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8 Attorneys for Plaintiff  
e.Digital Corporation  
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10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12  
13 e.Digital Corporation,

14 Plaintiff,

15 v.

16 Strontium Technology Pte Ltd.;  
17 Strontium Americas, Inc.; and, Elco  
Systems, Inc.;

18 Defendants.  
19

Case No. '13CV2936 BTM RBB

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

20 Plaintiff e.Digital Corporation (“e.Digital” or “Plaintiff”), by and through its  
21 undersigned counsel, complains and alleges against Defendant Strontium  
22 Technology Pte Ltd. and Defendant Strontium Americas, Inc. ( collectively  
23 “Strontium Technology”); and, Defendant Elco Systems, Inc. (“Elco”)  
24 (collectively hereafter “Defendants”) as follows:

25 **NATURE OF THE ACTION**

26 1. This is a civil action for infringement of a patent arising under the  
27 laws of the United States relating to patents, 35 U.S.C. § 101, *et seq.*, including,  
28 without limitation, § 281. Plaintiff e.Digital seeks a preliminary and permanent

1 injunction and monetary damages for the infringement of its U.S. Patent No.  
2 5,839,108.

3 **JURISDICTION AND VENUE**

4 2. This court has subject matter jurisdiction over this case for patent  
5 infringement under 28 U.S.C. §§ 1331 and 1338(a) and pursuant to the patent laws  
6 of the United States of America, 35 U.S.C. § 101, *et seq.*

7 3. Venue properly lies within the Southern District of California  
8 pursuant to the provisions of 28 U.S.C. §§ 1391(b), (c), and (d) and 1400(b). On  
9 information and belief, Defendants conduct substantial business directly and/or  
10 through third parties or agents in this judicial district by selling and/or offering to  
11 sell the infringing products and/or by conducting other business in this judicial  
12 district. Furthermore, Plaintiff e.Digital is headquartered and has its principal  
13 place of business in this district, engages in business in this district, and has been  
14 harmed by Defendants' conduct, business transactions and sales in this district.

15 4. This Court has personal jurisdiction over Defendants because, on  
16 information and belief, Defendants transact continuous and systematic business  
17 within the State of California and the Southern District of California. In addition,  
18 this Court has personal jurisdiction over the Defendants because, on information  
19 and belief, this lawsuit arises out of Defendants' infringing activities, including,  
20 without limitation, the making, using, selling and/or offering to sell infringing  
21 products in the State of California and the Southern District of California. Finally,  
22 this Court has personal jurisdiction over Defendants because, on information and  
23 belief, Defendants have made, used, sold and/or offered for sale its infringing  
24 products and placed such infringing products in the stream of interstate commerce  
25 with the expectation that such infringing products would be made, used, sold  
26 and/or offered for sale within the State of California and the Southern District of  
27 California.

28 **PARTIES**



1 induced and continue to induce infringement of one or more claims of the '108  
2 patent in violation of 35 U.S.C. § 271(b); and, (b) have contributed and continue to  
3 contribute to the infringement of one or more claims of the '108 patent in violation  
4 of 35 U.S.C. § 271(c).

5 12. The accused products for purposes of the '108 patent include but are  
6 not limited to the Defendants' memory card products for Flash Memory Storage  
7 including but not limited to its USB, SSD, SD, microSD, and/or Compact Flash  
8 products. The accused products include but are not limited to the Defendants'  
9 64GB AMMO Silver and/or 64GB - SR64GSLAMMO USB Flash Drive products.

10 13. The accused products, alone or in combination with other products,  
11 practice each of the limitations of independent claim 1 of the '108 patent.

12 14. Upon information and belief, Defendants, without authority, have  
13 actively induced infringement and continue to actively induce infringement of the  
14 '108 patent in violation of 35 U.S.C. § 271(b) by causing others to directly infringe  
15 the claims of the '108 patent and/or by intentionally instructing others how to use  
16 the accused products in a manner that infringes the claims of the '108 patent. On  
17 information and belief, Defendants have induced and continue to induce  
18 infringement by instructing customers to operate the product in an infringing  
19 manner and/or when Defendants test or otherwise operate the accused products in  
20 the United States.

21 15. Upon information and belief, Defendants, without authority, have  
22 contributed and continue to contribute to the infringement of the '108 patent in  
23 violation of 35 U.S.C. § 271(c) by importing into the United States, selling and/or  
24 offering to sell within the United States accused products that (1) embody and  
25 constitute a material part of the invention of the '108 patent, (2) Defendants know  
26 to be especially adapted for use in infringing the '108 patent, and (3) are not staple  
27 articles of commerce suitable for substantial non-infringing use with respect to the  
28 '108 patent.



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**HANDAL & ASSOCIATES**

Dated: December 6, 2013

By: /s/ Pamela C. Chalk  
Anton N. Handal  
Pamela C. Chalk  
Gabriel G. Hedrick  
Attorneys for Plaintiff  
e.Digital Corporation

**DEMAND FOR JURY TRIAL**

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Plaintiff hereby demands a trial by jury on all claims.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on this date to all counsel of record, if any to date, who are deemed to have consented to electronic service via the Court’s CM/ECF system per CivLR 5.4(d). Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery upon their appearance in this matter.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 6<sup>th</sup> day of December, 2013 at San Diego, California.

**HANDAL & ASSOCIATES**

Dated: December 6, 2013

By: /s/ Pamela C. Chalk  
Anton N. Handal  
Pamela C. Chalk  
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