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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

MONOLITHIC POWER SYSTEMS, INC.,

Plaintiff,

v.

SILERGY CORPORATION, SILERGY TECHNOLOGY, COMPAL ELECTRONICS, INC., and BIZCOM ELECTRONICS, INC.,

Defendants.

Case No. 2:13-cv-08122

COMPLAINT FOR PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff Monolithic Power Systems, Inc. ("MPS") hereby pleads the following claims for patent infringement against Defendants Silergy Corporation and Silergy Technology (collectively "Silergy") and Defendants Compal

Electronics, Inc. and Bizcom Electronics, Inc. (collectively "Compal"), and alleges as follows:

PARTIES

1. Plaintiff MPS is a California corporation with its principal place of business located at 79 Great Oaks Blvd., San Jose, CA 95119. MPS is the owner of the patent rights at issue in this action.

2. On information and belief, Defendant Silergy Corporation is a corporation organized and existing under the laws of the Cayman Islands with a mailing address at Cayman Management Ltd., Ground Floor, Harbour Centre, P.O. Box 1596, George Town, Grand Cayman, Cayman Islands, British West Indies and a principal place of business at 14F., No. 663, Bannan Road, Zhonghe District, Xinbei City, Taipei County, 231, Taiwan (R.O.C.). On information and belief, Defendant Silergy Corporation was a registered entity with the State of California (Entity No. C3181618) at least as of December 5, 2008, but has since surrendered its status.

3. On information and belief, Defendant Silergy Technology is a corporation organized and existing under the laws of the State of California with a principal place of business at 1309 S. Mary Ave., #215, Sunnyvale, CA 94087. On information and belief, Silergy Technology is a subsidiary of Silergy Corporation.

4. On information and belief, Defendant Compal Electronics, Inc. is a corporation organized and existing under the laws of Taiwan with a principal place of business at No. 581, Ruiguang Rd., Neihu District, Taipei City 11492, Taiwan (R.O.C.).

5. On information and belief, Defendant Bizcom Electronics, Inc. is a corporation organized and existing under the laws of the State of California with a principal place of business at 1171 Montague Expressway, Milpitas, CA 95035. On information and belief, Bizcom Electronics, Inc. is a wholly-owned subsidiary of Compal Electronics, Inc.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including but not limited to 35 U.S.C. § 271.

7. The Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Defendants because, among other things, they have committed, aided, abetted, contributed to, induced, or participated in the commission of patent infringement in this judicial district and elsewhere that led to foreseeable harm and injury to MPS. On information and belief, Defendants, directly or through third parties, manufacture or assemble products that are and have been offered for sale, sold, purchased, and/or used within this forum, including without limitation by Silergy's direct or indirect customers, such as Compal and other contract manufacturers, and by the direct or indirect customers of Compal and other contract manufacturers, such as consumer electronic brands like Lenovo and Acer. Defendants, directly or through its distribution networks, regularly place their products within the stream of commerce with the knowledge, understanding, and desire that such products, by themselves or incorporated within its direct or indirect customers' products, including without limitation notebook products from consumer electronics brands, such as Lenovo or Acer manufactured by Compal or other contract manufacturers, that use Silergy components, will be shipped to, sold, or used in this forum and throughout the United States. Thus, Defendants have established minimum contacts within the forum and purposefully availed themselves of the benefits of this forum, and the exercise of personal jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

9. Defendants transact business in this forum because, among other things, they manufacture, import, and distribute products that are shipped to,

offered for sale, sold, purchased, and used within this forum, including to or by Lenovo and Acer. Defendants also are subject to personal jurisdiction in this forum. Venue therefore is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and/or 1400(b).

GENERAL ALLEGATIONS

10. MPS is a fabless semiconductor company that designs, develops, and markets proprietary, advanced analog and mixed-signal semiconductors, including synchronous step-down converters utilizing under bump metallization techniques developed by MPS. The under bump metallization technology developed by MPS improves the flip chip packages of MPS synchronous step-down converters by increasing heat dissipation and package reliability, while reducing alignment tolerances. In addition, the electrical performance of high-power integrated circuits is improved by MPS's under bump metallization technology.

11. MPS's step-down converters can be used in a wide range of devices including notebook computers, mobile phones, PDAs, portable instruments, DVD drives, small handheld devices, and battery-powered devices. As products such as mobile phones have gotten smaller, the need for step-down converters or step-down regulators of compact size yet high performance has become increasingly pressing. Through its innovation and high quality design of products, MPS has developed a portfolio of patents, including the patents-in-suit, to address these needs.

12. Silergy is a direct competitor of MPS in the power integrated circuit market. Silergy's products include synchronous step-down regulators. Silergy's synchronous step-down regulators include, e.g., the SY8208 product family among other product families. On information and belief, some of Silergy's products are designed to be pin-for-pin compatible with MPS's products.

13. On information and belief, Silergy's direct or indirect customers include contract manufacturers, such as Compal, its subsidiary Bizcom, and others, and consumer electronics companies, such as Lenovo, Acer and others. For

example, Lenovo's G500 notebook product contains one or more synchronous step-down regulators from Silergy. On information and belief, Acer's Aspire E1 notebook product contains one or more synchronous step-down regulators from Silergy. MPS has become aware that step-down regulators from Silergy are used in products, such as the Lenovo G500 and Acer's Aspire E1, and incorporate the inventions of one or more MPS patent.

14. On information and belief, contract manufacturers, such as Compal, manufacture products that use Silergy's step-down regulators and incorporate the inventions of one or more MPS patent, such as the Lenovo G500 and the Acer Aspire E1 notebooks. On information and belief, Silergy has also sold or offered to sell its synchronous step-down regulators to other contract manufacturers and consumer electronics companies.

15. On information and belief, Silergy has knowledge of the patents-in-suit. Silergy's founder, president, and CEO, Wei Chen, was a former employee of MPS, had direct knowledge of the engineering research and development which resulted in the patents-in-suit, and was a member of the MPS Patent Committee which authorized patent applications relating to the technology of the patents-in-suit.

16. On information and belief, Silergy has additional knowledge of the patents in suit through its negotiation of a settlement agreement in *Monolithic* Power *Systems, Inc., v. Silergy,* No. 10-1533 (C.D. Cal. filed Mar. 2, 2010), during which it evaluated the patent portfolio of MPS.

17. Defendants also have knowledge of the patents-in-suit from the filing and service of this complaint.

18. MPS placed Silergy Corporation on notice of its infringement of the patents-in-suit by at least October 31, 2013, by means of a letter sent by counsel for MPS to Silergy's CEO, Wei Chen.

19. MPS placed Silergy Technology on notice of its infringement of the patents-in-suit by at least October 31, 2013, by means of a letter sent by counsel for MPS to Silergy Corporation's CEO, Wei Chen.

20. MPS placed Silergy Technology on notice of its infringement of the patents-in-suit by at least October 31, 2013, by means of a letter sent by counsel for MPS to Silergy Technology's General Manager, Xin Shao.

21. MPS placed Compal Electronics, Inc. on notice of its infringement of the patents-in-suit by at least October 31, 2013, by means of letter sent by MPS to Compal Electronic Inc.'s Chairman, Hsu Sheng-Hsiun.

22. MPS placed Bizcom Electronics Inc. on notice of its infringement of the patents-in-suit by at least October 31, 2013, by means of letter sent by MPS to Bizcom Electronics Inc.'s President, Duan Wang.

THE ASSERTED PATENTS

23. MPS owns by assignment all rights to United States Patent No. 7,944,048 ("the '048 patent"), titled "Chip Scale Package for Power Devices and Method for Making the Same," which duly and legally issued on May 17, 2011. A copy of the '048 patent is attached as Exhibit A.

24. MPS owns by assignment all rights to United States Patent No. 8,283,758 ("the '758 patent"), titled "Microelectronic Packages with Enhanced Heat Dissipation and Methods of Manufacturing," which duly and legally issued on October 9, 2012. A copy of the '758 patent is attached as Exhibit B.

25. MPS owns by assignment all rights to United States Patent No. 8,361,899 ("the '899 patent"), titled "Microelectronic flip chip packages with solder wetting pads and associated methods of manufacturing," which duly and legally issued on January 29, 2013. A copy of the '899 patent is attached as Exhibit C.

CLAIMS FOR RELIEF

CLAIM 1 – INFRINGEMENT OF U.S. PATENT NO. 7,944,048

26. MPS incorporates by reference the allegations in the paragraphs above.

27. On information and belief, Defendants have infringed and continue to infringe one or more claims of the '048 patent under 35 U.S.C. § 271.

28. Defendants Silergy have directly infringed the '048 patent in the United States and this District through the making, using, sale, offer for sell, and/or importation of its products, including without limitation synchronous step-down regulators including, but not limited to, the Silergy SY8206, SY8208, and SY8228 product families. On information and belief, the accused Silergy step-down regulators have chip-scale packages meeting the requirements of one or more claims of the '048 patent, whether literally or under the doctrine of equivalents.

29. Defendants Compal have directly infringed the '048 patent in the United States and this District through the making, using, sale, offer for sell, and/or importation of its products, including without limitation products incorporating synchronous step-down regulators, such as the Silergy SY8206 and SY8208 product families, including but not limited to products such as the Lenovo G500 notebook manufactured by Compal for Lenovo. On information and belief, the Compal products incorporating Silergy step-down regulators have chip-scale packages meeting the requirements of one or more claims of the '048 patent, whether literally or under the doctrine of equivalents.

30. Defendants Silergy have induced infringement by inducing others, including without limitation Compal and other computing equipment manufacturers, Lenovo and other computer electronic brands, distributors, retailers, and end users, to make, use, sell, offer for sale, and/or import the accused devices in the United States and this District, including without limitation the Lenovo G500 notebook. On information and belief, Defendants Silergy also have provided marketing materials, technical specifications, or other materials that instruct and encourage the purchasers of an accused device to use the device in a manner that infringes certain claims of the '048 patent. Defendants Silergy also have continued

to sell the accused products despite their awareness of MPS's infringement allegations.

31. Defendants Compal have induced infringement by inducing others, including without limitation Lenovo and other computer electronic brands, distributors, retailers, and end users, to make, use, sell, offer for sale, and/or import the accused devices in the United States and this District, including without limitation the Lenovo G500 notebook. On information and belief, Defendants Compal also have provided marketing materials, technical specifications, or other materials that instruct and encourage the purchasers of an accused device to use the device in a manner that infringes certain claims of the '048 patent. Defendants Compal also have continued to sell the accused products despite their awareness of MPS's infringement allegations.

32. Defendants Silergy have contributed to the infringement of others, including without limitation Compal and other computing equipment manufacturers, Lenovo and other computer electronic brands, distributors, retailers and end users, by offering to sell, selling, and/or importing within this District and the United States synchronous step-down regulators, knowing the same to be especially made or especially adapted for use in the infringement of the '048 patent and not a staple article of commerce suitable for substantial non-infringing use.

33. Defendants Compal have contributed to the infringement of others, including without limitation Lenovo and other computing equipment manufacturers, distributors, retailers and end users, by offering to sell, selling, and/or importing within this District and the United States synchronous step-down regulators, knowing the same to be especially made or especially adapted for use in the infringement of the '048 patent and not a staple article of commerce suitable for substantial non-infringing use.

34. On information and belief, Defendants' infringement has been, and continues to be, willful and deliberate, and has caused substantial damage to MPS.

For example, Defendants have continued to sell the accused devices despite their awareness of the '048 patent and MPS's infringement allegations.

35. On information and belief, Defendants' infringement in violation of federal patent laws will continue to injure MPS unless otherwise enjoined by this Court.

CLAIM 2 – INFRINGEMENT OF U.S. PATENT NO. 8,283,758

36. MPS incorporates by reference the allegations in the paragraphs above.

37. On information and belief, Defendants have infringed and continue to infringe one or more claims of the '758 patent under 35 U.S.C. § 271.

38. Defendants Silergy have directly infringed the '758 patent in the United States and this District through the making, using, sale, offer for sell, and/or importation of its products, including without limitation synchronous step-down regulators including, but not limited to, the Silergy SY8206, SY8208, and SY8228 product families. On information and belief, the accused Silergy step-down regulators have microelectronic packages meeting the requirements of one or more claims of the '758 patent, whether literally or under the doctrine of equivalents.

39. Defendants Compal have directly infringed the '758 patent in the United States and this District through the making, using, sale, offer for sell, and/or importation of its products, including without limitation products incorporating synchronous step-down regulators, such as the Silergy SY8206 and SY8208 product families, including but not limited to products such as the Lenovo G500 notebook manufactured by Compal for Lenovo. On information and belief, the Compal products incorporating Silergy step-down regulators have microelectronic packages meeting the requirements of one or more claims of the '758 patent, whether literally or under the doctrine of equivalents.

40. Defendants Silergy have induced infringement by inducing others, including without limitation Compal and other computing equipment manufacturers, Lenovo and other computer electronic brands, distributors, retailers,

and end users, to make, use, sell, offer for sale, and/or import the accused devices in the United States and this District, including without limitation the Lenovo G500 notebook. On information and belief, Defendants Silergy also have provided marketing materials, technical specifications, or other materials that instruct and encourage the purchasers of an accused device to use the device in a manner that infringes certain claims of the '758 patent. Defendants Silergy also have continued to sell the accused products despite their awareness of MPS's infringement allegations.

41. Defendants Compal have induced infringement by inducing others, including without limitation Lenovo and other computer electronic brands, distributors, retailers, and end users, to make, use, sell, offer for sale, and/or import the accused devices in the United States and this District, including without limitation the Lenovo G500 notebook. On information and belief, Defendants Compal also have provided marketing materials, technical specifications, or other materials that instruct and encourage the purchasers of an accused device to use the device in a manner that infringes certain claims of the '758 patent. Defendants Compal also have continued to sell the accused products despite their awareness of MPS's infringement allegations.

42. Defendants Silergy have contributed to the infringement of others, including without limitation Compal and other computing equipment manufacturers, Lenovo and other computer electronic brands, distributors, retailers and end users, by offering to sell, selling, and/or importing within this District and the United States synchronous step-down regulators, knowing the same to be especially made or especially adapted for use in the infringement of the '758 patent and not a staple article of commerce suitable for substantial non-infringing use.

43. Defendants Compal have contributed to the infringement of others, including without limitation Lenovo and other computing equipment manufacturers, distributors, retailers and end users, by offering to sell, selling,

and/or importing within this District and the United States synchronous step-down regulators, knowing the same to be especially made or especially adapted for use in the infringement of the '758 patent and not a staple article of commerce suitable for substantial non-infringing use.

44. On information and belief, Defendants' infringement has been, and continues to be, willful and deliberate, and has caused substantial damage to MPS. For example, Defendants have continued to sell the accused devices despite their awareness of the '758 patent and MPS's infringement allegations.

45. On information and belief, Defendants' infringement in violation of federal patent laws will continue to injure MPS unless otherwise enjoined by this Court.

CLAIM 3 – INFRINGEMENT OF U.S. PATENT NO. 8,361,899

46. MPS incorporates by reference the allegations in the paragraphs above.

47. On information and belief, Defendants have infringed and continues to infringe one or more claims of the '899 patent under 35 U.S.C. § 271.

48. Defendants Silergy have directly infringed the '899 patent in the United States and this District through the making, using, sale, offer for sell, and/or importation of its products, including without limitation synchronous step-down regulators including, but not limited to, the Silergy SY8206, SY8208, and SY8228 product families. On information and belief, the accused Silergy step-down regulators have semiconductor assemblies meeting the requirements of one or more claims of the '899 patent, whether literally or under the doctrine of equivalents.

49. Defendants Compal have directly infringed the '899 patent in the United States and this District through the making, using, sale, offer for sell, and/or importation of its products incorporating synchronous step-down regulators, such as the Silergy SY8206 and SY8208 product families, including but not limited to products such as the Lenovo G500 notebook manufactured by Compal for Lenovo. On information and belief, the Compal products incorporating Silergy step-down

regulators have semiconductor assemblies meeting the requirements of one or more claims of the '899 patent, whether literally or under the doctrine of equivalents.

50. Defendants Silergy have induced infringement by inducing others, including without limitation Compal and other computing equipment manufacturers, Lenovo and other computer electronic brands, distributors, retailers, and end users, to make, use, sell, offer for sale, and/or import the accused devices in the United States and this District, including without limitation the Lenovo G500 notebook. On information and belief, Defendants Silergy also have provided marketing materials, technical specifications, or other materials that instruct and encourage the purchasers of an accused device to use the device in a manner that infringes certain claims of the '899 patent. Defendants Silergy also have continued to sell the accused products despite their awareness of MPS's infringement allegations.

51. Defendants Compal have induced infringement by inducing others, including without limitation Lenovo and other computer electronic brands, distributors, retailers, and end users, to make, use, sell, offer for sale, and/or import the accused devices in the United States and this District, including without limitation the Lenovo G500 notebook. On information and belief, Defendants Compal also have provided marketing materials, technical specifications, or other materials that instruct and encourage the purchasers of an accused device to use the device in a manner that infringes certain claims of the '899 patent. Defendants Compal also have continued to sell the accused products despite their awareness of MPS's infringement allegations.

52. Defendants Silergy have contributed to the infringement of others, including without limitation Compal and other computing equipment manufacturers, Lenovo and other computer electronic brands, distributors, retailers and end users, by offering to sell, selling, and/or importing within this District and the United States synchronous step-down regulators, knowing the same to be

especially made or especially adapted for use in the infringement of the '899 patent and not a staple article of commerce suitable for substantial non-infringing use.

53. Defendants Compal have contributed to the infringement of others, including without limitation Lenovo and other computing equipment manufacturers, distributors, retailers and end users, by offering to sell, selling, and/or importing within this District and the United States synchronous step-down regulators, knowing the same to be especially made or especially adapted for use in the infringement of the '899 patent and not a staple article of commerce suitable for substantial non-infringing use.

54. On information and belief, Defendants' infringement has been, and continues to be, willful and deliberate, and has caused substantial damage to MPS. For example, Defendants have continued to sell the accused devices despite their awareness of the '899 patent and MPS's infringement allegations.

55. On information and belief, Defendants' infringement in violation of federal patent laws will continue to injure MPS unless otherwise enjoined by this Court.

PRAYER FOR RELIEF

Wherefore, MPS prays for relief as follows:

A. That the Court render judgment declaring that Defendants have infringed, directly or indirectly, literally or under the doctrine of equivalents, the '048 patent, '758 patent, and '899 patent in violation of 35 U.S.C. § 271;

B. That the Court render judgment declaring Defendants' infringement of the '048 patent, '758 patent, and '899 patent is willful and deliberate;

C. That MPS be awarded damages adequate to compensate MPS for Defendants' infringement of the '048 patent, '758 patent, and '899 patent;

D. That MPS be awarded pre-judgment and post-judgment interest on all damages awarded;

E. That the Court temporarily, preliminarily, and permanently enjoin Defendants; their successors, assigns, subsidiaries, and transferees; their officers, directors, agents, and employees; and all others working on Defendants' behalf from making, using, selling, offering for sale, or importing in the United States any product falling within the scope of the '048 patent, '758 patent, and '899 patent, or inducing or contributing to the infringement of others;

F. That the Court render judgment declaring this to be an exceptional case and awarding treble damages to MPS for the unlawful practices of Defendants;

G. That MPS be awarded its costs, expenses, and reasonable attorneys' fees;

H. That the Court order a full accounting of the damages above, including for past infringement and any continuing or future infringement;

I. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

MPS hereby demands a trial by jury of all issues so triable.

DATED: November 1, 2013

PERKINS COIE LLP

By: */s/ John P. Schnurer*

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