

ADP

CIVIL COVER SHEET

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

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.)

I. (a) PLAINTIFFS RENESAS ELECTRONICS CORPORATION and RENESAS ELECTRONICS AMERICA, INC.	DEFENDANTS HSM PORTFOLIO LLC, TECHNOLOGY PROPERTIES LIMITED LLC and ALLIACENSE LTD.
(b) County of Residence of First Listed Plaintiff Japan (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) RACHEL KREVANS (CA SBN 116421) MORRISON & FOERSTER 425 Market Street San Francisco, CA 94105, (415) 268-7000	County of Residence of First Listed Defendant Santa Clara (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) <div style="text-align: center;">MEJ</div>

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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table border="0"> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input 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 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 type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input 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
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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)				
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

U-1-100-2-100

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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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. 1331, 1338, 2201-2202

Brief description of cause:
 Declaratory judgment of patent non-infringement/invalidity

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION 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: 12/28/2011 SIGNATURE OF ATTORNEY OF RECORD: *Michael P. Kelle*

ORIGINAL

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7 Attorneys for Plaintiffs
 RENESAS ELECTRONICS CORPORATION and
 8 RENESAS ELECTRONICS AMERICA, INC.

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11
 12 RENESAS ELECTRONICS CORPORATION,
 13

and

14 RENESAS ELECTRONICS AMERICA, INC.,
 15

Plaintiffs,

v.

17 HSM PORTFOLIO LLC,
 18

19 TECHNOLOGY PROPERTIES LIMITED LLC,
 20

and

21 ALLIACENSE LTD.,
 22

Defendants.

FILED
 2011 DEC 28 P 12:22
 RICHARD W. ...
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 (14)
 [Handwritten signatures]

E-filing

CV11

Case No.

MEJ
6662

COMPLAINT FOR
 DECLARATORY JUDGMENT
 OF PATENT NON-
 INFRINGEMENT AND
 INVALIDITY

JURY TRIAL DEMANDED

1 Plaintiffs Renesas Electronics Corporation (“REL”) and Renesas Electronics America,
2 Inc. (“REA,” and collectively with REL, “Renesas”) bring this action against Defendants HSM
3 Portfolio LLC (“HSM”), Technology Properties Limited, LLC (“TPL”), and Alliacense Ltd.
4 (“Alliacense,” and collectively with HSM and TPL, “Defendants”) and complain as follows:

5 **THE NATURE OF THE ACTION**

6 1. U.S. Patent no. 5,030,853 (“the ’853 Patent”), entitled “High Speed Logic and
7 Memory Family Using Ring Segment Buffer,” issued on July 9, 1991 to named inventor Albert
8 W. Vinal. A reexamination certificate for the ’853 Patent issued on February 16, 1993, and a
9 second reexamination certificate for the ’853 Patent issued on July 20, 2010.

10 2. U.S. Patent no. 5,391,949 (“the ’949 Patent”), entitled “Differential Latching
11 Inverter Circuit,” issued on February 21, 1995 to named inventor Albert W. Vinal.

12 3. HSM and TPL, through Alliacense, assert that they are assignees and own all
13 rights in the ’853 and ’949 Patents.

14 4. As a result of Defendants’ communications to Renesas of their intention to pursue
15 claims of infringement of the ’853 and ’949 Patents against Renesas, Renesas is under the
16 reasonable apprehension of imminent suit by Defendants. Renesas does not infringe and has not
17 infringed ’853 and ’949 Patents, which are invalid. Renesas brings this action to obtain
18 declaratory judgments of non-infringement and invalidity of the ’853 and ’949 Patents.

19 **THE PARTIES**

20 5. REL is a corporation organized under the laws of Japan, with its registered head
21 office at 1753 Shimonumabe, Nakahara-Ku, Kawasaki, Kanagawa 211-8668, Japan, and its
22 principal place of business at Nippon Bldg., 2-6-2, Ote-machi, Chiyoda-ku, Tokyo 100-0004,
23 Japan.

24 6. REA is a corporation organized under the laws of California, with its principal
25 place of business at 2880 Scott Boulevard Santa Clara, California 95050-2554.

26 7. Upon information and belief, HSM is a Delaware limited liability company with
27 its principal place of business located at 20883 Stevens Creek Blvd., Suite 100, Cupertino,
28 California 95014.

PRAYER FOR RELIEF

Wherefore, Renesas prays for judgment against Defendants, as follows:

- A. For a declaration that Renesas does not infringe and has not infringed, either directly, contributorily, or by inducement, any valid and enforceable claim of the '853 Patent, either literally or under the doctrine of equivalents;
- B. For a declaration that Renesas does not infringe and has not infringed, either directly, contributorily, or by inducement, any valid and enforceable claim of the '949 Patent, either literally or under the doctrine of equivalents.
- C. For a declaration that the '853 Patent is invalid;
- D. For a declaration that the '949 Patent is invalid;
- E. For an order awarding Renesas its costs; *and*
- F. For such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Renesas demands a trial by jury on all issues so triable in this action.

Dated: December 28, 2011

RACHEL KREVANS
JOHN K. BLAKE, JR.
MICHAEL P. KNIFFEN

MORRISON & FOERSTER LLP

By: 

MICHAEL P. KNIFFEN

Attorneys for Plaintiffs
RENASAS ELECTRONICS
CORPORATION and
RENASAS ELECTRONICS
AMERICA, INC.