

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

<b>NATIONAL CHENG KUNG UNIVERSITY</b>	§	
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>Case No.:</b> _____
	§	
<b>FREESCALE SEMICONDUCTOR, INC.,</b>	§	<b>JURY TRIAL DEMANDED</b>
	§	
<b>Defendant.</b>	§	

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**PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT**

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Plaintiff National Cheng Kung University (“NCKU” or “Plaintiff”), hereby submits this Complaint against Defendant Freescale Semiconductor, Inc., (“Freescale” or “Defendant”), and states as follows:

**THE PARTIES**

1. Plaintiff National Cheng Kung University is a higher education institute with its principal place of business at No.1, University Road, Tainan City 701, Taiwan, R.O.C.
2. On information and belief, Defendant Freescale is a Delaware Corporation with its principal place of business located at 6501 William Cannon Drive West, Austin, Texas 78735. Freescale is registered to do business in the State of Texas and can be served with process upon its Registered Agent, Corporation Service Company dba CSC-Lawyers Incorporating Service Company at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3218.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

4. Venue is proper under 28 U.S.C. §§ 1391 (b)(1), (c) and 1400(b). Upon information and belief, Freescale has transacted business in this district and has committed acts of patent infringement in this district by the making, using, selling and/or offering for sale infringing products.

5. Freescale is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute. Freescale maintains its Corporate Headquarters in Texas and has conducted substantial business in this district, directly or through intermediaries, such substantial business including but not limited to (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to companies and/or individuals in Texas and in this district.

#### **INFRINGEMENT OF U.S. PATENT NO. 7,154,422**

6. On December 26, 2006, United States Patent No. 7,154,422 ("the '422 Patent"), was duly and legally issued for an invention entitled "Scheme and Method for Testing Analog-to-Digital Converters". NCKU was assigned the '422 patent and continues to hold all rights and interest in the '422 patent. A true and correct copy of the '422 Patent is attached hereto as Exhibit A.

7. Upon information and belief, Freescale has infringed and continues to directly infringe one or more claims of the '422 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by its manufacture, use, sale, importation and/or offer to sell infringing microcontrollers, including but not limited to Freescale's MPC5675K Microcontroller. Freescale's manufacture, use, sale, importation and/or offer to sell the accused products is

unauthorized, without the permission of NCKU, and constitutes infringement under 35 U.S.C. §271 for which Freescale is directly liable.

8. Freescale's acts of infringement have caused damage to NCKU, and NCKU is entitled to recover from Freescale the damages sustained by NCKU as result of its wrongful acts in an amount subject to proof at trial. Freescale's infringement of NCKU's exclusive rights under the '422 Patent will continue to damage NCKU, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

#### **DEMAND FOR JURY TRIAL**

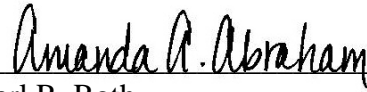
9. NCKU demands a trial by jury on all issues.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff National Cheng Kung University, requests entry of judgment in its favor and against Freescale as follows:

- A. Declaration that Freescale has directly infringed the '422 Patent;
- B. Awarding damages arising out of Freescale's infringement of the '422 Patent, together with costs, expenses, prejudgment and post-judgment interest, as provided under 35 U.S.C. § 284;
- C. Permanently enjoining Freescale, its respective officers, agents, employees, and those acting in privity with it, from further infringement, of the '422 Patent.
- D. Any and all other relief to which the Court may deem NCKU entitled.

Respectfully submitted,



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