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11 Attorneys for Plaintiffs  
12 HTC Corporation and HTC America, Inc.

13  
14 v.  
15 TECHNOLOGY PROPERTIES LIMITED,  
16 PATRIOT SCIENTIFIC CORPORATION  
17 and ALLIACENSE LIMITED,  
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Alliacense.

**ORIGINAL FILED**

FEB 8 2008

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

**-FILING**

**ADR**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA



HTC CORPORATION and  
HTC AMERICA, INC.,

Plaintiffs,

v.

CASE NO:

COMPLAINT FOR DECLARATORY  
JUDGMENT

**C 08 00882**

**JL**

1 Plaintiffs HTC Corporation (“HTC”) and HTC America, Inc. (“HTC America”)  
2 (collectively “Plaintiffs”), by and through their attorneys, allege 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  
6 (“749 patent”); and 6,598,148 (“148 patent”) (collectively the “patents-in-suit”) are infringed by  
7 Plaintiffs.

8 **PARTIES**

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

11 3. Plaintiff HTC America is a Texas corporation with its principal place of  
12 business in Bellevue, Washington.

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

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

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

24 **JURISDICTION AND VENUE**

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



1 14. Based upon the above facts, there is an actual and justiciable controversy  
2 within the jurisdiction of this Court under 28 U.S.C. §§ 2201 and 2202.

3 **FIRST CLAIM**

4 **DECLARATORY JUDGMENTS REGARDING THE '336 PATENT**

5 15. The Plaintiffs hereby restate and reallege the allegations set forth in  
6 paragraphs 1 through 13 and incorporate them by reference.

7 16. No valid and enforceable claim of the '336 patent is infringed by the  
8 Plaintiffs.

9 **SECOND CLAIM**

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

11 17. The Plaintiffs hereby restate and reallege the allegations set forth in  
12 paragraphs 1 through 13 and incorporate them by reference.

13 18. No valid and enforceable claim of the '584 patent is infringed by the  
14 Plaintiffs.

15 **THIRD CLAIM**

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

17 19. The Plaintiffs hereby restate and reallege the allegations set forth in  
18 paragraphs 1 through 13 and incorporate them by reference.

19 20. No valid and enforceable claim of the '749 patent is infringed by the  
20 Plaintiffs.

21 **FOURTH CLAIM**

22 **DECLARATORY JUDGMENT REGARDING THE '148 PATENT**

23 21. The Plaintiffs hereby restate and reallege the allegations set forth in  
24 paragraphs 1 through 13 and incorporate them by reference.

25 22. No valid and enforceable claim of the '148 patent is infringed by the  
26 Plaintiffs.

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**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiffs pray for judgment as follows:

1. Declaring that no valid and enforceable claim of the patents-in-suit is infringed by the Plaintiffs;

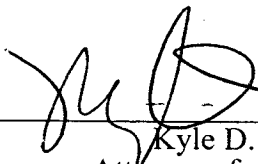
2. Declaring that Alliacense and each of their officers, employees, agents, alter egos, attorneys, and any persons in active concert or participation with them be restrained and enjoined from further prosecuting or instituting any action against the Plaintiffs claiming that the patents-in-suit are valid, enforceable, or infringed, or from representing that the products or services of the Plaintiffs infringe the patents-in-suit;

3. A judgment declaring this case exceptional under 35 U.S.C. § 285 and awarding the Plaintiffs their attorneys' fees and costs in connection with this case;

4. Awarding the Plaintiffs such other and further relief as the Court deems just and proper.

Dated: February 8, 2008

WILLIAM SLOAN COATS  
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