

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

MONTEREY RESEARCH, LLC,)	
)	
Plaintiff,)	
)	C.A. No. _____
v.)	
)	JURY TRIAL DEMANDED
QUALCOMM INCORPORATED,)	
QUALCOMM TECHNOLOGIES, INC., and)	
QUALCOMM CDMA TECHNOLOGIES)	
ASIA-PACIFIC PTE LTD.,)	
)	

Defendants.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Monterey Research, LLC (“Monterey”), for its Complaint for Patent Infringement against Defendants Qualcomm Incorporated (“Qualcomm Inc.”), Qualcomm Technologies, Inc. (“QTI”), and Qualcomm CDMA Technologies Asia-Pacific Pte Ltd. (“QCTAP”) (collectively, “Qualcomm” or “Qualcomm Defendants”) alleges as follows:

INTRODUCTION

1. Monterey is an intellectual property and technology licensing company. Monterey’s patent portfolio comprises over 2,700 active and pending patents worldwide, including approximately 2,000 active United States patents. Monterey’s patent portfolio stems from technology developed from a number of leading high-technology companies, including Cypress Semiconductor Corporation, Advanced Micro Devices, Fujitsu, NVX Corporation, Ramtron, and Spansion. Those companies developed key innovations that have greatly enhanced the capabilities of computer systems, increased electronic device processing power, and reduced electronic device power consumption. Among other things, those inventions produced significant technological advances, including smaller, faster, and more efficient semiconductors and integrated circuits.

Qualcomm Incorporated v. Monterey Research, LLC
IPR 2020-01492



2. The Qualcomm Defendants, jointly and severally, have infringed and continue to infringe Monterey's patents. Moreover, despite Monterey notifying them of infringement, the Qualcomm Defendants have thus far refused to license those patents and, instead, have continued to make, use, sell, offer to sell, and/or import Monterey's intellectual property within the United States without Monterey's permission.

NATURE OF THE CASE

3. This action arises under 35 U.S.C. § 271 for Qualcomm's infringement of Monterey's United States Patent Nos. 6,534,805 ("the '805 patent"); 6,642,573 ("the '573 patent"); 6,651,134 ("the '134 patent"); 6,680,516 ("the '516 patent"); 6,765,407 ("the '407 patent"); 7,092,281 ("the '281 patent"); 7,572,727 ("the '727 patent"); and 7,977,797 ("the '797 patent") (collectively, "the Patents-in-Suit").

THE PARTIES

4. Plaintiff Monterey is a Delaware limited liability company with offices in New Jersey and California. Monterey maintains a registered agent for service in Delaware: Intertrust Corporate Services Delaware Ltd. located at 200 Bellevue Parkway, Suite 210, Wilmington, Delaware 19808.

5. Defendant Qualcomm Inc. is a Delaware corporation with a principal place of business at 5775 Morehouse Dr., San Diego, California, 92121. Qualcomm Inc. is a publicly traded company and is the parent corporation of defendants QTI and QCTAP. Qualcomm Inc. may be served through its registered agent for service, The Prentice-Hall Corporation System, Inc., 251 Little Falls Drive, Wilmington, Delaware 19808.

6. Defendant QTI is a Delaware corporation with a principal place of business at 5775 Morehouse Dr., San Diego, California, 92121. QTI is a wholly-owned subsidiary of Qualcomm Inc. Qualcomm Inc.'s semiconductor research and engineering business is conducted wholly or

in part through the actions of QTI. Qualcomm Inc. controls and directs the actions of QTI, and therefore both directs QTI to infringe and itself infringes Monterey's patents. QTI may be served through its registered agent for service, Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

7. Defendant QCTAP is a corporation organized under the laws of Singapore, with corporate offices at 6 Serangoon North Avenue 5, #03-04, Singapore 554910, Singapore. Defendant QCTAP is a wholly-owned subsidiary of Qualcomm Inc. QCTAP is responsible, among other things, for accepting orders and sending invoices to certain customers in the United States for Qualcomm products.

8. Qualcomm Inc. exercises control over QTI and QCTAP, and acts collectively with QTI and QCTAP to infringe Monterey's patents by making, using, selling, offering for sale, and/or importing products (including importing products made by a patented process) throughout the United States, including within this District. Qualcomm's customers incorporate those products into downstream products that are made, used, sold, offered for sale, and/or imported throughout the United States, including within this District. Those downstream products include, but are not limited to, smartphones, tablets, televisions, smartwatches, and other products that include Qualcomm semiconductor devices and integrated circuits.

JURISDICTION AND VENUE

9. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a) at least because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

10. Personal jurisdiction exists over each Qualcomm Defendant.

11. Personal jurisdiction exists over Qualcomm Inc. and QTI at least because each is a Delaware corporation organized under the laws of the State of Delaware. Each also has a

registered agent for service of process in Delaware. In addition, Qualcomm Inc. and QTI have each committed, aided, abetted, contributed to and/or participated in the commission of acts of infringement giving rise to this action within the State of Delaware by, *inter alia*, directly and/or indirectly making, using, selling, offering for sale, importing products and/or practicing methods that practice one or more claims of the Patents-in-Suit. Furthermore, Qualcomm Inc. and QTI have transacted and conducted business in the State of Delaware and with Delaware residents by making, using, selling, offering to sell, and/or importing (including importing products made by a patented process) products and instrumentalities that practice one or more claims of the Patents-in-Suit. Among other things, Qualcomm Inc. and QTI, directly and/or through intermediaries, use, sell, ship, distribute, import into, offer for sale, and/or advertise or otherwise promote their products throughout the United States, including in the State of Delaware. *See, e.g.*, www.qualcomm.com. At least for those reasons, Qualcomm Inc. and QTI have the requisite minimum contacts within the forum such that the exercise of jurisdiction over Qualcomm Inc. and QTI would not offend traditional notions of fair play and substantial justice.

12. Personal jurisdiction exists over QCTAP at least because it has committed, aided, abetted, contributed to and/or participated in the commission of acts of infringement giving rise to this action within the State of Delaware by, *inter alia*, directly and/or indirectly making, using, selling, offering for sale, importing products and/or practicing methods that practice one or more claims of the Patents-in-Suit. Furthermore, QCTAP transacted and conducted business in the State of Delaware and with Delaware residents with respect to the products and instrumentalities accused of infringing the Patents-in-Suit. Among other things, QCTAP, directly and/or through intermediaries, uses, sells, ships, distributes, imports into, offers for sale, and/or advertises or otherwise promotes its products throughout the United States, including in the State of Delaware.

See, e.g., www.qualcomm.com. At least for those reasons, QCTAP has the requisite minimum contacts within the forum such that the exercise of jurisdiction over QCTAP would not offend traditional notions of fair play and substantial justice.

13. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b). Qualcomm Inc. and QTI reside in this district and have committed acts of infringement in this district. Venue is proper with respect to QCTAP at least because QCTAP is a foreign corporation, has committed acts of infringement in this district, and venue is proper in any district in which QCTAP is subject to personal jurisdiction. Venue is further proper based on the facts alleged in the preceding paragraphs, which Monterey incorporates by reference as if fully set forth herein.

THE PATENTS-IN-SUIT

14. Monterey incorporates by reference the preceding paragraphs as if fully set forth herein.

A. U.S. Patent No. 6,534,805

15. The '805 patent, titled "SRAM Cell Design," was duly and properly issued by the USPTO on March 18, 2003. On October 14, 2014, the USPTO issued an Ex Parte Reexamination Certificate for the '805 patent, which confirmed the patentability of the '805 patent. A true and correct copy of the '805 patent and the Ex Parte Reexamination Certificate for the '805 patent is attached hereto as Exhibit A.

16. Monterey is the owner and assignee of the '805 patent; owns all right, title, and interest in the '805 patent; and holds the right to sue and recover damages for infringement thereof, including past infringement.

B. U.S. Patent No. 6,642,573

17. The '573 patent, titled "Use of High-K Dielectric Material in Modified ONO Structure for Semiconductor Devices," was duly and properly issued by the USPTO on November

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