Case5:12-cv-05965-PSG Document64 Filed10/01/13 Page1 of 5

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| 10 11 | Attorneys for Plaintiff SynTest Technologies, Inc. | | | |
| 12 13 14 | UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA | | | |
| 15 16 17 18 19 | SYNTEST TECHNOLOGIES, INC., Plaintiff, v. CISCO SYSTEMS, INC., Defendant. | Case No. 5:12-cv-05965-PSG FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT DEMAND FOR JURY TRIAL | | |
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FIRST AMENDED COMPLAINT CASE NO. 5:12-CV-05965-PSG

| 1 | Plaintiff SynTest Technologies, Inc. ("SynTest") complains of defendant Cisco Systems, | | | |
|--|--|---|--|--|
| 2 | Inc. ("Cisco") as follows: | | | |
| 3 | | JURISDICTION AND VENUE | | |
| 4 | 1. This | is a claim for patent infringement arising under the patent laws of the United | | |
| 5 | States, Title 35 of th | e United States Code. This Court has exclusive jurisdiction over the subject | | |
| 6 | matter of the Complaint under 28 U.S.C. § 1338(a). | | | |
| 7 | | e is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). | | |
| 8 | | | | |
| 9 | | Court has personal jurisdiction over Cisco by virtue of its acts of patent | | |
| 11 | infringement which | have been committed in this judicial district, and by virtue of its transaction | | |
| 12 | of business in this di | strict. | | |
| 13 | | <u>PARTIES</u> | | |
| 14 | 4. SynT | est is a California corporation with a principal place of business in this | | |
| 15 | district at 505 S. Pastoria Avenue, Sunnyvale, CA 94086. | | | |
| 16 | 5. Cisco | is a California corporation with a principal place of business in this district | | |
| 17 | at 170 West Tasman Drive, San Jose, CA 95134. | | | |
| 18 | | THE PATENTS AT ISSUE | | |
| 19 | 6. SynT | est owns and has standing to sue for infringement of the following United | | |
| 20 | States Patents: | | | |
| 21 | | "' | | |
| 22 | C | nited States Patent No. 7,007,213 ("the '213 Patent") entitled "Multipleapture DFT System for Detecting or Locating Crossing Clock-Domain Faults | | |
| 23 | D | uring Self-Test or Scan-Test"; | | |
| 2425 | A | nited States Patent No. 7,434,126 ("the '126 Patent") entitled "Computerided Design (CAD) Multiple-Capture DFT System for Detecting or Locating rossing Clock-Domain Faults"; | | |
| 262728 | C | nited States Patent No. 7,779,323 ("the '323 Patent") entitled "Multipleapture DFT System for Detecting or Locating Crossing Clock-Domain Faults uring Self-Test or Scan-Test"; | | |
| | | FIRST AMENDED COMPLAINT | | |

(collectively, the "SynTest Patents," attached as Exhibit "A").

- 7. The development of the technology described in the SynTest Patents was led by Laung-Terng Wang, PhD ("Dr. Wang"), the founder and president of SynTest. Dr. Wang is a pioneer in Logic Built-In Self-Test ("BIST") using a staggered clocking scheme to improve the test and diagnosis of integrated circuits in a system.
- 8. SynTest has given notice of the SynTest Patents to the public, including Cisco, through compliance with the provisions of 35 U.S.C. § 287.

CLAIM FOR PATENT INFRINGEMENT

(Against Cisco)

- 9. SynTest incorporates all of the foregoing averments as if fully set forth herein.
- 10. SynTest is the owner of the entire right, title, and interest in and to the SynTest Patents, copies of which are attached as Exhibit "A" and are fully incorporated as if set forth herein.
- 11. Cisco has infringed one or more claims of each of the SynTest Patents under 35 U.S.C. §271(a) through the manufacture, use, sale and/or offer for sale of BIST methods and devices employing BIST technology including products and services associated with Cisco switch, router and network products, including Cisco Catalyst Switches, Cisco Routers, Cisco Security Products and Cisco Access Servers designed, made, tested, used and sold between 2006 and the present.
- 12. Cisco has also induced others (such as its customers and subcontractors) to infringe one or more claims of each of the SynTest Patents under 35 U.S.C. §271(b) by aiding, abetting, assisting and encouraging their acts of infringement involving Cisco Catalyst Switches, Cisco Routers, Cisco Security Products and Cisco Access Servers designed, made, tested, used and sold between 2006 and the present.

- 13. Cisco's has knowledge of one or more of the SynTest Patents and Cisco's infringement has been and will continue to be willful.
- 14. Cisco's infringement has injured SynTest and SynTest is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.
- 15. Cisco's infringement will continue to injure SynTest and its licensees until this court enters an injunction prohibiting further infringing conduct by Cisco whether alone or in concert with others.

PRAYER FOR RELIEF

WHEREFORE, SynTest, asks this Court to enter judgment against Cisco and against its subsidiaries, affiliates, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- 1. An award of damages adequate to compensate SynTest for the infringement that has occurred, together with prejudgment interest from the date infringement of the SynTest Patents began;
- 2. An award of enhanced damages for willful infringement, together with costs, expenses, and pre and post-judgment interest for infringement as provided under 35 U.S.C. § 284;
- 3. A ruling that this case is "exceptional" under 35 U.S.C. § 285 and to award SynTest its reasonable attorneys' fees in this action;
- 4. A permanent injunction prohibiting further infringement of the SynTest Patents; and
 - 5. Such other and further relief as this Court or a jury may deem proper and just.

Case5:12-cv-05965-PSG Document64 Filed10/01/13 Page5 of 5

| 1 | JURY DEMAND | | |
|----|---|--|--|
| 2 | SynTest demands a trial by jury on all issues so triable. | | |
| 3 | Dated: October 1, 2013 LATHROP & GAGE LLP | | |
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| 6 | By:/s/ John Shaeffer John J. Shaeffer | | |
| 7 | Jeff Grant Attorneys for Plaintiff SYNTEST TECHNOLOGIES, INC. | | |
| 8 | SYNTEST TECHNOLOGIES, INC. | | |
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