IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CORTUS S.A.S.,	)	
	)	
Plaintiff,	)	C.A. No. _____
	)	
v.	)	**JURY TRIAL DEMANDED**
	)	
MICROCHIP TECHNOLOGY	)	
INCORPORATED AND DOES 1-10,	)	
	)	
Defendants.	)	

COMPLAINT

Plaintiff Cortus S.A.S. (the "Plaintiff" or "Cortus"), by and through its attorneys, for its

Complaint for copyright infringement, unfair competition, conversion, unjust enrichment and

disgorgement, and replevin against Microchip Technology Incorporated ("Microchip") and

DOES 1-10 (referred to herein collectively as "Defendants"), hereby alleges as follows:

THE PARTIES

1.   Cortus is a company incorporated in France with corporate headquarters at 491

Rue Charles Nungesser, Batiment Télécom II, 34130 Mauguio, France.

2.   Cortus is a leading semiconductor, embedded systems and Internet of Things

("IoT") solutions company, and provides a full range of integrated circuit ("IC") design services.

Its portfolio of Intellectual Property includes digital, analog and RF IC designs, with

accompanying prototyping and verification solutions, for applications including SIM cards, bank

cards, e-Passports, automotive sensors, image processors, industrial controllers, machine-to-

machine controllers, secure microcontrollers, smart meters, wireless communication controllers,

touch screen controllers and IoT devices.

3.   On information and belief, Microchip is a corporation organized under the laws of the State of Delaware with a place of business at 2355 W. Chandler Blvd., Chandler, AZ 85224-6199.

4.   Cortus is ignorant of the true names and capacities of the remaining defendants, sued as Does 1 through 10, and therefore sues defendants by such fictitious names. Cortus will amend this Complaint to allege true names and capacities when ascertained. Cortus is informed and believes, and on that basis alleges, that each of the fictitiously named defendants, who may include subsidiaries and/or affiliates of Microchip as well as manufacturers, importers, exporters, and/or retailers of the Accused Products, as described below, are in some manner responsible for the harm Cortus has incurred and will incur, as described herein, if injunctive relief is not allowed and damages are not awarded.

5.   Defendants sell, offer to sell, and/or use products and services throughout the United States, including in this judicial district, and introduce unlicensed and infringing products and services into the stream of commerce knowing that they will be sold and/or used in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

6.   Plaintiff's copyright infringement claims arise under the Copyright Laws of the United States, 17 U.S.C. §§ 101, *et seq*. This Court has exclusive subject matter jurisdiction over the copyright claims under 28 U.S.C. §§ 1331, and 1338 and 17 U.S.C. § 501(a).

7.   On information and belief, the amount in controversy exceeds the sum or value of $75,000, exclusive of interest and costs. This Court therefore additionally has subject matter jurisdiction over Plaintiff's copyright, unfair competition, conversion, unjust enrichment and disgorgement, and replevin claims under 28 U.S.C. §§ 1332 and 1367.

8.   This Court has personal jurisdiction over Defendants because Microchip is a Delaware corporation and because, on information and belief, Defendants have regularly and systematically transacted business in this judicial district, directly or through intermediaries, and/or committed acts of infringement in this judicial district. Defendants have also placed unlicensed and infringing products into the stream of commerce by shipping those products into this district or knowing that the products would be shipped into this district.

9.   Microchip is registered to do business in the State of Delaware.

10.   The Corporation Trust Company, Corporation Trust Center 1209 Orange St, Wilmington, DE 19801, serves as Microchip's Registered Agent in the State of Delaware.

11.   Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(a).

BACKGROUND

A.   PLAINTIFF'S COPYRIGHTED WORK

12.   Cortus was founded in 2005, and is still run today, by Michael Chapman, who now serves as CEO, and Duc Nguyen-Huu, the company's General Manager.

13.   Michael Chapman has 36 years' experience in the design of integrated circuit ("IC") embedded processors and has repeatedly delivered ground-breaking technological innovations over this period. He is most renowned for his design of the Bosch CAN IC chips that are now widely used in many cars and airplanes. He also was at the origin of System C, a programming language particularly suited to digital, analog, and mixed-signal system modeling and synthesis, software development, and functional verification.

14.   Cortus has an extensive IP portfolio in areas such as digital, analog, and RF circuit design and software integration, including in the areas of wireless networking, security, transportation, operating systems, and safety, among others.

15.   Cortus licenses its IP—including its proprietary and copyrighted microprocessor designs and its prototyping and verification software—to certain application-specific integrated circuit ("ASIC") developers who, in turn, embed Cortus's proprietary and copyrighted microprocessor designs into ASICs used for, *e.g.*, SIM cards, bank cards, ePassports, automotive sensors, image processors, industrial controllers, machine-to-machine controllers, secure microcontrollers, sensors, smart meters, wireless communication controllers, touch screen controllers and Internet of Things ("IoT") devices.

16.   More than seven (7) billion devices have been produced using licensed Cortus microprocessors and IP, including devices from Idemia, Samsung, Intel, Broadcom, Blackberry and others.

17.   At issue in this suit is Cortus's APS3 microprocessor and its APS3S variant (collectively referred to herein as the "APS3 microprocessor" or "APS3 core").

18.   The Cortus APS3 microprocessor design is expressed using code written in the Verilog hardware description language.

19.   The Cortus APS3 microprocessor, as embodied by the APS3 microprocessor Verilog code, features a small silicon footprint, very low power consumption, high code density and high performance. Upon its release, the APS3 microprocessor was recognized as the smallest available native 32-bit microprocessor designs available in the market, and, since its release, the APS3 microprocessor has been in high volume production in a wide range of applications ranging from SIM cards to Bluetooth LE. The APS3 microprocessor has also been used in a multi-core configuration (multiple copies of the APS microprocessor in one ASIC) to provide further-enhanced functionality for particularly demanding applications.

20.   The APS3 core includes the microprocessor design Verilog code and code for peripherals typical of embedded systems, bus bridges to ensure easy interfacing to other IP and system support and functions such as cache and memory management units. The APS3 core also includes code for a full development environment for prototyping and verification.

21.   Cortus owns all rights, title, and interest in its APS3 microprocessor, including all rights, title, and interest in the copyrighted APS3 core code, which code has included a copyright notice since its first publication declaring that the code is under copyright and further stating that the code may be used only as authorized under a licensing agreement with Cortus.

22.   Cortus's APS3 core code is confidential and is distributed only under licensing terms which prohibit public disclosure of the code.

23.   Messr. Chapman is an author of the APS3 microprocessor code and is a citizen of the United Kingdom of Great Britain and Northern Ireland and has been domiciled in France continuously since September 1998.

24.   No authors of the APS3 microprocessor code are nationals, domiciliaries, or habitual residents of the United States.

25.   The Cortus APS3 microprocessor code was initially released in 2006 under a license agreement between Cortus and Coronis Systems, a French Corporation, for use by Coronis Systems in France and the People's Republic of China.

B.   DEFENDANTS' UNLAWFUL CONDUCT

26.   On May 10, 2011, Cortus entered into a "Software License Agreement" ("SLA") with Newport Media Inc. ("NMI"), a fabless semiconductor company that had been developing and selling "system-on-a-chip" ("SoC") ASIC products for TV broadcast applications and was in the process of developing new ASIC products for the wireless connectivity market.

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