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6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 SITIME CORPORATION,

11 Plaintiff,

12 v.

13 WORDLOGIC CORPORATION and
14 602531 BRITISH COLUMBIA LTD.,

15 Defendants.
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Case No. 3:23-cv-1544

**COMPLAINT
FOR DECLARATORY JUDGMENT**

1 Plaintiff SiTime Corporation (“SiTime”) brings this complaint for declaratory judgment
2 against Defendants WordLogic Corporation and 602531 British Columbia Ltd., (collectively, “the
3 WordLogic Entities”) and alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is an action for a declaratory judgment arising under the Declaratory Judgment
6 Act, 28 U.S.C. §§ 2201 and 2202, and the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*
7 SiTime requests a judicial declaration that U.S. Patent Nos. 7,293,231 (“’231 patent”), 7,681,124
8 (“’124 patent”), 7,716,579 (“’579 patent”) and 8,552,984 (“’984 patent”) (collectively, the
9 “Asserted Patents”) are invalid and not infringed by SiTime.

10 2. True and correct copies of the Asserted Patents are attached as exhibits 1-4.

11 **PARTIES**

12 3. Plaintiff SiTime is a corporation organized under the laws of Delaware, with its
13 principal place of business at 5451 Patrick Henry Drive, Santa Clara, California.

14 4. On information and belief, WordLogic Corporation (“WordLogic”) is a Nevada
15 corporation having its principal place of business at 1066 W. Hastings Street, Suite 2000,
16 Vancouver, British Columbia V6E 3X2, Canada.

17 5. On information and belief, 602531 British Columbia Ltd. is a Canadian limited
18 liability company with a principal place of business at 1066 W. Hastings Street, Suite 2000,
19 Vancouver, British Columbia V6E 3X2, Canada.

20 6. On information and belief, 602531 British Columbia Ltd. is subsidiary of
21 WordLogic.

22 7. On information and belief, 602531 British Columbia Ltd. is the assignee of the ’231,
23 ’124, ’579, and ’984 patents.

24 **JURISDICTION AND VENUE**

25 8. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*,
26 including 35 U.S.C. § 271. This Court has subject matter jurisdiction over this matter pursuant to
27 28 U.S.C. §§ 2201, 2202, 1331, 1338(a), and 1367.

28 9. An actual and justiciable controversy exists between SiTime and the WordLogic

1 Entities as to the noninfringement and invalidity of the Asserted Patents.

2 10. This Court has personal jurisdiction over the WordLogic Entities because they have
3 purposefully availed themselves of the privilege of conducting activities within this State by
4 maintaining suit against Fleksy Inc. in this District, and in particular by asserting the '124 and '984
5 patents in *WordLogic Corp. v. Fleksy, Inc.*, Case No. 4:17-cv-07169-JSW (N.D. Cal.). By
6 maintaining suit against Fleksy Inc. in this district, the WordLogic Entities have purposefully
7 availed themselves of the benefits and protections of California's laws such that they should
8 reasonably anticipate being haled into court here.

9 11. The WordLogic Entities have also purposefully directed enforcement activities
10 related to the Asserted Patents into the Northern District of California. As described in more detail
11 below, the WordLogic Entities purposefully directed enforcement activities at SiTime, which is a
12 resident of this forum. Additionally, the WordLogic Entities have directed enforcement activities
13 related to the Asserted Patents targeting other entities located in the Northern District of California,
14 and have threatened suits for infringement of the Asserted Patents against those other entities,
15 including at least Charles Schwab & Co., Wikimedia Foundation Inc. and Internet Archive. *See*
16 *Charles Schwab & Co. Inc. et al. v. WordLogic Corp., et al*, Case No. 3:19-cv-00527-EDL (N.D.
17 Cal.), *Wikimedia Foundation, Inc. v. WordLogic Corporation et al.*, Case No. 5:20-cv-01756-NC
18 (N.D. Cal.), and *Internet Archive v. WordLogic Corporation et al.*, Case No. 3:20-cv-01758-JCS
19 (N.D. Cal.).

20 12. SiTime is a publicly traded company whose Form 10-K SEC filings identify the
21 address of its principal executive offices as being 5451 Patrick Henry Drive, Santa Clara,
22 California, which is in the Northern District of California.

23 13. Mr. Vince Pangrazio is identified on www.sitime.com as being SiTime's Chief Legal
24 Officer.¹ That website contains a link to Mr. Pangrazio's LinkedIn biography, which states that
25 Mr. Pangrazio is employed by SiTime in Santa Clara, California.

26 14. On February 8, 2023, Mr. Cooke of Eureka Intellectual Property Law, PLLC wrote
27 a letter addressed to Mr. Vince Pangrazio (CLO) of SiTime, in which Mr. Cooke stated that he
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¹ <https://www.sitime.com/company/leadership/vince-pangrazio> (last accessed March 30, 2023).

1 represented the WordLogic Entities in enforcing the four Asserted Patents.

2 15. Mr. Cooke has filed five patent infringement lawsuits on behalf of the WordLogic
3 Entities in the past two years.

4 16. Mr. Cooke's February 8, 2023 letter states "We are confident that we can prove that
5 SITIME directly infringes claims of at least the '124 patent." The letter then includes what it
6 describes as a "representative claim chart detailing direct infringement of claim 19 of the '124
7 patent."

8 17. The February 8, 2023 letter also contains a claim chart that it describes as showing
9 infringement of claim 1 of the '579 patent.

10 18. The February 8, 2023 letter states that the included claim charts show that "the
11 predictive text search box featured on the SITIME website appears to infringe at least claim 19 of
12 the '124 patent, claim 1 of the 7,716,579 and likely other claims in the WordLogic patents."

13 19. The February 8, 2023 letter identifies "WordLogic Licensing agent Pete Sirianni" as
14 a person to be contacted.

15 20. On March 1, 2023, Mr. Sirianni emailed Mr. Pangrazio of SiTime in regard to the
16 February 8 letter described above, stating that "WordLogic sent a patent infringement notice letter
17 to SiTime, Inc on 2/8." The email further states that "WordLogic . . . have secured over 80 license
18 through a letter campaign with litigation in Texas." The email then concludes by stating that "I
19 am under pressure to move cases forward."

20 21. On March 1, 2023, Mr. Sirianni and Mr. Bruce Shem of SiTime spoke by telephone.
21 Mr. Sirianni agreed to send an electronic copy of the February 8, 2023 letter to Mr. Shem.

22 22. After the telephone call, Mr. Sirianni sent Mr. Shem an email on March 1 enclosing
23 a copy of the letter that Mr. Cooke sent to SiTime. Mr. Sirianni's email stated that WordLogic
24 had obtained many licenses through its "litigation to date."

25 23. Mr. Shem believed based on the correspondence that the WordLogic Entities would
26 sue SiTime for patent infringement if SiTime does not pay WordLogic.

27 24. On March 7, March 20, March 21, and March 29, Mr. Sirianni sent emails to Mr.
28 Shem following up on the telephone conversation. Mr. Sirianni's emails stated amongst other

1 things that he was “under pressure” to “move files forward.”

2 25. The WordLogic Entities have previously asserted at least the ’124 patent in multiple
3 patent litigations, including in five lawsuits that the WordLogic Entities filed in 2019, two lawsuits
4 in 2020, three lawsuits in 2021, and two lawsuits in 2022.

5 26. Mr. Shem believed based on the circumstances described that the WordLogic Entities
6 would sue SiTime for patent infringement if SiTime does not pay WordLogic.

7 27. SiTime is under a reasonable apprehension that it will be sued by WordLogic for
8 infringement of the Asserted Patents. Accordingly, as further described herein, an actual and
9 justiciable controversy exists between SiTime and the WordLogic Entities as to the
10 noninfringement and invalidity of the Asserted Patents.

11 28. Venue is proper in the Northern District of California pursuant to 28 U.S.C. §§ 1391
12 and 1400(b). Plaintiff SiTime resides in this district.

13 29. The WordLogic Entities admitted that this district is a proper venue for litigating the
14 ’124 and ’984 patents in *WordLogic Corporation et al v. Fleksy, Inc.*, Case No. 4:17-cv-07169-
15 JSW.

16 **INVALIDITY AND NONINFRINGEMENT OF THE ASSERTED PATENTS**

17 30. The claims of the Asserted Patents are invalid under 35 U.S.C. §§ 102 and/or 103(a).
18 For example, the Patent Office determined to institute IPR2017-01856. In reaching that decision,
19 the Patent Office considered prior art references to the Asserted Patents, including U.S. Patent No.
20 5,724,457 (“Fukushima”), U.S. Patent No. 5,367,453 (“Capps”), U.S. Patent No. 6,307,548
21 (“Flinchem”), U.S. Patent No. 5,797,098 (“Schroeder”), and John J. Darragh & Ian H. Witten,
22 Cambridge Series On Human- Computer Interaction, The Reactive Keyboard 3 (J. Long ed. 1992)
23 (“Witten”). The Patent Office determined that it would review the claims of the ’124 patent
24 because it found that these prior art references established a reasonable likelihood that the claims
25 of the ’124 patent were unpatentable under 35 U.S.C. § 103(a). At lepaast these prior art references
26 establish that the claims of the Asserted Patents are invalid.

27 31. The claims of the Asserted Patents are also invalid under 35 U.S.C. § 101. For
28 example, Fleksy Inc. filed a motion to dismiss on February 3, 2017 in *WordLogic Corporation et*

1 *al v. Fleksy, Inc.*, Case No. 4:17-cv-07169-JSW, in which it set forth reasons why the claims of
2 the '124 patent are invalid under 35 U.S.C. § 101.

3 32. The allegations of infringement made by the WordLogic Entities do not show that
4 SiTime infringes any claim of any Asserted Patent. For example, for claim 19 of the '124 patent,
5 the SiTime search box that WordLogic identifies as infringing does not perform the required step
6 of "obtaining and displaying in the search list a further modified plurality of completion candidates
7 from among the group of completion candidates, if a completion candidate is accepted via the
8 search list from the modified plurality of completion candidates." As a second example, for claim
9 1 of the '579 patent, the SiTime search box that WordLogic identifies as infringing does not
10 perform the required step of "obtaining a new list of completion candidates based on the selected
11 completion candidate and displaying the new list of completion candidates in the search list for
12 further selection, wherein the new list of completion candidates is obtained if a completion
13 candidate in the search list remains selected for a predetermined time limit." As a third example,
14 for claim 1 of the '231 patent, the SiTime search box that WordLogic identifies as infringing does
15 not perform the required step of "obtaining a refined list of completion candidates for display in
16 the search list when a completion candidate in the search list remains selected for a predetermined
17 time limit."

18 **COUNT ONE**

19 **Declaratory Judgment Of Invalidity Of The '231 Patent**

20 33. SiTime restates and realleges each of the assertions set forth in the paragraphs above.

21 34. The '231 patent is invalid under 35 U.S.C. §§ 101, 102, and/or 103 for at least the
22 reasons specifically set forth in the paragraphs above.

23 35. There is an actual controversy, within the meaning of 28 U.S.C. §§ 2201 and 2202,
24 between SiTime and the WordLogic Entities concerning the validity of the '231 patent.

25 36. SiTime is therefore entitled to a declaratory judgment that the '231 patent is invalid.

26 **COUNT TWO**

27 **Declaratory Judgment Of Non-Infringement Of The '231 Patent**

28 37. SiTime restates and realleges each of the assertions set forth in the paragraphs above.

1 specifically set forth in the paragraphs above.

2 63. There is an actual controversy, within the meaning of 28 U.S.C. §§ 2201 and 2202,
3 between SiTime and the WordLogic Entities concerning the non-infringement of the '984 patent.

4 64. SiTime is therefore entitled to a declaratory judgment that it has not infringed the
5 '984 patent, directly or indirectly, either literally or under the doctrine of equivalents.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, SiTime respectfully requests that the Court enter judgment in its favor
8 against the WordLogic Entities, granting the following relief:

- 9 a) A declaration that the '231 patent is invalid;
10 b) A declaration that the '124 patent is invalid;
11 c) A declaration that the '579 patent is invalid;
12 d) A declaration that the '984 patent is invalid;
13 e) A declaration that SiTime does not infringe the '231 patent, directly or indirectly,
14 either literally or under the doctrine of equivalents;
15 f) A declaration that SiTime does not infringe the '124 patent, directly or indirectly,
16 either literally or under the doctrine of equivalents;
17 g) A declaration that SiTime does not infringe the '579 patent, directly or indirectly,
18 either literally or under the doctrine of equivalents;
19 h) A declaration that SiTime does not infringe the '984 patent, directly or indirectly,
20 either literally or under the doctrine of equivalents;
21 i) A judgment that this is an exceptional case and an award to SiTime of its costs and
22 reasonable attorneys' fees incurred in this action as provided by 35 U.S.C. § 285;
23 j) An award of costs and expenses as allowed by law; and
24 k) Such other and further relief as the Court may deem just and proper under the
25 circumstances.

26 **DEMAND FOR JURY TRIAL**

27 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, SiTime demands jury trial
28 on all issues and claims so triable.

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GREENBERG TRAURIG, LLP

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