

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

_____)	
X2Y ATTENUATORS, LLC,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	<u>JURY TRIAL DEMANDED</u>
)	
INTEL CORPORATION, APPLE INC., and)	
HEWLETT-PACKARD COMPANY,)	
)	
Defendants.)	
)	
_____)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff X2Y Attenuators, LLC (“X2Y”), by its undersigned counsel, files this Complaint against Defendants Intel Corporation (“Intel”), Apple Inc. (“Apple”), and Hewlett-Packard Company (“Hewlett-Packard”) (collectively “Defendants”).

NATURE OF THE ACTION

1. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*, from Defendants’ direct infringement and indirect infringement of United States Patent Nos. 6,738,249 (“the 249 patent”); 7,110,227 (“the 227 patent”); 7,609,500 (“the 500 patent”); 7,733,621 (“the 621 patent”); and 7,916,444 (“the 444 patent”).

PARTIES

2. Plaintiff X2Y is a Nevada Limited Liability Company with its principal place of business located at 2730-B West 21st Street, Erie, PA 16506.

3. Defendant Intel is a Delaware corporation with its principal place of business located at 2200 Mission Boulevard, Santa Clara, CA 95054.

4. Defendant Apple is a California corporation with its principal place of business located at 1 Infinite Loop, Cupertino, CA 95014.

5. Defendant Hewlett-Packard is a Delaware corporation with its principal place of business located at 3000 Hanover Street, Palo Alto, CA 94304.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332 and 1338(a).

7. This Court has personal jurisdiction over Defendants because they have continuous and systematic contacts with this forum as a result of business activities regularly conducted within the Commonwealth of Pennsylvania and the Western District of Pennsylvania (“this District”), which business activities introduce into the stream of commerce products and/or components of products that infringe the 249 patent, the 227 patent, the 500 patent, the 621 patent, and the 444 patent.

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) because Defendants as corporations are deemed to reside in this District, transact and conduct business within this district, and are subject to personal jurisdiction in this District.

9. Separately, venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendants as corporations are deemed to reside in this district and have committed acts of infringement in this District and Defendants have regular and established places of business in this District.

COUNT I – INFRINGEMENT OF THE 249 PATENT

10. X2Y incorporates by reference, as if fully set forth herein, each and every one of the foregoing numbered paragraphs.

11. On May 18, 2004, the United States Patent and Trademark Office (“USPTO”) issued the 249 patent, entitled “Universal Energy Conditioning Interposer With Circuit Architecture,” with Anthony A. Anthony and William M. Anthony named as inventors. A true and correct copy of the 249 patent is provided as Exhibit A.

12. X2Y is the owner of the 249 patent.

13. Intel, Apple, and Hewlett-Packard have infringed and continue to infringe the 249 patent by engaging in acts constituting direct infringement, contributory infringement, and/or inducement of infringement under 35 U.S.C. § 271 *et seq.*, including but not necessarily limited to one or more of making, using, selling, and offering to sell, in this District and elsewhere in the United States, and importing into this District and elsewhere in the United States, without authority, products and services including but not necessarily limited to microprocessors and products that contain microprocessors, including personal computers.

14. Upon information and belief, one such microprocessor includes the Intel Core i7-950 3.06GHz 8M L3 Cache LGA1366 Desktop Processor.

15. Upon information and belief, one such personal computer includes the Apple iMac 27"/3.20/2x2GB Model No: A1312 personal computer sold with an Intel Core i3 processor.

16. Upon information and belief, one such personal computer includes the Hewlett-Packard TouchSmart 610 Series personal computer.

17. Intel is not, and has not been at any time, licensed under the 249 patent.

18. Apple is not, and has not been at any time, licensed under the 249 patent.

19. Hewlett-Packard is not, and has not been at any time, licensed under the 249 patent.

20. X2Y has suffered monetary damages and other injuries by Defendants' past and continuing infringement, contributory infringement, and/or inducement of infringement of the 249 patent in an amount to be proven at trial.

21. X2Y has been irreparably injured by Defendants' past and continuing infringement, contributory infringement, and/or inducement of infringement of the 249 patent, and Defendants' infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

22. Defendant Intel has been aware of the 249 Patent, and has acted in an objectively reckless manner and has known or should have known of the risk of its actions such that its infringement, contributory infringement, and/or inducement of infringement of the 249 patent have been and continue to be willful and deliberate, and X2Y is entitled to recover enhanced damages pursuant to 35 U.S.C. § 284 and attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

COUNT II – INFRINGEMENT OF THE 227 PATENT

23. X2Y incorporates by reference, as if fully set forth herein, each and every one of the foregoing numbered paragraphs.

24. On September 19, 2006, the United States Patent and Trademark Office ("USPTO") issued the 227 patent, entitled "Universal Energy Conditioning Interposer With Circuit Architecture," with Anthony A. Anthony and William M. Anthony named as inventors. A true and correct copy of the 227 patent is provided as Exhibit B.

25. X2Y is the owner of the 227 patent.

26. Intel, Apple, and Hewlett-Packard have infringed and continue to infringe the 227 patent by engaging in acts constituting direct infringement, contributory infringement, and/or inducement of infringement under 35 U.S.C. § 271 *et seq.*, including but not necessarily limited

to one or more of making, using, selling, and offering to sell, in this District and elsewhere in the United States, and importing into this District and elsewhere in the United States, without authority, products and services including but not necessarily limited to microprocessors and products that contain microprocessors, including personal computers.

27. Upon information and belief, one such microprocessor includes the Intel Core i7-950 3.06GHz 8M L3 Cache LGA1366 Desktop Processor.

28. Upon information and belief, one such personal computer includes the Apple iMac 27"/3.20/2x2GB Model No: A1312 personal computer sold with an Intel Core i3 processor.

29. Upon information and belief, one such personal computer includes the Hewlett-Packard TouchSmart 610 Series personal computer.

30. Intel is not, and has not been at any time, licensed under the 227 patent.

31. Apple is not, and has not been at any time, licensed under the 227 patent.

32. Hewlett-Packard is not, and has not been at any time, licensed under the 227 patent.

33. X2Y has suffered monetary damages and other injuries by Defendants' past and continuing infringement, contributory infringement, and/or inducement of infringement of the 227 patent in an amount to be proven at trial.

34. X2Y has been irreparably injured by Defendants' past and continuing infringement, contributory infringement, and/or inducement of infringement of the 227 patent, and Defendants' infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

35. Defendant Intel has been aware of the 227 Patent, and has acted in an objectively reckless manner and has known or should have known of the risk of its actions such that its

infringement, contributory infringement, and/or inducement of infringement of the 227 patent have been and continues to be willful and deliberate, and X2Y is entitled to recover enhanced damages pursuant to 35 U.S.C. § 284 and attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

COUNT III – INFRINGEMENT OF THE 500 PATENT

36. X2Y incorporates by reference, as if fully set forth herein, each and every one of the foregoing numbered paragraphs.

37. On October 27, 2009, the United States Patent and Trademark Office (“USPTO”) issued the 500 patent, entitled “Universal Energy Conditioning Interposer With Circuit Architecture,” with Anthony A. Anthony and William M. Anthony named as inventors. A true and correct copy of the 500 patent is provided as Exhibit C.

38. X2Y is the owner of the 500 patent.

39. Intel, Apple, and Hewlett-Packard have infringed and continue to infringe the 500 patent by engaging in acts constituting direct infringement, contributory infringement, and/or inducement of infringement under 35 U.S.C. § 271 *et seq.*, including but not necessarily limited to one or more of making, using, selling, and offering to sell, in this District and elsewhere in the United States, and importing into this District and elsewhere in the United States, without authority, products and services including but not necessarily limited to microprocessors and products that contain microprocessors, including personal computers.

40. Upon information and belief, one such microprocessor includes the Intel Core i7-950 3.06GHz 8M L3 Cache LGA1366 Desktop Processor.

41. Upon information and belief, one such personal computer includes the Apple iMac 27"/3.20/2x2GB Model No: A1312 personal computer sold with an Intel Core i3 processor.

42. Upon information and belief, one such personal computer includes the Hewlett-Packard TouchSmart 610 Series personal computer.

43. Intel is not, and has not been at any time, licensed under the 500 patent.

44. Apple is not, and has not been at any time, licensed under the 500 patent.

45. Hewlett-Packard is not, and has not been at any time, licensed under the 500 patent.

46. X2Y has suffered monetary damages and other injuries by Defendants' past and continuing infringement, contributory infringement, and/or inducement of infringement of the 500 patent in an amount to be proven at trial.

47. X2Y has been irreparably injured by Defendants' past and continuing infringement, contributory infringement, and/or inducement of infringement of the 500 patent, and Defendants' infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

48. Defendant Intel has been aware of the 500 Patent, and has acted in an objectively reckless manner and has known or should have known of the risk of its actions such that its infringement, contributory infringement, and/or inducement of infringement of the 500 patent have been and continue to be willful and deliberate, and X2Y is entitled to recover enhanced damages pursuant to 35 U.S.C. § 284 and attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

COUNT IV – INFRINGEMENT OF THE 621 PATENT

49. X2Y incorporates by reference, as if fully set forth herein, each and every one of the foregoing numbered paragraphs.

50. On June 8, 2010, the United States Patent and Trademark Office ("USPTO") issued the 621 patent, entitled "Energy Conditioning Circuit Arrangement for Integrated

Circuit,” with Anthony A. Anthony and William M. Anthony named as inventors. A true and correct copy of the 621 patent is provided as Exhibit D.

51. X2Y is the owner of the 621 patent.

52. Intel, Apple, and Hewlett-Packard have infringed and continue to infringe the 621 patent by engaging in acts constituting direct infringement, contributory infringement, and/or inducement of infringement under 35 U.S.C. § 271 *et seq.*, including but not necessarily limited to one or more of making, using, selling, and offering to sell, in this District and elsewhere in the United States, and importing into this District and elsewhere in the United States, without authority, products and services including but not necessarily limited to microprocessors and products that contain microprocessors, including personal computers.

53. Upon information and belief, one such microprocessor includes the Intel Core i7-950 3.06GHz 8M L3 Cache LGA1366 Desktop Processor.

54. Upon information and belief, one such personal computer includes the Apple iMac 27"/3.20/2x2GB Model No: A1312 personal computer sold with an Intel Core i3 processor.

55. Upon information and belief, one such personal computer includes the Hewlett-Packard TouchSmart 610 Series personal computer.

56. Intel is not, and has not been at any time, licensed under the 621 patent.

57. Apple is not, and has not been at any time, licensed under the 621 patent.

58. Hewlett-Packard is not, and has not been at any time, licensed under the 621 patent.

59. X2Y has suffered monetary damages and other injuries by Defendants’ past and continuing infringement, contributory infringement, and/or inducement of infringement of the 621 patent in an amount to be proven at trial.

60. X2Y has been irreparably injured by Defendants' past and continuing infringement, contributory infringement, and/or inducement of infringement of the 621 patent, and Defendants' infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

61. Defendant Intel has been aware of the 621 Patent, and has acted in an objectively reckless manner and has known or should have known of the risk of its actions such that its infringement, contributory infringement, and/or inducement of infringement of the 621 patent have been and continue to be willful and deliberate, and X2Y is entitled to recover enhanced damages pursuant to 35 U.S.C. § 284 and attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

COUNT V – INFRINGEMENT OF THE 444 PATENT

62. X2Y incorporates by reference, as if fully set forth herein, each and every one of the foregoing numbered paragraphs.

63. On March 29, 2011, the United States Patent and Trademark Office ("USPTO") issued the 444 patent, entitled "Arrangement for Energy Conditioning," with Anthony A. Anthony and William M. Anthony named as inventors. A true and correct copy of the 444 patent is provided as Exhibit E.

64. X2Y is the owner of the 444 patent.

65. Intel, Apple, and Hewlett-Packard have infringed and continue to infringe the 444 patent by engaging in acts constituting direct infringement, contributory infringement, and/or inducement of infringement under 35 U.S.C. § 271 *et seq.*, including but not necessarily limited to one or more of making, using, selling, and offering to sell, in this District and elsewhere in the United States, and importing into this District and elsewhere in the United States, without

authority, products and services including but not necessarily limited to microprocessors and products that contain microprocessors, including personal computers.

66. Upon information and belief, one such microprocessor includes the Intel Core i7-950 3.06GHz 8M L3 Cache LGA1366 Desktop Processor.

67. Upon information and belief, one such personal computer includes the Apple iMac 27"/3.20/2x2GB Model No: A1312 personal computer sold with an Intel Core i3 processor.

68. Upon information and belief, one such personal computer includes the Hewlett-Packard TouchSmart 610 Series personal computer.

69. Intel is not, and has not been at any time, licensed under the 444 patent.

70. Apple is not, and has not been at any time, licensed under the 444 patent.

71. Hewlett-Packard is not, and has not been at any time, licensed under the 444 patent.

72. X2Y has suffered monetary damages and other injuries by Defendants' past and continuing infringement, contributory infringement, and/or inducement of infringement of the 444 patent in an amount to be proven at trial.

73. X2Y has been irreparably injured by Defendants' past and continuing infringement, contributory infringement, and/or inducement of infringement of the 444 patent, and Defendants' infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

74. Defendant Intel has been aware of the 444 Patent, and has acted in an objectively reckless manner and has known or should have known of the risk of its actions such that its infringement, contributory infringement, and/or inducement of infringement of the 444 patent have been and continue to be willful and deliberate, and X2Y is entitled to recover enhanced

damages pursuant to 35 U.S.C. § 284 and attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

RELIEF REQUESTED

WHEREFORE, X2Y respectfully requests that this Court:

- A. Enter judgment in favor of X2Y and against Defendants Intel, Apple, and Hewlett-Packard;
- B. Award X2Y its actual damages, together with prejudgment interest and costs, as a result of Defendants' infringing activities;
- C. Preliminarily and permanently enjoin Defendants from continuing to infringe, induce infringement, or contribute to infringement of the 249, 227, 500, 621, and 444 patents;
- D. Enhance by three times the damages awarded to X2Y as a result of Intel's willful infringement of the 249, 227, 500, 621, and 444 patents;
- E. Award all other damages permitted by 35 U.S.C. § 284, including increased damages up to three times the amount of compensatory damages found;
- F. Declare this case exceptional under 35 U.S.C. § 285 and award X2Y its costs and reasonable attorneys' fees incurred in this action; and
- G. Award X2Y such other relief as this Court deems just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), X2Y hereby demands a trial by jury on all issues triable of right by a jury.

Respectfully Submitted,

Date: May 31, 2011

/s Michael J. Chapman

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