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8	Attorneys for Plaintiff e.Digital Corporation		
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10	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA		
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13	e.Digital Corporation,	Case No. <u>'13CV2936 BTM RBB</u>	
14	Plaintiff,	COMPLAINT FOR PATENT INFRINGEMENT	
15	V.	DEMAND FOR JURY TRIAL	
16 17	Strontium Technology Pte Ltd.; Strontium Americas, Inc.; and, Elco Systems, Inc.;		
18	Defendants.		
19	Plaintiff e.Digital Corporation ("e.Digital" or "Plaintiff"), by and through its		
20	undersigned counsel, complains and alleges against Defendant Strontium		
21 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		

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

JURISDICTION AND VENUE

- This court has subject matter jurisdiction over this case for patent 2. infringement under 28 U.S.C. §§ 1331 and 1338(a) and pursuant to the patent laws of the United States of America, 35 U.S.C. § 101, et seg.
- Venue properly lies within the Southern District of California 3. pursuant to the provisions of 28 U.S.C. §§ 1391(b), (c), and (d) and 1400(b). On information and belief, Defendants conduct substantial business directly and/or through third parties or agents in this judicial district by selling and/or offering to sell the infringing products and/or by conducting other business in this judicial district. Furthermore, Plaintiff e.Digital is headquartered and has its principal place of business in this district, engages in business in this district, and has been harmed by Defendants' conduct, business transactions and sales in this district.
- This Court has personal jurisdiction over Defendants because, on information and belief, Defendants transact continuous and systematic business within the State of California and the Southern District of California. In addition, this Court has personal jurisdiction over the Defendants because, on information and belief, this lawsuit arises out of Defendants' infringing activities, including, without limitation, the making, using, selling and/or offering to sell infringing products in the State of California and the Southern District of California. Finally, this Court has personal jurisdiction over Defendants because, on information and belief, Defendants have made, used, sold and/or offered for sale its infringing products and placed such infringing products in the stream of interstate commerce with the expectation that such infringing products would be made, used, sold and/or offered for sale within the State of California and the Southern District of California.

PARTIES

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- 5. Plaintiff e.Digital is a Delaware corporation with its headquarters and principal place of business at 16870 West Bernardo Drive, Suite 120, San Diego, California 92127.
- 6. Upon information and belief, Defendant Strontium Technology Pte Ltd. is a Singapore company registered and lawfully existing under the laws of the country of Singapore, with an office and principal place of business located at 178 Paya Lebar Road, #06-01, Singapore 409030.
- 7. Upon information and belief, Defendant Strontium Americas Inc. is a California corporation, with an office and principal place of business at 46743 Fremont Blvd, Fremont, CA 94538-6539.
- 8. Upon information and belief, Defendant Elco Systems, Inc. is a corporation registered and lawfully existing under the laws of the State of Delaware, with an office and principal place of business at 701 Brea Canyon Road, Suite 7, Walnut, California 91789. Upon information and belief, Elco is Strontium Technology's primary distributor for the accused products in the United States.

THE ASSERTED PATENT

9. On November 17, 1998, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,839,108 ("the '108 patent") entitled "Flash Memory File System In A Handheld Record And Playback Device," to its named inventors Norbert P. Daberko and Richard K. Davis. Plaintiff e.Digital is the assignee and owner of the entire right, title and interest in and to the '108 patent and has the right to bring this suit for damages and other relief. A true and correct copy of the '108 patent is attached hereto as Exhibit A.

COUNT ONE

INFRINGEMENT OF THE '108 PATENT BY DEFENDANT

- 10. Plaintiff re-alleges and incorporates by reference each of the allegations set forth in paragraphs 1 through 9 above.
 - 11. Upon information and belief, Defendants, without authority, (a) have

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1200 THIRD AVE SUITE 1321 SAN DIEGO, CA 92101 TEL: 619.544.6400 FAX: 619.696.0323 induced and continue to induce infringement of one or more claims of the '108 patent in violation of 35 U.S.C. § 271(b); and, (b) have contributed and continue to contribute to the infringement of one or more claims of the '108 patent in violation of 35 U.S.C. § 271(c).

- 12. The accused products for purposes of the '108 patent include but are not limited to the Defendants' memory card products for Flash Memory Storage including but not limited to its USB, SSD, SD, microSD, and/or Compact Flash products. The accused products include but are not limited to the Defendants' 64GB AMMO Silver and/or 64GB SR64GSLAMMO USB Flash Drive products.
- 13. The accused products, alone or in combination with other products, practice each of the limitations of independent claim 1 of the '108 patent.
- 14. Upon information and belief, Defendants, without authority, have actively induced infringement and continue to actively induce infringement of the '108 patent in violation of 35 U.S.C. § 271(b) by causing others to directly infringe the claims of the '108 patent and/or by intentionally instructing others how to use the accused products in a manner that infringes the claims of the '108 patent. On information and belief, Defendants have induced and continue to induce infringement by instructing customers to operate the product in an infringing manner and/or when Defendants test or otherwise operate the accused products in the United States.
- 15. Upon information and belief, Defendants, without authority, have contributed and continue to contribute to the infringement of the '108 patent in violation of 35 U.S.C. § 271(c) by importing into the United States, selling and/or offering to sell within the United States accused products that (1) embody and constitute a material part of the invention of the '108 patent, (2) Defendants know to be especially adapted for use in infringing the '108 patent, and (3) are not staple articles of commerce suitable for substantial non-infringing use with respect to the '108 patent.

- 16. Based on information and belief, Plaintiff alleges that Defendants sell, ship, or otherwise deliver the accused product with all the features required to infringe the asserted claims of the '108 patent. On information and belief, these products are designed to practice the infringing features.
- 17. Upon information and belief, certain of these products manufactured by Defendants have been and/or are currently sold and/or offered for sale at, among other places, at the Strontium online store website located at http://www.strontium.biz to consumers including, but not limited to, consumers located within the State of California.
- 18. Defendants had knowledge of infringement of the '108 patent since at least the filing of this complaint. On information and belief, Defendants have continued to sell products that practice the '108 patent after acquiring knowledge of infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment as follows:

- 1. That Defendants be declared to have infringed the Patent-in-Suit;
- 2. That Defendants, Defendants' officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them, be preliminarily and permanently enjoined from infringement of the Patent-in-Suit, including but not limited to any making, using, offering for sale, selling, or importing of unlicensed infringing products within and without the United States;
- 3. Compensation for all damages caused by Defendants' infringement of the Patent-in-Suit to be determined at trial;
- 4. Enhancement of Plaintiff's damages up to three (3) times their amount pursuant to 35 U.S.C. § 284;
- 5. Granting Plaintiff pre-and post-judgment interest on its damages, together with all costs and expenses; and,
 - 6. Awarding such other relief as this Court may deem just and proper.

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2	HANDAL & ASSOCIATES
3	Dated: December 6, 2013 By: /s/ Pamela C. Chalk
4	Anton N. Handal Pamela C. Chalk
5	Dated: December 6, 2013 By: /s/ Pamela C. Chalk Anton N. Handal Pamela C. Chalk Gabriel G. Hedrick Attorneys for Plaintiff e.Digital Corporation
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SAN DIEGO, CA 92101 TEL: 619.544.6400 FAX: 619.696.0323	COMPLAINT
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all claims.

HANDAL & ASSOCIATES

Dated: December 6, 2013

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

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

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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 6th 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
Gabriel G. Hedrick
Attorneys for Plaintiff
e.Digital Corporation

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