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11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13 QUICKLOGIC CORPORATION,

14 Plaintiff,

15 v.

16 FLEX LOADING TECHNOLOGIES, LLC,
17 AND QUICKFLEX, INC.,

18 Defendants.

19 Case No. _____

20 **COMPLAINT FOR DECLARATORY
21 JUDGMENT OF NONINFRINGEMENT**

22 **DEMAND FOR JURY TRIAL**

1 Plaintiff QuickLogic Corporation (“QuickLogic”) seeks a declaratory judgment that it has
2 not infringed on any claim of patents as asserted by Flex Loading Technologies, LLC (“Flex
3 Loading Technologies”) or QuickFlex, Inc. (collectively, “Defendants”).

4 There is a live and existing controversy between the parties to this lawsuit. On December 4,
5 2024, counsel for Flex Loading Technologies sent a notice letter claiming that QuickLogic “offers
6 products and services and/or system offerings that infringe upon one or more claims of QuickFlex’s¹
7 patents, including, but not limited to U.S. Patent No. 8,176,212” (the “’212 Patent” or the “Asserted
8 Patent”). Exhibit 1; Exhibit 2. Included with the notice letter was a draft Complaint for Patent
9 Infringement. Exhibit 3.

10 Defendants have threatened QuickLogic with an immediate action if QuickLogic does not
11 respond to a demand letter and have provided QuickLogic with a draft Complaint for patent
12 infringement as part of Defendants’ demand. The draft Complaint indicates that Defendants will
13 proceed against QuickLogic in Delaware where neither QuickLogic nor Defendants have
14 headquarters or offices, where no known witnesses or inventors reside, and where no documents or
15 evidence is known to exist.

16 Defendants’ threats of imminent litigation are real and QuickLogic presently believes that
17 Defendants will file the threatened lawsuit in Delaware if QuickLogic does not act. The Defendants
18 December 4th notice letter demanded that QuickLogic either enter into licensing negotiations by
19 January 6, 2025, or Flex Loading Technologies “will take it to mean that QuickLogic prefers the
20 Court determine the appropriate remedy for its unauthorized use of QuickFlex’s patents,” further
21 stating that “QuickFlex is not reluctant to litigate patent infringement lawsuits.” Exhibit 1. The letter
22 concludes with an explicit statement that “[t]his letter is being sent without prejudice to all claims,
23 defenses, rights, and remedies in law or equity, including the right to seek judicial relief, all of which
24 are expressly reserved.” Exhibit 1. QuickLogic in the past has been threatened with baseless
25 litigation and has successfully asserted declaratory judgment jurisdiction and successfully defeated
26

27 ¹ The notice letter states that “we have been retained to represent *Flex Loading Technologies, LLC (“QuickFlex”)* patent litigation and licensing efforts.” (Emphasis added). Exhibit 1.
28 However, on information and belief, QuickFlex, Inc. is the assignee of the ’212 Patent. Exhibit 4 (US8176212 Assignment Records).

1 all allegations made in its DJ complaint. *QuickLogic Corp. v. Konda Techs.*, 5:21-cv-04657-EJD
2 (N.D. Cal. 2022), before Judge Edward J. Davila. The present case presents similarly baseless
3 assertions of patent infringement by a party demanding a license and threatening expensive litigation
4 in a distant venue as a basis for the demand. Thus, QuickLogic seeks a declaration from this Court
5 that its activities are not infringing the Asserted Patent.

6 **INTRODUCTION**

7 1. This is an action for a declaratory judgment arising under the patent laws of the
8 United States, Title 35 of the United States Code. QuickLogic seeks a declaratory judgment that it
9 does not infringe any claim of the Asserted Patent. The action arises from a real and immediate
10 controversy between the QuickLogic and the Defendants as to whether QuickLogic infringes any
11 claims of the Asserted Patent.

12 2. On December 4, 2024, counsel for Flex Loading Technologies mailed and email
13 the CEO of QuickLogic a notice letter claiming that QuickLogic “offers products and services
14 and/or system offerings that infringe upon one or more claims of QuickFlex’s patents, including,
15 but not limited to U.S. Patent No. 8,176,212” (the “’212 Patent” or the “Asserted Patent”).
16 Exhibit 1; Exhibit 2. Included with the notice letter was a draft Complaint for Patent Infringement.
17 Exhibit 3. The notice letter demanded that QuickLogic either entering into licensing negotiations
18 by January 6, 2025, or Flex Loading Technologies “will take it to mean that QuickLogic prefers
19 the Court determine the appropriate remedy for its unauthorized use of QuickFlex’s patents,”
20 further stating that “QuickFlex is not reluctant to litigate patent infringement lawsuits.” Exhibit 1.
21 The letter concludes with an explicit statement that “[t]his letter is being sent without prejudice to
22 all claims, defenses, rights, and remedies in law or equity, including the right to seek judicial
23 relief, all of which are expressly reserved.” Exhibit 1. Therefore, because of the Defendants’ threat
24 of suit, QuickLogic believes there is an immediate, substantial, and judicable controversy whether
25 its programmable logic products infringe the Asserted Patent.

26 3. The Defendants’ actions have created a real and immediate controversy between
27 the Defendants and QuickLogic as to whether their products and/or services infringe any claims of
28 the Asserted Patent. The facts and allegations recited herein show that there is a real, immediate,

1 and justiciable controversy concerning these issues.

2 **THE PARTIES**

3 4. QuickLogic Corporation is a Delaware corporation with a place of business at 2220
4 Lundy Ave., San Jose, California 95131.

5 5. On information and belief, QuickFlex, Inc. is a company organized under the laws
6 of the Delaware with its principal place of business at 11718 Bowman Green Drive, Reston, VA
7 20190. Exhibit 5. On information and belief, QuickFlex, Inc. also has an office at 8401 N New
8 Braunfels Ave # 3, San Antonio, TX 78209.

9 6. On information and belief, QuickFlex, Inc. may be served with process through its
10 registered agent, Corporation Service Company, located at 251 Little Falls Drive, Wilmington,
11 DE, 19808, with the phone 302-636-5401, or anywhere it may be found. Exhibit 5.

12 7. On information and belief, Flex Loading Technologies is a limited liability
13 company formed July 28, 2023, organized under the laws of the Delaware. Exhibit 6.

14 8. On information and belief, Flex Loading Technologies may be served with process
15 through its registered agent, A Registered Agent, Inc., located at 8 The Green, Suite A, Dover, DE,
16 19901, with the phone number 302-288-0670, or anywhere it may be found. Exhibit 6.

17 **JURISDICTIONAL STATEMENT**

18 9. This action arises under the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq.,
19 and under the patent laws of the United States, Title 35 of the United States Code.

20 10. This Court has subject matter jurisdiction over the claims alleged in this action
21 under 28 U.S.C. §§ 1331, 1338, 1367, 2201, and 2202 because this Court has exclusive
22 jurisdiction over declaratory judgment claims arising under the patent laws of the United States
23 pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

24 11. This Court can provide the declaratory relief sought in this Complaint because an
25 actual case and controversy exists between the parties within the scope of this Court's jurisdiction
26 pursuant to 28 U.S.C. § 2201. As described in this Complaint, an actual case and controversy
27 exists at least because Flex Loading Technologies has asserted that QuickLogic infringes the
28 Asserted Patent. Further, Flex Loading Technologies specified in a cease and desist letter

1 demanding that QuickLogic either entering into licensing negotiations by January 6, 2025 or Flex
2 Loading Technologies “will take it to mean that QuickLogic prefers the Court determine the
3 appropriate remedy for its unauthorized use of QuickFlex’s patents,” further stating that
4 “QuickFlex is not reluctant to litigate patent infringement lawsuits.” Exhibit 1. The letter
5 concludes with an explicit statement that “[t]his letter is being sent without prejudice to all claims,
6 defenses, rights, and remedies in law or equity, including the right to seek judicial relief, all of
7 which are expressly reserved.” Exhibit 1.

8 12. This Court has personal jurisdiction over the Defendants because the Defendants
9 have engaged in actions in this District that form the basis of the Plaintiff’s claims against the
10 Defendants. First, on information and belief, on or around 2009, QuickFlex, Inc. traveled to this
11 District to work on a project with NASA at the NASA Ames Research Center in Mountain View,
12 CA. Exhibit 7.

13 13. Further, on information and belief, Robert Ledzius is the founder and board
14 member of QuickFlex, Inc. Exhibit 8. Mr. Ledzius has been a speaker at trade shows in California
15 during at least 2018, holding himself out as the founder of QuickFlex, Inc. Exhibit 9; Exhibit 10.
16 For example, Mr. Ledzius traveled to this District, particularly Santa Clara, California, to give a
17 presentation at the Design & Reuse IP-SOC Days trade show around April 2018. Exhibit 11.
18 Additionally, on or around December 2024, Mr. Ledzius gave an online presentation at IoT Slam
19 Grand Slam Live 2024, a trade show previously held at Redwood Shores, California, presumably
20 to attendees around the world including California. Exhibit 12; Exhibit 9. Finally, alleging
21 unauthorized use of the Asserted Patent, the Flex Loading Technologies mailed and emailed a
22 notice letter to QuickLogic, which essentially serves as pre-suit notice for a lawsuit.

23 14. Therefore, the Defendants have availed themselves of the District and have created
24 a real, live, immediate, and justiciable case or controversy between the Defendants and the
25 Plaintiff.

26 15. In doing so, the Defendants have established sufficient minimum contacts with the
27 Northern District of California such that the Defendants are subject to specific personal
28 jurisdiction in this action. Further, the exercise of personal jurisdiction based on these repeated and

1 pertinent contacts does not offend traditional notions of fairness and substantial justice.

2 16. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400, including
3 because, under Ninth and Federal Circuit law, venue in declaratory judgment actions for
4 noninfringement of patents is determined under the general venue statute, 28 U.S.C. § 1391.

5 17. Under 28 U.S.C. § 1391(b)(1), venue is proper in any judicial district where a
6 defendant resides if all defendants are residents of the State in which the district is located. Entities
7 with the capacity to sue and be sued, such as the Defendants, are deemed to reside, if defendants,
8 in any judicial district in which such defendants are subject to the court’s personal jurisdiction
9 with respect to the civil action in question under 28 U.S.C. § 1391(c).

10 18. Defendants are subject to personal jurisdiction with respect to this action in the
11 Northern District of California, and thus, at least for the purposes of this action, the Defendants
12 reside in the Northern District of California and venue is proper under 28 U.S.C. § 1391.

13 19. Venue is also proper in this judicial district under 28 U.S.C. § 1400(b) because
14 Defendants have sold or offer to sell products in this jurisdiction. Venue is also based in part on
15 their threats of litigation made within are located in this judicial district and Konda Technologies,
16 Inc. is incorporated in California and to a California resident company. Venue is also proper
17 because the alleged acts giving rise to the infringement allegations all took place in this District.

18 **FACTUAL BACKGROUND**

19 20. On December 4, 2024, Flex Loading Technologies sent a notice letter via email
20 (info@quicklogic.com) and Federal Express to QuickLogic alleging unauthorized use of the
21 Asserted Patent. Exhibit 1. Specifically, Defendants claim that QuickLogic “offers products and
22 services and/or system offerings that infringe upon one or more claims of QuickFlex’s patents,
23 including, but not limited to U.S. Patent No. 8,176,212.”² Exhibit 1.

24 21. On information and belief, Flex Loading Technologies is not the current assignee
25 of the ’212 Patent. On information and belief, the current assignee of the ’212 Patent is QuickFlex,
26 Inc. Exhibit 4.

27

28 ² Flex Loading Technologies did not identify any patents at issue other than U.S. Patent No. 8,176,212 (the “Asserted Patent”).

1 computer resource managed by a soft-ware programmable computing host,
2 comprising the steps of:

3 defining a configuration of hierarchical behavior container regions on said
4 reconfigurable computer resource according to allowable electrical boundary
5 limitations of said reconfigurable computer resource;

6 selecting a hierarchical behavior container on said reconfigurable computer
7 resource to load said hardware behavior according to a hierarchical process
8 wherein said hardware behavior is loaded into the smallest hierarchical
9 behavior container available in a configuration of hierarchical behavior
10 container regions on said reconfigurable computer resource; and

11 loading said hardware behavior into said selected hierarchical behavior
12 container.

13 Exhibit 2.

14 34. QuickLogic seeks a declaration that it does not infringe, and has not infringed, any
15 claim of the '212 Patent, either directly or indirectly, literally or under the doctrine of equivalents,
16 including through their making, use, sale, or offer for sale in, or importation into the United States.

17 35. Further, and by way of example only, Defendants cannot show that the Accused
18 Products practice at least the following limitations of claim 1 of the '212 Patent: “defining a
19 configuration of hierarchical behavior container regions on said reconfigurable computer resource
20 according to allowable electrical boundary limitations of said reconfigurable computer resource;
21 selecting a hierarchical behavior container on said reconfigurable computer resource to load said
22 hardware behavior according to a hierarchical process wherein said hardware behavior is loaded
23 into the smallest hierarchical behavior container available in a configuration of hierarchical
24 behavior container regions on said reconfigurable computer resource; and loading said hardware
25 behavior into said selected hierarchical behavior container.”

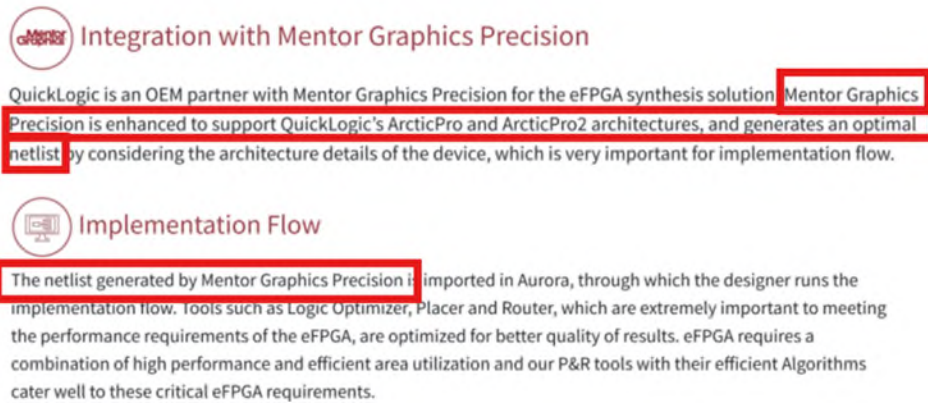
26 36. For example, the Accused Products do not perform the “defining a configuration of
27 hierarchical behavior container regions on said reconfigurable computer resource according to
28 allowable electrical boundary limitations of said reconfigurable computer resource” element

1 because, as admitted and shown in Defendants’ draft Complaint, Defendants’ allege this element
2 is performed by third party. Exhibit 3 at 7-8. Shown below, Defendants allege that the “defining a
3 configuration...” element is met by “netlist creation.”

4 29. On information and belief, Quicklogic further defines a configuration (here,
5 netlist creation) of hierarchical behavior container regions (here, logic cells array) on said
6 reconfigurable computer resource according to allowable electrical boundary limitations (here,
7 catering to critical eFPGA requirement and architectural details of the device) of said
8 reconfigurable computer resource. See e.g., *id.*

9 Exhibit 3.

10 37. However, as shown in screenshots provided by Defendants,’ the “netlist creation”
11 is performed by a third party, Mentor Graphics Precision.



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18 Exhibit 3.

19 38. Further, and by way of example only, Defendants cannot show that the Accused
20 Products practice at least the following limitations of claim 1 of the ’212 Patent: “selecting a
21 hierarchical behavior container on said reconfigurable computer resource to load said hardware
22 behavior according to a hierarchical process wherein said hardware behavior is **loaded into the**
23 **smallest hierarchical behavior container available** in a configuration of hierarchical behavior
24 container regions on said reconfigurable computer resource” element because Defendants cannot
25 show that the selected hardware behavior is loaded into the smallest hierarchical behavior
26 container available.

27 39. Additionally, and by way of example only, Defendants cannot show that the
28 Accused Products practice at least the following limitations of claim 1 of the ’212 Patent: “loading

1 said hardware behavior into said selected hierarchical behavior container” element because the
2 Aurora Software Tool Suite does not load hardware behavior into hierarchical behavior containers.

3 **PRAYER FOR RELIEF**

4 QuickLogic respectfully requests the following relief:

- 5 A. That the Court enter a judgment declaring that QuickLogic has not infringed and
6 does not infringe any claim of the Asserted Patent;
- 7 B. That the Court declare that this case is exceptional under 35 U.S.C. § 285 and award
8 QuickLogic its attorneys’ fees, costs, and expenses incurred in this action;
- 9 C. That the Court award QuickLogic any and all other relief to which it may show itself
10 to be entitled; and
- 11 D. That the Court award QuickLogic any other relief as the Court may deem just,
12 equitable, and proper.

13 **JURY DEMAND**

14 QuickLogic hereby demands a jury trial on all issues and claims so triable.

15 Dated: January 3, 2025

BAKER BOTTS L.L.P.

/s/ G. Hopkins Guy III _____

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