

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MICROCHIP TECHNOLOGY)	
INCORPORATED,)	
)	
Plaintiff,)	
)	C.A. No. _____
v.)	
)	JURY TRIAL DEMANDED
DELPHI AUTOMOTIVE SYSTEMS,)	
LLC, and DELPHI TECHNOLOGIES, INC.,)	
)	
Defendants.)	

COMPLAINT

Plaintiff Microchip Technology Incorporated (“MTI”) files this complaint against Defendant Delphi Automotive Systems, LLC and Delphi Technologies, Inc. (collectively, “Delphi”) as set forth below.

PARTIES

1. Plaintiff Microchip Technology Incorporated is a Delaware corporation with its principal place of business located at 2355 West Chandler Blvd., Chandler, Arizona 85224-6199.
2. Defendant Delphi Automotive Systems, LLC (“DAS”) is a Delaware limited liability company with a principal place of business at 5725 Delphi Dr., Troy, Michigan 48098.
3. Defendant Delphi Technologies, Inc. (“DTI”) is a Delaware corporation with a principal place of business at 5725 Delphi Dr., Troy, Michigan 48098.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the laws of the United States, 35 U.S.C. § 101 *et seq.* This Court has original subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. Defendant Delphi Automotive Systems, LLC is subject to personal jurisdiction by virtue of its contacts with the State of Delaware, including the fact that it is a Delaware limited liability company.

6. Defendant Delphi Technologies, Inc. is subject to personal jurisdiction by virtue of its contacts with the State of Delaware, including the fact that it is a Delaware corporation.

7. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant Delphi Automotive Systems, LLC and Defendant Delphi Technologies, Inc. reside in this district by virtue of being formed and incorporated in Delaware.

FACTS

8. U.S. Patent No. 7,523,243, entitled “Multi-Host USB Device Controller” (“the ’243 Patent”), was duly and legally issued by the U.S. Patent and Trademark Office to Mark R. Bohm *et al.* on April 21, 2009. The ’243 Patent discloses and claims systems and methods for use with multi-host capable Universal Serial Bus (“USB”) device controllers. A true and correct copy of the ’243 Patent is attached hereto as **Exhibit A**.

9. U.S. Patent No. 7,627,708, entitled “Multi-Host USB Device” (“the ’708 Patent”), was duly and legally issued by the U.S. Patent and Trademark Office to Mark R. Bohm *et al.* on December 1, 2009. The ’708 Patent discloses and claims systems and methods for use with USB devices that may be configured and accessed by more than one USB host. A true and correct copy of the ’708 Patent is attached hereto as **Exhibit B**.

10. U.S. Patent No. 7,478,191, entitled “Method for Automatically Switching USB Peripherals Between USB Hosts” (“the ’191 Patent”), was duly and legally issued by the U.S. Patent and Trademark Office to Henry Wurzburg *et al.* on January 13, 2009. The ’191 Patent discloses and claims systems and methods for automatically switching peripheral connectivity

between two USB host devices based on respective connectivity of the USB hosts. A true and correct copy of the '191 Patent is attached hereto as **Exhibit C**.

11. Mark R. Bohm, Henry Wurzburg, and the other inventors assigned all right, title, and interest in the '243 Patent, the '708 Patent, and the '191 Patent (the "Asserted Patents") to Standard Microsystems Corporation.

12. On July 21, 2015, Standard Microsystems Corporation converted from a corporation to a limited liability company, changing its name to Standard Microsystems, LLC.

13. On August 5, 2016, Standard Microsystems, LLC assigned all right, title, and interest in the Asserted Patents to MTI. MTI has been at all times since, and still is, the owner of the Asserted Patents.

14. Delphi makes, uses, sells, offers to sell, and/or imports a Dual Role Hub product, (also described by Delphi and others as the Multi-Port Breakout Box, Media Hub, and/or Unwired Technology Media Hub) (collectively, "Delphi Dual Role Hub" or "Hub") which implements multi-host type USB devices in an automotive infotainment system environment and, specifically, provides a "host to host" device which enables multi-host functionality, *e.g.*, so that both the infotainment system head unit and a smartphone can act as USB hosts in the system.

15. On information and belief, the Delphi Dual Role Hub was originally designed by Unwired Technology LLC, a company that Delphi's affiliate purchased in 2014. A September 30, 2014 Delphi press release discusses this purchase of Unwired Technology, explaining that "Unwired's connectivity products provide two-way data connections between smartphones and tablets and in-car infotainment systems, allowing consumers to safely access content in the vehicle." A true and correct copy of that site (as visited on October 20, 2016) is attached as **Exhibit D** (available at <http://investor.delphi.com/investors/press-releases/press-release->

details/2014/Delphi-Signs-Definitive-Agreement-to-Acquire-Unwired-Technology-LLC/default.aspx).

16. According to Delphi's website (<http://delphi.com/media/feature-stories/details/18th-PACE-Award-Dual-Role-Hub>), the Delphi Dual Role Hub allows the car radio and a user's phone "to be recognized as 'host' devices simultaneously." A true and correct copy of that site (as visited on October 18, 2016) is attached as **Exhibit E**.

17. According to the same Delphi website, the Delphi Dual Role Hub is "in every mid- and high-level infotainment system for GM globally for model year 2015. Next year, Delphi will solve that problem for more than 40 percent of all GM, Ford and Chrysler products globally, representing 10 million units annually with the potential to reach all OEMs globally." *See Exhibit E*.

18. According to the same Delphi website, "Delphi's solution is currently the only known IC globally that has both hub functionality and host to host bridging" *See Exhibit E*.

19. On information and belief, Delphi markets and promotes the Delphi Dual Role Hub in the video available at <https://vimeo.com/162512071> titled "New USB Hub Helps Automakers' Make Apple CarPlay™ Work Simultaneously with Other Devices" (hereinafter, the "Delphi Promotional Video").

20. The Delphi Promotional Video describes the Delphi Dual Role Hub as follows: "CarPlay operates by simply connecting the Apple phone to a USB connector in the car. When the Apple phone is connected, the infotainment system allows the Apple phone to become the host of the USB communication and to stream content right onto the screen. But when an automaker integrates Apple CarPlay into their infotainment system, they must allow the Apple phone to be the host of the USB communication. This is typically done by using an On-The-Go USB port on

the head unit, which would change from a host to a device to support the CarPlay session. Delphi has solved these challenges by providing a USB hub that offers a unique way to bridge two hosts together without these drawbacks. Now users can have their personal content replicated in the vehicle while also allowing other passengers to use content at the same time from a different device. This solution, called Dual Role Hub, gives automakers a unique way to implement CarPlay and provide greater functionality with optimized packaging. Delphi's USB hub with host-to-host bridge is integrated into USB media modules, like the one in this vehicle. In this highly compact module, Delphi can perform the standard USB hub function while accommodating Apple CarPlay. There are three key features of the Delphi USB hub with host-to-host bridge. First, only one USB port is required to access the hub from the head unit, which remains the host port. Second, the Delphi USB hub with the host-to-host bridge allows either USB port on the module to support CarPlay. Third, the USB port in the host-to-host system not used for CarPlay is still active and can be used for accessing music on a USB drive, accessing map data for the navigation system, or accessing another phone or iPhone."

21. As driven, sold, and offered for sale, 2016 Cadillac Escalade automobiles include Part No. 13596853, "Receptacle ASM-USB 2-port w/REM."

22. Part No. 13596853 for the 2016 Cadillac Escalade is available for purchase through Arrowhead Cadillac, located at 8310 West Bell Road, Glendale, Arizona 85083. A true and correct photograph of Part No. 13596853, purchased at Arrowhead Cadillac, is attached as **Exhibit F**.

23. Part No. 13596853, purchased at Arrowhead Cadillac, is stamped with the name "UNWIRED TECHNOLOGY." A true and correct photograph of Part No. 13596853 that shows this stamp is attached as **Exhibit G**.

24. On information and belief, Part No. 13596853 (*i.e.*, the “Receptacle ASM-USB 2-port w/REM”), purchased at Arrowhead Cadillac, is and/or includes the Delphi Dual Role Hub as made and sold by Delphi.

25. On information and belief, the Delphi Dual Role Hubs are sold by Delphi with knowledge they are incorporated in at least the following vehicle models: 2016 Cadillac Escalade; 2016 Chevrolet Suburban and Tahoe; and 2016 GMC Yukon and Yukon XL.

26. A traditional USB hub (*e.g.*, according to the USB specification) cannot recognize two devices simultaneously as host devices.

27. The Delphi Dual Role Hub contains specially-designed circuitry that allows the Hub to recognize the car head unit and a user’s phone simultaneously as host devices.

28. The specially-designed circuitry in the Delphi Dual Role Hub includes a multi-host device controller that allows both the car head unit and a user’s phone to simultaneously access the Hub as hosts.

29. When a user’s phone is connected to the Delphi Dual Role Hub, it initially connects as a USB device and not as a USB host.

30. In order to allow the user’s phone to be recognized as a host after it initially connects to the Hub as a USB device, the Delphi Dual Role Hub includes switching logic that controls the connections available to the car head unit and the user’s phone. This switching logic (and other circuitry) allows the two devices to be simultaneously recognized as host devices.

31. On January 12, 2015, MTI delivered a letter to Robert Voto, Vice President of Engineering, and Joseph Damato, Managing Director, at Delphi Data Connectivity (formerly Unwired Technology LLC), providing notice of the ’243 Patent and the ’708 Patent. In the letter, MTI notified Delphi that “any multi-host USB device control-based solution that might be

implemented within the automotive infotainment system environment,” would be covered by those patents, including Delphi’s “USB device controllers designed for multiple-host connectivity” developed by Unwired Technology. A true and correct copy of the January 12, 2015 letter is attached as **Exhibit H**.

32. On January 30, 2015, Delphi responded to the January 12, 2015 letter above the signature of Craig A. Baldwin, North American Patent Counsel of Delphi. This letter acknowledged the letter of January 12, 2015, and asserted that Delphi had reviewed the ’243 Patent and the ’708 Patent in view of Delphi’s products and/or products in development.

33. Delphi sells the Delphi Dual Role Hub to automotive manufacturers and other entities with the knowledge and intent that the Hub will be incorporated in automotive infotainment systems to be later incorporated and sold as part of an automobile and/or other final products.

34. The Hub alone infringes the Asserted Patents, is material to practicing the Asserted Patents, has no substantial non-infringing uses, and is known by Delphi to be especially made or especially adapted for use in an infringement of the Asserted Patents.

35. On information and belief, Delphi tests and uses the Delphi Dual Role Hub in the United States, for example, by connecting more than one host to the Hub such that the Hub simultaneously recognizes them as host devices.

36. On information and belief, Delphi’s customers test and use the Delphi Dual Role Hub in the United States, for example, by connecting more than one host to the Hub such that the Hub simultaneously recognizes them as host devices.

37. Following a previous lawsuit by MTI against DAS, DTI filed three petitions for *inter partes* review (“IPR”) at the U.S. Patent Office challenging the validity of the Asserted Patents. DTI identified itself as the real party in interest to the IPRs.

38. On information and belief, DTI wholly or partially directs or controls the making, using, selling, offering to sell, and/or importing of the Delphi Dual Role Hub.

39. On information and belief, DAS wholly or partially directs or controls the making, using, selling, offering to sell, and/or importing of the Delphi Dual Role Hub.

COUNT I - INFRINGEMENT OF THE ’243 PATENT

40. MTI incorporates by reference and re-states paragraphs 1 through 39.

41. At least since January 12, 2015, Delphi has had knowledge of the ’243 Patent.

42. Delphi has and continues to directly infringe, induce the infringement of, and/or contributorily infringe at least claim 1 of the ’243 Patent.

43. The specially-designed circuitry in the Delphi Dual Role Hub includes “first and second upstream ports configured to couple to corresponding first and second hosts.” The first and second upstream ports are the ports designed to be connected to the car’s head unit and a user’s phone, *i.e.*, the devices that are “recognized as ‘host’ devices simultaneously.” *See Exhibit E.*

44. The specially-designed circuitry in the Delphi Dual Role Hub includes “a USB device block corresponding to at least one function.” This circuitry allows the Hub to recognize the car’s head unit and a user’s phone simultaneously as host devices. Monitoring the USB signaling (*e.g.*, data communications) on the connection between (1) the car’s head unit and the Hub and (2) the Hub and a phone confirms the existence of at least one USB device block in the Hub.

45. The specially-designed circuitry in the Delphi Dual Role Hub includes “a multi-host device controller coupling the USB device block to the first and second upstream ports, wherein the multi-host device controller is configured to establish concurrent respective dedicated USB connections between the USB device block and the first and second upstream ports.” This circuitry establishes dedicated USB connections between the car’s head unit and the USB device block, and a user’s phone and the USB device block. Monitoring the USB signaling (*e.g.*, data communications) on the connection between (1) the car’s head unit and the Hub and (2) the Hub and a phone confirms these connections are established.

46. The specially-designed circuitry in the Delphi Dual Role Hub allows the first and second hosts “to simultaneously request access to the USB device.” Monitoring the USB signaling (*e.g.*, data communications) on the connection between (1) the car’s head unit and the Hub and (2) the Hub and a phone confirms that the two hosts can simultaneously request access to the USB device.

47. The specially-designed circuitry in the Delphi Dual Role Hub allows the first and second hosts “to alternately access the USB device block to use the at least one function without either one of the first and second hosts reconfiguring the USB device block each time a different one of the first and second hosts is given access to the USB device block to use the at least one function.” Monitoring the USB signaling (*e.g.*, data communications) on the connection between (1) the car’s head unit and the Hub and (2) the Hub and a phone confirms that the car’s head unit and the phone can alternately access the USB device block without having to reconfigure the device block each time either one is given access to the USB device block.

48. Delphi directly infringes the ’243 Patent at least through using and/or testing the Delphi Dual Role Hub in the United States.

49. End users of the Delphi Dual Role Hub, including Delphi's customers (*e.g.*, auto manufacturers) and individuals using automobiles that include the Delphi Dual Role Hub, have been and still are infringing the '243 Patent by making, using, selling, offering to sell, and/or importing the Delphi Dual Role Hub and/or products that contain the Delphi Dual Role Hub.

50. Delphi has been and still is inducing infringement and contributing to infringement of the '243 Patent by providing its Delphi Dual Role Hub to other entities with knowledge of the '243 Patent and knowledge the Delphi Dual Role Hub will be part of additional infringing products made, used, sold, offered for sale, and/or imported by Delphi's customers.

51. Delphi has contributed to the infringement of the '243 Patent. Delphi purchased Unwired Technology LLC because its "connectivity products provide two-way data connections between smartphones and tablets and in-car infotainment systems." Therefore, Delphi knows that the Delphi Dual Role Hub is especially made for use in an infringement of the '243 Patent, because as described above, it provides a USB hub that can simultaneously recognize and provide access to two hosts plugged into the Hub, as claimed in the '243 Patent. Delphi also has knowledge that the Delphi Dual Role Hub has no substantial non-infringing use because it is specifically designed, marketed, and sold to automobile manufacturers for use in automobiles that support a multi-host system that allow end users to use a phone as a host in the system while the car head unit is also a host, as claimed in the '243 Patent. On information and belief, in the absence of reconfiguration, the Delphi Dual Role Hub cannot be used for purposes other than infringing the '243 Patent.

52. On information and belief, at least as early as the date when Delphi learned of the '243 Patent, Delphi actively induced infringement of the '243 Patent by its direct and indirect customers, including for example and without limitation, automobile manufacturers and end users such as those using the Hub in an automobile. Delphi's acts of inducing infringement include

marketing, promoting (including providing instructions for use, *e.g.* the Delphi Promotional Video), selling, offering for sale, and/or importing the Delphi Dual Role Hub. On information and belief, at least as early as the date when Delphi learned of the '243 Patent, Delphi knew that the activities of its direct and indirect customers, including the activities taught by the aforementioned marketing and promotional materials, constituted direct infringement of the '243 Patent and specifically intended its direct and indirect customers to directly infringe the '243 Patent through their using, testing, selling, offering for sale, and/or importing the Delphi Dual Role Hub.

53. At least since the date when Delphi learned of the '243 Patent, Delphi's infringement of the '243 Patent has been willful and deliberate. Delphi's willful infringement includes, without limitation, its continued deliberate and flagrant infringement for more than two years after learning of the '243 Patent.

54. On information and belief, Delphi will continue to infringe, induce infringement of, and contribute to infringement of the '243 Patent unless enjoined by this Court.

55. As a result of Delphi's infringement of the '243 Patent, MTI has suffered and will continue to suffer damages in an amount to be proven at trial.

56. As a result of Delphi's infringement of the '243 Patent, MTI has suffered and will continue to suffer irreparable harm unless Delphi is enjoined against such acts by this Court.

57. As a result of Delphi's infringement of the '243 Patent, MTI is entitled to an award of its reasonable attorneys' fees, as provided by 35 U.S.C. § 285.

COUNT II - INFRINGEMENT OF THE '708 PATENT

58. MTI incorporates by reference and re-states paragraphs 1 through 57.

59. At least since January 12, 2015, Delphi has had knowledge of the '708 Patent.

60. Delphi has and continues to directly infringe, induce the infringement of, and/or contributorily infringe at least claim 3 of the '708 Patent.

61. The specially-designed circuitry in the Delphi Dual Role Hub includes “a USB function block.” This circuitry allows the car’s head unit and a user’s phone “to be recognized as ‘host’ devices simultaneously.” See **Exhibit E**. Monitoring the USB signaling (*e.g.*, data communications) on the connection between (1) the car’s head unit and the Hub and (2) the Hub and a phone confirms the existence of at least one USB function block in the Hub.

62. The specially-designed circuitry in the Delphi Dual Role Hub includes “a multi-host device controller coupling the USB function block to a first host and a second host, wherein the multi-host device controller is configured to establish a first USB connection between the first host and the USB function block and a second USB connection between the second host and the USB function block, wherein the first USB connection and the second USB connection are concurrent.” This circuitry establishes these concurrent USB connections between the car’s head unit and the USB function block, and a user’s phone and the USB function block. Monitoring the USB signaling (*e.g.*, data communications) on the connection between (1) the car’s head unit and the Hub and (2) the Hub and a phone confirms these connections are established.

63. The specially-designed circuitry in the Delphi Dual Role Hub allows the first and second hosts “to simultaneously access the USB multi-host device.” Monitoring the USB signaling (*e.g.*, data communications) on the connection between (1) the car’s head unit and the Hub and (2) the Hub and a phone confirms that the two hosts can simultaneously access the USB multi-host device.

64. The specially-designed circuitry in the Delphi Dual Role Hub allows the first and second hosts “to alternately access the USB function block without either one of the first and

second hosts reconfiguring the USB multi-host device each time a different one of the first host and the second host is given access to the USB function block.” Monitoring the USB signaling (*e.g.*, data communications) on the connection between (1) the car’s head unit and the Hub and (2) the Hub and a phone confirms that the car’s head unit and the phone can alternately access the USB function block without having to reconfigure the USB multi-host device each time either one is given access to the USB function block.

65. Delphi directly infringes the ’708 Patent at least through using and/or testing the Delphi Dual Role Hub in the United States.

66. End users of the Delphi Dual Role Hub, including Delphi’s customers (*e.g.*, auto manufacturers) and individuals using automobiles that include the Delphi Dual Role Hub, have been and still are infringing the ’708 Patent by making, using, selling, offering to sell, and/or importing the Delphi Dual Role Hub and/or products that contain the Delphi Dual Role Hub.

67. Delphi has been and still is inducing infringement and contributing to infringement of the ’708 Patent by providing its Delphi Dual Role Hub to other entities with knowledge of the ’708 Patent and knowledge the Delphi Dual Role Hub will be part of additional infringing products made, used, sold, offered for sale, and/or imported by Delphi’s customers.

68. Delphi has contributed to the infringement of the ’708 Patent. Delphi purchased Unwired Technology LLC because its “connectivity products provide two-way data connections between smartphones and tablets and in-car infotainment systems.” Therefore, Delphi knows that the Delphi Dual Role Hub is especially made for use in an infringement of the ’708 Patent, because as described above, it provides a USB hub that can simultaneously recognize and provide access to two hosts plugged into the Hub, as claimed in the ’708 Patent. Delphi also has knowledge that the Delphi Dual Role Hub has no substantial non-infringing use because it is specifically designed,

marketed, and sold to automobile manufacturers for use in automobiles that support a multi-host system that allow end users to use a phone as a host in the system while the car head unit is also a host, as claimed in the '708 Patent. On information and belief, in the absence of reconfiguration, the Delphi Dual Role Hub cannot be used for purposes other than infringing the '708 Patent.

69. On information and belief, at least as early as the date when Delphi learned of the '708 Patent, Delphi actively induced infringement of the '708 Patent by its direct and indirect customers, including for example and without limitation, automobile manufacturers and end users such as those using the Hub in an automobile. Delphi's acts of inducing infringement include marketing, promoting (including providing instructions for use, *e.g.* the Delphi Promotional Video), selling, offering for sale, and/or importing the Delphi Dual Role Hub. On information and belief, at least as early as the date when Delphi learned of the '708 Patent, Delphi knew that the activities of its direct and indirect customers, including the activities taught by the aforementioned marketing and promotional materials, constituted direct infringement of the '708 Patent and had specifically intended the its direct and indirect customers to directly infringe the '708 Patent through their using, testing, selling, offering for sale, and/or importing the Delphi Dual Role Hub.

70. At least since the date when Delphi learned of the '708 Patent, Delphi's infringement of the '708 Patent has been willful and deliberate. Delphi's willful infringement includes, without limitation, its continued deliberate and flagrant infringement for more than two years after learning of the '708 Patent

71. On information and belief, Delphi will continue to infringe, induce infringement of, and contribute to infringement of the '708 Patent unless enjoined by this Court.

72. As a result of Delphi's infringement of the '708 Patent, MTI has suffered and will continue to suffer damages in an amount to be proven at trial.

73. As a result of Delphi's infringement of the '708 Patent, MTI has suffered and will continue to suffer irreparable harm unless Delphi is enjoined against such acts by this Court.

74. As a result of Delphi's infringement of the '708 Patent, MTI is entitled to an award of its reasonable attorneys' fees, as provided by 35 U.S.C. § 285.

COUNT III - INFRINGEMENT OF THE '191 PATENT

75. MTI incorporates by reference and re-states paragraphs 1 through 74.

76. At least since August 25, 2016, Delphi has had knowledge of the '191 Patent.

77. Delphi has and continues to directly infringe, induce the infringement of, and/or contributorily infringe at least claim 7 of the '191 Patent.

78. The specially-designed circuitry in the Delphi Dual Role Hub includes "a first input for coupling to a first USB host device and a second input for coupling to a second USB host device." The first input of the Hub is for coupling to a car's head unit and the second input is for coupling to a user's cell phone. Because of these couplings, the two hosts are "recognized as 'host' devices simultaneously." *See Exhibit E.*

79. The specially-designed circuitry in the Delphi Dual Role Hub includes "a plurality of peripheral device inputs for coupling to respective ones of a plurality of peripheral USB devices." On information and belief, the Hub has a plurality of peripheral device inputs for coupling to peripheral USB devices internal to the Hub module (*e.g.*, WinUSB device, host-to-host bridge device) as well as other peripheral devices described in Delphi's promotional material: "Third, the USB port in the host-to-host system not used for CarPlay is still active and can be used for accessing music on a USB drive, accessing map data for the navigation system, or accessing another phone or iPhone." *See Delphi Promotional Video.*

80. The specially-designed circuitry in the Delphi Dual Role Hub includes “switching logic that is operable to provide connectivity between the first input and the plurality of peripheral device inputs when the first USB host device is connected to the first input and the second USB host device is not connected to the second input.” For example, the Hub includes switching logic that provides connectivity between the car’s head unit and the aforementioned peripheral USB devices when the head unit is connected to the first input and the user’s phone is not connected to the second input.

81. The specially-designed circuitry in the Delphi Dual Role Hub includes “switching logic that is operable to automatically provide connectivity between the second input and one or more of the plurality of peripheral device inputs when the second USB host device is connected to the second input, wherein the switching logic is configured to maintain connectivity between the first input and the remaining ones of the plurality of peripheral device inputs that were not provided connectivity to the second input.” For example, the Hub’s switching logic automatically provides connectivity between the second input and one or more of the aforementioned peripheral device inputs when the user’s phone connects to the second input as a host device. The switching logic maintains connectivity between the first input (connected to the head unit) and the remaining ones of the plurality of peripheral device inputs that were not provided connectivity to the second input, for example, as described in Delphi’s promotional material: “Third, the USB port in the host-to-host system not used for CarPlay is still active and can be used for accessing music on a USB drive, accessing map data for the navigation system, or accessing another phone or iPhone.” *See Delphi Promotional Video.*

82. Delphi directly infringes the ’191 Patent at least through using and/or testing the Delphi Dual Role Hub in the United States.

83. End users of the Delphi Dual Role Hub, including Delphi's customers (*e.g.*, auto manufacturers) and individuals using automobiles that include the Delphi Dual Role Hub, have been and still are infringing the '191 Patent by making, using, selling, offering to sell, and/or importing the Delphi Dual Role Hub and/or products that contain the Delphi Dual Role Hub.

84. Delphi has been and still is inducing infringement and contributing to infringement of the '191 Patent by providing its Delphi Dual Role Hub to other entities with knowledge of the '191 Patent and knowledge the Delphi Dual Role Hub will be part of additional infringing products made, used, sold, offered for sale, and/or imported by Delphi's customers.

85. Delphi has contributed to the infringement of the '191 Patent. Delphi purchased Unwired Technology LLC because its "connectivity products provide two-way data connections between smartphones and tablets and in-car infotainment systems." Therefore, Delphi knows that the Delphi Dual Role Hub is especially made for use in an infringement of the '191 Patent, because as described above, it provides a USB hub with switching logic for connecting a second host while maintaining connections to other non-host devices plugged into the Hub, as claimed in the '191 Patent. Delphi also has knowledge that the Delphi Dual Role Hub has no substantial non-infringing use because it is specifically designed, marketed, and sold to automobile manufacturers for use in automobiles that support a multi-host system that allow end users to use a phone as a host in the system while the car head unit is also a host, as claimed in the '191 Patent. On information and belief, in the absence of reconfiguration, the Delphi Dual Role Hub cannot be used for purposes other than infringing the '191 Patent.

86. On information and belief, at least as early as the above date when Delphi learned of the '191 Patent, Delphi actively induced infringement by its direct and indirect customers, including for example and without limitation, automobile manufacturers and end users such as

those using the Hub in an automobile. Delphi's acts of inducing infringement include marketing, promoting (including providing instructions for use, *e.g.* the Delphi Promotional Video), selling, offering for sale, and/or importing the Delphi Dual Role Hub. On information and belief, at least as early as the date when Delphi learned of the '191 Patent, Delphi knew that the activities of its direct and indirect customers, including the activities taught by the aforementioned marketing and promotional materials, constituted direct infringement of the '191 Patent and had specifically intended its direct and indirect customers to directly infringe the '191 Patent through their using, testing, selling, offering for sale, and/or importing the Delphi Dual Role Hub.

87. At least since the date when Delphi learned of the '191 Patent, Delphi's infringement of the '191 Patent has been willful and deliberate. Delphi's willful infringement includes, without limitation, its continued deliberate and flagrant infringement for more than two years after learning of the '191 Patent

88. On information and belief, Delphi will continue to infringe, induce infringement of, and contribute to infringement of the '191 Patent unless enjoined by this Court.

89. As a result of Delphi's infringement of the '191 Patent, MTI has suffered and will continue to suffer damages in an amount to be proven at trial.

90. As a result of Delphi's infringement of the '191 Patent, MTI has suffered and will continue to suffer irreparable harm unless Delphi is enjoined against such acts by this Court.

91. As a result of Delphi's infringement of the '191 Patent, MTI is entitled to an award of its reasonable attorneys' fees, as provided by 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, MTI prays for judgment and seeks relief against Delphi as follows:

- (a) for a judgment that Delphi has directly infringed, induced infringement of, or contributed to infringement of one or more claims of the Asserted Patents in connection with the Delphi Dual Role Hub;
- (b) for a judgment and award of all damages sustained by MTI as the result of Delphi's infringement, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment with an accounting as needed;
- (c) for permanent injunctions enjoining Delphi and anyone in concert with Delphi from infringing, inducing infringement of, or contributing to the inducement of the Asserted Patents;
- (d) for a judgment that Delphi's infringement has been willful, and an award of enhanced damages pursuant to 35 U.S.C. § 284;
- (e) for a judgment and an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (f) for a judgment and an award of all interest and costs incurred; and
- (g) for a judgment and an award of such other and further relief as the Court may deem just and proper.

JURY DEMAND

MTI demands a trial by jury on all issues presented in this Complaint so triable.

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