declaration that IV lacks standing to enforce the '350 patent is necessary and appropriate in order to resolve this controversy.

THIRTY-SIXTH COUNT

(Declaratory Judgment of Non-Infringement of the '497 Patent)

212. The allegations contained in paragraphs 1 through 211 are incorporated by reference as if fully set herein.

213. IV claims to be the owner and assignee of all rights, title, and interest in and under the '497 patent.

214. IV has accused Plaintiff of infringing the '497 patent through its manufacture, sale, use, and/or importation of certain software products, and has asserted that Plaintiff must take a license to the '497 patent to lawfully continue the manufacture, sale, use, and/or importation of these software products.

215. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these software products without a license to the '497 patent.

216. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '497 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

217. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '497 patent, either literally or under the doctrine of equivalents.

218. A judicial declaration of non-infringement of the '497 patent is necessary and appropriate in order to resolve this controversy.

THIRTY-SEVENTH COUNT

(Declaratory Judgment of Invalidity of the '497 Patent)

219. The allegations contained in paragraphs 1 through 218 are incorporated by reference as if fully set herein.

220. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '497

1 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
2 the meaning of 28 U.S.C. § 2201.

3 221. On information and belief, the '497 patent is invalid because of its failure to
4 comply with one or more of the requirements of the patent laws of the United States, including,
5 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

6 222. A judicial declaration of invalidity of the '497 patent is necessary and appropriate
7 in order to resolve this controversy.

8 **THIRTY-EIGHTH COUNT**

9 **(Declaratory Judgment of Lack of Standing to Enforce the '497 Patent)**

10 223. The allegations contained in paragraphs 1 through 222 are incorporated by
11 reference as if fully set herein.

12 224. IV claims to be the owner and assignee of all rights, title, and interest in and under
13 the '497 patent.

14 225. On information and belief, IV has not shown that it has the right to bring an action
15 to enforce the '497 patent.

16 226. Under all the circumstances in this dispute, IV has, at a minimum, created a
17 substantial, immediate, and real controversy between the parties as to whether IV has standing to
18 enforce the '497 patent. A valid and justiciable controversy has arisen and exists between
19 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

20 227. A judicial declaration that IV lacks standing to enforce the '497 patent is necessary
21 and appropriate in order to resolve this controversy.

22 **THIRTY-NINTH COUNT**

23 **(Declaratory Judgment of Non-Infringement of the '669 Patent)**

24 228. The allegations contained in paragraphs 1 through 227 are incorporated by
25 reference as if fully set herein.

26 229. IV claims to be the owner and assignee of all rights, title, and interest in and under
27 the '669 patent.

28

1 230. IV has accused Plaintiff of infringing the '669 patent through its manufacture, sale,
2 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
3 license to the '669 patent to lawfully continue the manufacture, sale, use, and/or importation of
4 these integrated circuits.

5 231. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
6 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
7 '669 patent.

8 232. Under all the circumstances in this dispute, IV has, at a minimum, created a
9 substantial, immediate, and real controversy between the parties as to the non-infringement of the
10 '669 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
11 within the meaning of 28 U.S.C. § 2201.

12 233. On information and belief, Plaintiff has not directly or indirectly infringed any
13 valid and enforceable claims of the '669 patent, either literally or under the doctrine of
14 equivalents.

15 234. A judicial declaration of non-infringement of the '669 patent is necessary and
16 appropriate in order to resolve this controversy.

17 **FORTIETH COUNT**

18 **(Declaratory Judgment of Invalidity of the '669 Patent)**

19 235. The allegations contained in paragraphs 1 through 234 are incorporated by
20 reference as if fully set herein.

21 236. Under all the circumstances in this dispute, IV has, at a minimum, created a
22 substantial, immediate, and real controversy between the parties as to the invalidity of the '669
23 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
24 the meaning of 28 U.S.C. § 2201.

25 237. On information and belief, the '669 patent is invalid because of its failure to
26 comply with one or more of the requirements of the patent laws of the United States, including,
27 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

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1 247. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
2 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
3 '301 patent.

4 248. Under all the circumstances in this dispute, IV has, at a minimum, created a
5 substantial, immediate, and real controversy between the parties as to the non-infringement of the
6 '301 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
7 within the meaning of 28 U.S.C. § 2201.

8 249. On information and belief, Plaintiff has not directly or indirectly infringed any
9 valid and enforceable claims of the '301 patent, either literally or under the doctrine of
10 equivalents.

11 250. A judicial declaration of non-infringement of the '301 patent is necessary and
12 appropriate in order to resolve this controversy.

13 **FORTY-THIRD COUNT**

14 **(Declaratory Judgment of Invalidity of the '301 Patent)**

15 251. The allegations contained in paragraphs 1 through 250 are incorporated by
16 reference as if fully set herein.

17 252. Under all the circumstances in this dispute, IV has, at a minimum, created a
18 substantial, immediate, and real controversy between the parties as to the invalidity of the '301
19 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
20 the meaning of 28 U.S.C. § 2201.

21 253. On information and belief, the '301 patent is invalid because of its failure to
22 comply with one or more of the requirements of the patent laws of the United States, including,
23 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

24 254. A judicial declaration of invalidity of the '301 patent is necessary and appropriate
25 in order to resolve this controversy.

FORTY-FOURTH COUNT

(Declaratory Judgment of Non-Infringement of the '061 Patent)

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3 255. The allegations contained in paragraphs 1 through 254 are incorporated by
4 reference as if fully set herein.

5 256. IV claims to be the owner and assignee of all rights, title, and interest in and under
6 the '061 patent.

7 257. IV has accused Plaintiff of infringing the '061 patent through its manufacture, sale,
8 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
9 license to the '061 patent to lawfully continue the manufacture, sale, use, and/or importation of
10 these integrated circuits.

11 258. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
12 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
13 '061 patent.

14 259. Under all the circumstances in this dispute, IV has, at a minimum, created a
15 substantial, immediate, and real controversy between the parties as to the non-infringement of the
16 '061 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
17 within the meaning of 28 U.S.C. § 2201.

18 260. On information and belief, Plaintiff has not directly or indirectly infringed any
19 valid and enforceable claims of the '061 patent, either literally or under the doctrine of
20 equivalents.

21 261. A judicial declaration of non-infringement of the '061 patent is necessary and
22 appropriate in order to resolve this controversy.

FORTY-FIFTH COUNT

(Declaratory Judgment of Invalidity of the '061 Patent)

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25 262. The allegations contained in paragraphs 1 through 261 are incorporated by
26 reference as if fully set herein.

27 263. Under all the circumstances in this dispute, IV has, at a minimum, created a
28 substantial, immediate, and real controversy between the parties as to the invalidity of the '061

1 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
2 the meaning of 28 U.S.C. § 2201.

3 264. On information and belief, the '061 patent is invalid because of its failure to
4 comply with one or more of the requirements of the patent laws of the United States, including,
5 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

6 265. A judicial declaration of invalidity of the '061 patent is necessary and appropriate
7 in order to resolve this controversy.

8 **FORTY-SIXTH COUNT**

9 **(Declaratory Judgment of Lack of Standing to Enforce the '061 Patent)**

10 266. The allegations contained in paragraphs 1 through 265 are incorporated by
11 reference as if fully set herein.

12 267. IV claims to be the owner and assignee of all rights, title, and interest in and under
13 the '061 patent.

14 268. On information and belief, IV has not shown that it has the right to bring an action
15 to enforce the '061 patent.

16 269. Under all the circumstances in this dispute, IV has, at a minimum, created a
17 substantial, immediate, and real controversy between the parties as to whether IV has standing to
18 enforce the '061 patent. A valid and justiciable controversy has arisen and exists between
19 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

20 270. A judicial declaration that IV lacks standing to enforce the '061 patent is necessary
21 and appropriate in order to resolve this controversy.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff requests that the Court enter judgment in its favor and against
24 Invention Investment Fund I LP, Invention Investment Fund II LLC, Intellectual Ventures LLC,
25 Intellectual Ventures Management LLC, Intellectual Ventures I LLC, and Intellectual Ventures II
26 LLC, and requests the following relief:

- 27 (A) An adjudication that the '251, '325, '736, '165, '527, '087, '646, '331,
28 '415, '865, '001, '350, '497, '669, '301, and '061 patents (collectively, the

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“Asserted Patents”) are not infringed by Plaintiff’s importation, use, offer for sale, and/or sale in the United States of the Accused Products;

- (B) An adjudication that the Asserted Patents are invalid;
- (C) An adjudication that IV does not have the right to bring an action to enforce the ’251, ’325, ’736, ’165, ’527, ’087, ’646, ’331, ’415, ’001, ’350, ’497, ’669, and ’061 patents;
- (D) An adjudication in favor of Plaintiff on each of Plaintiff’s claims;
- (E) An adjudication that this is an exceptional case, and an award of Plaintiff’s costs and attorneys’ fees by Defendant pursuant to 35 U.S.C. § 285 or otherwise; and
- (F) Such other relief as this Court deems just and proper.

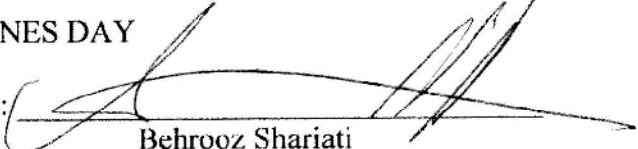
DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b) and Northern District of California Local Rule 3-6(a), Plaintiff respectfully requests a jury trial on all issues triable thereby.

Date: February 14, 2011

Respectfully submitted,

JONES DAY

By: 
Behrooz Shariati

Attorneys for Xilinx, Inc.

SVI-89728