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Attorneys for Plaintiff Konda Technologies, Inc.

7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9 SAN JOSE DIVISION

10
11 KONDA TECHNOLOGIES, INC., a
California corporation,

12 Plaintiff,

13 v.

14 FLEX LOGIX TECHNOLOGIES, INC.,

15 Defendant.

CASE NO. 5:18-CV-7581

COMPLAINT FOR:

1. **Unfair Business Practices**
2. **Infringement of U.S. Patent No. 8,269,523**
3. **Infringement of U.S. Patent No. 8,898,611**
4. **Infringement of U.S. Patent No. 9,529,958**
5. **Infringement of U.S. Patent No. 10,003,553**
6. **Infringement of U.S. Patent No. 10,050,904**

JURY TRIAL DEMANDED

1 Plaintiff Konda Technologies, Inc. (“Konda Tech”), by and through its undersigned
2 counsel, hereby asserts as follows against Defendant Flex Logix Technologies, Inc. (“Flex
3 Logix”). Upon information and belief, Konda Tech alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is a civil action for patent infringement arising under the patent laws of the
6 United States, Title 35 of the United States Code.

7 2. As set forth in more detail below, Flex Logix has been infringing United States
8 Patent Nos. 8,269,523 (the “523 patent”); 8,898,611 (the “611 patent”); 9,529,958 (the “958
9 patent”); 10,003,553 (the “553 patent”) and 10,050,904 (the “904 patent”) (collectively, the
10 “patents-in-suit”), and continue to do so through the present date.

11 **PARTIES**

12 3. Konda Tech is a California corporation with its principle place of business in San
13 Jose, California.

14 4. Upon information and belief, Flex Logix is a Delaware corporation registered to
15 do business in California, and with its principle place of business in Mountain View, California

16 **JURISDICTION AND VENUE**

17 5. This Court has subject matter jurisdiction over patent infringement Claims II–VI
18 pursuant to 28 U.S.C. §§ 1331 and 1338(a), and the Court has supplemental jurisdiction over
19 state law Claim I pursuant to 28 U.S.C. § 1367.

20 6. This Court has personal jurisdiction over Flex Logix because (a) it has committed
21 the acts of patent infringement complained of herein in this State and this District, and/or (b) it
22 has directed its acts of infringement and other unlawful acts complained of herein at this State
23 and this District.

24 7. This Court has personal jurisdiction over Flex Logix for the additional reason that
25 it has engaged in systematic and continuous contacts with this State and this District by, *inter*
26 *alia*, regularly conducting and soliciting business in this State and this District, and deriving
27

1 substantial revenue from products and/or services provided to persons in this State and this
2 District.

3 8. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial
4 part of the acts complained of herein occurred in this District, Flex Logix transacts business in
5 this District, Flex Logix resides in this District, and/or the property that is the subject of this
6 action is situated in this District.

7 9. Venue is proper in this District under 28 U.S.C. §§ 1391(c)–(d) and 1400(b)
8 because (i) Flex Logix resides in this District; and (ii) Flex Logix has committed acts of
9 infringement and has a regular and established place of business in this District.

10 **INTRADISTRICT ASSIGNMENT**

11 10. Pursuant to Local Rule 3-5(b), Konda Tech alleges that assignment to the San
12 Jose Division is proper under Local Rule 3-2(e) because Plaintiff and Defendant have their
13 principal places of business and/or reside in the San Jose Division, as alleged *supra* at paragraphs
14 3–4.

15 **FACTUAL BACKGROUND**

16 11. Konda Tech was founded by Dr. Venkat Konda (“Dr. Konda”) in 2007. Dr.
17 Konda is a pioneer in field-programmable gate array (“FPGA”) routing fabric and
18 interconnection networks technology. Konda Tech is based on Dr. Konda’s work, and provides
19 chip and system level interconnect technology solutions. Konda Tech has licensed FPGA
20 interconnect architecture patent rights to two FPGA chip vendors, the first of which has made
21 and sold three generations of chips. Dr. Konda has a Ph.D. in Computer Science and Engineering
22 from the University of Louisville, and has been granted eleven patents in the space.

23 12. In or around January 2009, Dr. Konda was introduced to Dr. Dejan Markovic
24 (“Dr. Markovic”) by Dr. Flavio Bonomi (“Dr. Bonomi”), a VP Head of Advanced Architecture
25 and Research at Cisco Systems, Inc. (“Cisco”). Konda Tech was one of six startups that received
26 an oral offer for funding from Cisco that was later rescinded. Dr. Markovic knew of Cisco’s
27

1 rescinded offer, and that Konda Tech was still looking for funding, and Dr. Markovic claimed
2 that Konda Tech could receive funding through UCLA’s Institute of Technology Advancement
3 (“ITA”). Dr. Markovic was a UCLA professor focused on circuits and embedded systems (which
4 overlaps and compliments with Konda Tech intellectual property), and involved with the ITA.
5 Dr. Markovic was not focused on FPGA work until he met Dr. Konda.

6 13. Dr. Markovic was interested in Konda Tech’s intellectual property (“Konda Tech
7 IP”) and suggested that Dr. Konda present before the ITA. Dr. Konda did make such a
8 presentation on October 12, 2009. The presentation was fruitless as the ITA does not provide
9 funding to non-UCLA related entities—a fact that should have been known to Dr. Markovic.

10 14. Dr. Markovic, enamored with Konda Tech IP, also asked Dr. Konda to give a
11 seminar on the technology to Dr. Markovic’s students. Among those in attendance at the October
12 12, 2009 seminar was Dr. Cheng C. Wang (“Dr. Wang”), a graduate student at the time. Dr.
13 Wang grew similarly interested in Konda Tech IP.

14 15. In June and July 2010, Dr. Markovic called Dr. Konda, and told him that he
15 wanted to use Konda Tech IP in two different applications for DARPA funding. Dr. Konda
16 advised that he did not then have the time to work with Dr. Markovic. However, both times, Dr.
17 Markovic assured Dr. Konda that he would not have to spend any time on the application, and
18 that he would incorporate the Konda Tech IP into the application from the then published Konda
19 Tech WIPO patents. Dr. Markovic assured Dr. Konda that he would take a license from Konda
20 Tech should the DARPA grant be approved.

21 16. Attached hereto as Exhibits 1 and 2 are the June 23, 2010 and August 6, 2010
22 DARPA funding proposals (the “DARPA Proposals”) that followed those conversations.

23 17. Both of the DARPA Proposals make clear that Konda Tech IP was at the heart of
24 what Drs. Markovic and Wang were hoping to accomplish:

25 Konda Technologies inventions with regular VLSI layouts for Benes/BFT based
26 hierarchical networks are seminal and subsumes all the other known network
27 topologies such as Clos networks, hypercube networks, cube-connected cycles and
pyramid networks, which makes these networks implementable in a FPGA devices

1 with regular structures both interconnect distribution-wise and layout-wise which is
2 the key to exploit improved area, power, and performance of FPGA devices. The
3 regularity of Konda hierarchical layout is also the key for its commercializability in
4 System-on-Chip interconnect devices, FPIC devices as well.

5 Indeed, the proposals state that they “will make use of hierarchically routed and proprietary Konda
6 interconnect architecture.” The first DARPA Proposal further estimates that Dr. Konda and Konda
7 Tech would complete 620 task hours of the estimate 1020 task hours for key personnel.

8 18. Those DARPA Proposals, replete with references to Konda Tech IP, had been
9 rejected. However, Dr. Markovic and Dr. Wang were not dissuaded from continuing to work
10 with Konda Tech IP.

11 19. In 2010, Dr. Markovic told Dr. Konda over the phone that his students, including
12 Dr. Wang, were implementing Konda Tech IP, specifically the 2D layout, on an FPGA chip. In
13 June 2011, Drs. Markovic and Wang presented a paper at the 2011 VLSI Circuits Symposium
14 titled “A 1.1 GOPS/mQ FPGA Chip with Hierarchical Interconnect Fabric”—based on Konda
15 Tech IP.

16 20. Dr. Markovic invited Dr. Konda by email in the fall of 2013 to meet him at
17 Stanford University while he was a Visiting Associate Professor. When they met, Dr. Konda
18 inquired whether Dr. Markovic and his students had stopped implementing Konda Tech IP. Dr.
19 Markovic replied yes. During the conversation Dr. Konda also shared the names of customers he
20 was working with to license Konda Tech IP.

21 21. Between 2011 and 2014, Drs. Markovic and Konda had occasional phone calls,
22 where they spoke about the progress of their respective work, but Dr. Markovic never disclosed
23 that Konda Tech IP was the subject of Dr. Wang’s June 2013 Ph.D. dissertation titled, “Building
24 Efficient, Reconfigurable Hardware using Hierarchical Interconnects.”

25 22. Dr. Konda met with Drs. Markovic and Wang at the home of Dr. Bonomi in
26 January 2014. Dr. Bonomi had invited them to his home because he was in the process of
27 forming his own startup, and needed to license Konda Tech IP. Dr. Bonomi was looking for
28 implementation help from Drs. Markovic and Wang. Over the course of their discussions, Drs.

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