

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF TEXAS
WACO DIVISION**

FG SRC LLC,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Case No. 6:20-cv-315

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff FG SRC LLC ("SRC") files this Original Complaint for Patent Infringement ("Complaint") against Defendant Intel, Inc. ("Defendant" or "Intel"). Plaintiff alleges as follows:

I. NATURE OF THE ACTION

1. This is an action for infringement of U.S. Patent No. 7,149,867 (the "'867 patent").
2. SRC is a limited liability company incorporated in Delaware and is the successor to SRC Computers.
3. Defendant Intel is a corporation duly organized and existing under the laws of the State of Delaware, having a regular and established place of business in the Western District of Texas, including at 1300 S. Mopac Expressway, Austin, Texas 78746.

II. JURISDICTION

4. 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).

5. This United States District Court for the Western District of Texas has general and specific personal jurisdiction over Defendant because Defendant is present in and transacts and conducts business in and with residents of this District and the State of Texas. Defendant has also purposefully and voluntarily availed itself of the privileges of conducting business in the United States, the State of Texas, and the Western District of Texas by continuously and systematically placing goods into the stream of commerce through an established distribution channel with the expectation that they will be purchased by consumers in Texas and this District.

6. Defendant maintains regular and established places of business in the State of Texas and in the Western District of Texas.

7. Plaintiff's causes of action arise, at least in part, from Defendant's contacts with and activities in the State of Texas and this District. Upon information and belief, Defendant committed acts of infringement in this District giving rise to this action and does business in this District, including making sales and/or providing services and support for its customers in this District. Defendant purposefully and voluntarily sold one or more of its infringing products with the expectation that they would be purchased by consumers in this District. These infringing products have been and continue to be purchased by consumers in this District. Defendant committed acts of patent infringement within the United States, the State of Texas, and the Western District of Texas.

8. Defendant, directly and/or through intermediaries, uses, sells, offers for sale, ships, distributes, advertises, and/or otherwise promotes products in this District and the State of Texas. Defendant regularly conducts and solicits business in, engages in other persistent

courses of conduct in, and/or derives substantial revenue from goods and services provided to residents of this District and the State of Texas.

III. VENUE

9. Venue is proper in this District under 35 U.S.C. § 1400(b) because: (1) Defendant has a physical place located in this District, (2) it is a regular and established place of business, and (3) it belongs to Defendant. *See In re Cray Inc.*, 871 F.3d 1355, 1360 (Fed. Cir. 2017).

10. Defendant maintains several facilities, which it refers to as campuses, in this District.
<https://www.intel.com/content/www/us/en/location/usa.html>.

11. Defendant maintains a campus at 1300 S. Mopac Expressway, Austin Texas 78746.
This is a regular and established place of business belonging to Defendant.

12. Defendant maintains a campus at 6500 River Place Blvd, Bldg 7, Austin Texas 78730.
This is a regular and established place of business belonging to Defendant.

13. Defendant maintains a campus at 5113 Southwest Parkway, Austin, Texas 78735.
This is a regular and established place of business belonging to Defendant.

14. Defendant operates its Programmable Solutions Group (“PSG”) in this District.

15. Members of Defendant’s PSG work in this District.

16. Members of Defendant’s PSG work at one or more of its campuses in Austin, Texas.

17. Defendant acquired Altera Corporation (“Altera”) in December 2015.

18. Defendant purchased Altera for approximately \$16.7 billion.

19. Defendant acquired Altera at least in part because it was a “leading provider of field-programmable gate array (FPGA) technology.”

<https://www.sec.gov/Archives/edgar/data/50863/000119312515414642/d105836dex991.htm>.

20. Altera is now part of Intel. *Id.*

21. PSG was formed after Intel's acquisition of Altera. *Id.*

22. Altera was headquartered within the State of Texas at 3400 Waterview Parkway, #300, Richardson, Texas 75080.

23. Altera maintained a regular and established place of business at 9442 N. Capital of Texas Hwy, #1-850, Austin, Texas 78759.

24. Altera maintained a regular and established place of business at 5113 Southwest Pkwy, Austin, Texas 78735.

25. As part of Intel, PSG creates programmable logic devices, including FPGAs.

https://jobsearcher.com/j/system-validation-engineering-intern-at-intel-in-austin-tx-AZGgGE?utm_campaign=google_jobs_apply&utm_source=google_jobs_apply&utm_medium=organic.

26. Intel was actively recruiting a System Validation Engineering Intern (the "Intern"), in this District, as of March 16, 2019. https://jobsearcher.com/j/system-validation-engineering-intern-at-intel-in-austin-tx-AZGgGE?utm_campaign=google_jobs_apply&utm_source=google_jobs_apply&utm_medium=organic.

27. Intel was or is recruiting the Intern to work in its PSG group. *Id.*

28. Intel was or is recruiting the Intern to work in its PSG group in Austin, Texas. *Id.*

29. Intel was actively recruiting a Network Performance and Analytics Engineer (the "Network Engineer") to work in this District as of April 11, 2020.

<https://jobsearcher.com/j/jr0132726-network-performance-and-analytics-engineer-at-intel-corporation-in-austin-texas-DDQVad>.

30. One of the posted requirements for the Analytics Engineer is that said engineer has “Familiarity with Intel Processors, FPGA & NICs within a data center context.”

<https://jobsearcher.com/j/jr0132726-network-performance-and-analytics-engineer-at-intel-corporation-in-austin-texas-DDQVad>.

31. Intel was actively recruiting a Systems Performance and Analytics Engineer (the “Systems Engineer”) to work in this District as of April 11, 2020.

<https://jobsearcher.com/j/jr0132727-systems-performance-and-analytics-engineer-at-intel-corporation-in-austin-texas-LW6Vdl>.

32. One of the posted requirements for the Systems Engineer is that said engineer has “Familiarity with Intel Processors, FPGA & NICs within a data center context.”

33. Intel was actively recruiting a Firmware Engineering Manager (the “Engineering Manager”), in this District, as of February 29, 2020. [https://jobsearcher.com/j/firmware-engineering-manager-at-intel-corporation-in-austin-texas-](https://jobsearcher.com/j/firmware-engineering-manager-at-intel-corporation-in-austin-texas-2dBgdV?utm_campaign=google_jobs_apply&utm_source=google_jobs_apply&utm_medium=organic)

[2dBgdV?utm_campaign=google_jobs_apply&utm_source=google_jobs_apply&utm_medium=organic](https://jobsearcher.com/j/firmware-engineering-manager-at-intel-corporation-in-austin-texas-2dBgdV?utm_campaign=google_jobs_apply&utm_source=google_jobs_apply&utm_medium=organic).

34. Intel was or is recruiting the Engineering Manager to work in its PSG group. *Id.*

35. Intel was or is recruiting the Engineering Manager to work in its PSG group in Austin, Texas. *Id.*

IV. FG SRC LLC AND DEFENDANT’S PRODUCTS

A. FG SRC LLC

36. SRC Computers, LLC (“SRC Computers”) was co-founded by Seymour R. Cray, Jim Guzy, and Jon Huppenthal in 1996 to produce unique high-performance computer systems using Intel’s Merced microprocessor.

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