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

ADR

6 Attorneys for Plaintiff

7 ASUSTEK COMPUTER, INC.

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 ASUSTEK COMPUTER, INC.,

12 Plaintiff,

13 v.

14 TECHNOLOGY PROPERTIES LIMITED,
15 PATRIOT SCIENTIFIC CORPORATION
and ALLIACENSE LIMITED,

16 Defendants.
17

CASE NO: **C 08 00884 EMC**
COMPLAINT FOR DECLARATORY
JUDGMENT

1 Plaintiff ASUSTeK Computer, Inc. (“ASUSTeK” or “Plaintiff”), by and through
2 its attorneys, alleges as follows:

3 1. This is a civil action arising under the Patent Laws of the United States, 35
4 U.S.C. §§101, et seq., seeking a declaratory judgment that no valid and enforceable claim of
5 United States Patent Numbers 5,809,336 (‘336 patent); 5,784,584 (‘584 patent); 5,440,749 (‘749
6 patent); 6,438,638 (‘638 patent); and 6,976,623 (‘623 patent) (collectively the “patents-in-suit”)
7 are infringed by Plaintiff.

8 **PARTIES**

9 2. Plaintiff ASUSTeK is a Taiwan corporation with its principal place of
10 business in Taipei, Taiwan, R.O.C.

11 3. Defendant Technology Properties Ltd. (“TPL”) is, on information and
12 belief, a California corporation with its principal place of business in Cupertino, California. On
13 information and belief, TPL is a co-owner of the patents-in-suit.

14 4. Defendant Patriot Scientific Corporation (“Patriot”) is, on information and
15 belief, incorporated under the laws of the State of Delaware and maintains its principal place of
16 business in Carlsbad, California. On information and belief, Patriot is a co-owner of the patents-
17 in-suit.

18 5. Defendant Alliacense Ltd. (“Alliacense”) is, on information and belief, a
19 California corporation with its principal place of business in Cupertino, California. On
20 information and belief, Alliacense is responsible for negotiating possible licenses to the patents-
21 in-suit with third parties, on behalf of TPL.

22 **JURISDICTION AND VENUE**

23 6. The Plaintiff files this complaint against TPL, Patriot and Alliacense
24 (collectively “Defendants”) pursuant to the patent laws of the United States, Title 35 of the
25 United States Code, with a specific remedy sought based upon the laws authorizing actions for
26 declaratory judgment in the federal courts of the United States, 28 U.S.C. §§ 2201 and 2202.

27 7. This Court has subject matter jurisdiction over this action, which arises
28 under the patent laws of the United States, pursuant to 28 U.S.C. §§ 1331, 1338(a), and 2201.

1 paragraphs 1 through 14 and incorporates them by reference.

2 16. No valid and enforceable claim of the '336 patent is infringed by the
3 Plaintiff.

4 **SECOND CLAIM**

5 **DECLARATORY JUDGMENT REGARDING THE '584 PATENT**

6 17. The Plaintiff hereby restates and realleges the allegations set forth in
7 paragraphs 1 through 14 and incorporates them by reference.

8 18. No valid and enforceable claim of the '584 patent is infringed by the
9 Plaintiff.

10 **THIRD CLAIM**

11 **DECLARATORY JUDGMENT REGARDING THE '749 PATENT**

12 19. The Plaintiff hereby restates and realleges the allegations set forth in
13 paragraphs 1 through 14 and incorporates them by reference.

14 20. No valid and enforceable claim of the '749 patent is infringed by the
15 Plaintiff.

16 **FOURTH CLAIM**

17 **DECLARATORY JUDGMENT REGARDING THE '638 PATENT**

18 21. The Plaintiff hereby restates and realleges the allegations set forth in
19 paragraphs 1 through 14 and incorporates them by reference.

20 22. No valid and enforceable claim of the '638 patent is infringed by the
21 Plaintiff.

22 **FIFTH CLAIM**

23 **DECLARATORY JUDGMENT REGARDING THE '623 PATENT**

24 23. The Plaintiff hereby restates and realleges the allegations set forth in
25 paragraphs 1 through 14 and incorporates them by reference.

26 24. No valid and enforceable claim of the '623 patent is infringed by the
27 Plaintiff.

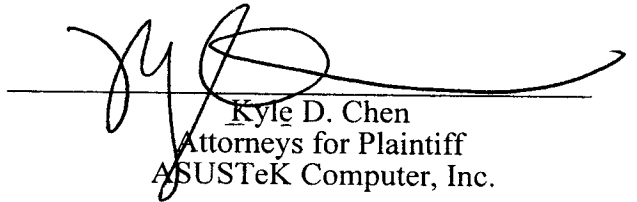
PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for judgment as follows:

1. Declaring that no valid and enforceable claim of the patents-in-suit is infringed by the Plaintiff;
2. Declaring that Defendants and each of their officers, employees, agents, alter egos, attorneys, and any persons in active concert or participation with them be restrained and enjoined from further prosecuting or instituting any action against the Plaintiff claiming that the patents-in-suit are valid, enforceable, or infringed, or from representing that the products or services of the Plaintiff infringe the patents-in-suit;
3. A judgment declaring this case exceptional under 35 U.S.C. § 285 and awarding the Plaintiff their attorneys' fees and costs in connection with this case;
4. Awarding the Plaintiff such other and further relief as the Court deems just and proper.

Dated: February 8, 2008

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