

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

JAMES B. GOODMAN,

Plaintiff,

vs.

SMART MODULAR TECHNOLOGIES INC.

Defendant.

Civil Action No.

**COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND
FOR JURY TRIAL**

NOW COMES Plaintiff, JAMES B. GOODMAN (“Goodman” herein), through his attorney, and files this Complaint for Patent Infringement and Demand for Jury Trial against SMART MODULAR TECHNOLOGIES INC. (“Smart Modular” herein).

PARTIES

1. Goodman is an individual residing in the State of Texas.
2. On information and belief from the web site for Smart Modular, the U.S. Corporate Headquarters is located at 39870 Eureka Drive, Newark, CA 94560.
3. On information and belief from the web site for Smart Modular, Smart Modular promotes the purchase of its products in this Federal Jurisdiction on its web site, and through an OEM Sales Manager assigned to Texas (as well as CO, UT, Southern CA, AZ, and NV).
4. In addition, on information and belief, Smart Modular has offices at 21638 State Highway 249, Houston, TX 77070, and has Channel Sales through Avnet, 12808 W. Airport Blvd., Suite 350, Sugarland, TX 77478.

JURISDICTION AND VENUE

- 1
- 2 5. This is an action for patent infringement of United States Patent No. 6,243,315
- 3 (hereinafter “The ‘315 Patent”) pursuant to the laws of the United States of
- 4 America as set forth in Title 35 Sections 271 and 281 of the United States Code.
- 5 This court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
- 6 Sec. 1338(a) and 28 U.S.C. Sec. 1331. Venue is proper in this judicial district
- 7 under 28 U.S.C. §§§ 1391(b), (c) and 1400(b).
- 8 6. On information and belief, Smart Modular is subject to this Court’s specific and
- 9 general personal jurisdiction, pursuant to due process and/or the Texas Long Arm
- 10 Statute, due to at least its business presence in this forum, including the
- 11 infringement alleged herein.
- 12 7. On information and belief, Smart Modular, directly and/or through intermediaries,
- 13 advertise at least through web sites and other web sites, offers to sell, sold and/or
- 14 distributed its memory products, and/or has induced the sale and use of its
- 15 memory products in this Judicial District. In addition, and on information and
- 16 belief, Smart Modular is subject to the Court’s general jurisdiction, including
- 17 from regularly doing business, or soliciting business, or engaging in other
- 18 persistent courses of conduct, and/or deriving substantial revenue from goods and
- 19 services provided to individuals and businesses in this Judicial District.
- 20 8. Venue is proper in this district because on information and belief, Smart Modular
- 21 has committed at least a portion of the infringement at issue in this case in this
- 22 Judicial District, and maintains offices in this Judicial District.

23 **BACKGROUND**

- 24 9. The relevant memory product sold by Smart Modular are within the standards
- 25 established by the JEDEC Solid State Technology Association, 3103 North 10th
- 26 Street, Suite 240-S, Arlington, VA 22201. The standards published by JEDEC
- 27 state: “No claims to be in conformance with this standard may be made unless all
- 28 requirements stated in the standard are met.”

1 10. Thus, any memory product identified as being DDR2, DDR3, or DDR4 implies
2 that the memory product conforms with the following JEDEC Standards JESD79-
3 2F (for DDR2), JESD79-3F(for DDR3), or DESD79-4 (for DDR4), respectively.
4 Each of these JEDEC Standard discloses that the memory product has at least two
5 banks of memory (which is the equivalent of a plurality of memories), the main
6 memory component of each memory product is a volatile memory (SDRAM), and
7 each memory product is capable of a power down mode for a bank of memory
8 when there is no activity and this power down mode makes the input lines in a
9 “don’t care” state so nothing can go into the memory bank in a power down mode
10 The “refresh” of the memory components is enabled in the power down mode.

11 11. Smart Modular sells and offers for sale at its web site memory units DDR2,
12 DDR3, and DDR4 for use in this Judicial District.

13 **CAUSES OF ACTION FOR PATENT INFRINGEMENT**

14 12. On June 5, 2001, the ‘315 Patent entitled “COMPUTER MEMORY SYSTEM
15 WITH A LOW POWER MODE”, was duly and legally issued to James B.
16 Goodman, as the sole patentee.

17 13. Plaintiff Goodman is the sole owner of the ‘315 Patent, and has standing to bring
18 this action.

19 14. Plaintiff Goodman has previously sued on the ‘315 Patent for patent infringement
20 and licensed the following companies in the business of computer memory
21 products: Alliance, Atmel, Infineon, Intel, Fujitsu, Elpida, Spansion, Hynix, ON
22 Semiconductor, Nan Ya, and ISSI. In addition, IBM, Toshiba, Samsung, and
23 Sharp are licensed under the ‘315 Patent.

24 15. On information and belief, Smart Modular knew of the litigation by Plaintiff
25 Goodman enforcing his rights under the ‘315 Patent covering the claimed memory
26 products, but Smart Modular continued to sell its memory products, DDR2,
27 DDR3, and DDR4 products, with the intent to induce and to encourage people and
28 companies to incorporate the memory products into systems to result in patent

1 infringement of the '315 Patent.

- 2 16. On information and belief, Smart Modular knew that its aforementioned memory
3 products had no other use other than for infringement of the '315 Patent in
4 combination with other components to result in infringement computer
5 components.

6 **COUNT ONE**

- 7 17. Plaintiff Goodman repeats and incorporates herein the allegations contained in
8 paragraphs 1 through 16 above.

- 9 18. Smart Modular is knowingly inducing patent infringement of at least claim 1 of
10 the '315 Patent at the least with its memory products known in the industry as
11 DDR2, DDR3 and DDR4 by selling to people and companies for combination
12 with computers to result in direct patent infringement despite Smart Modular
13 expecting this result. Hence, Smart Modular is liable for inducing patent
14 infringement.

- 15 19. On information and belief, Smart Modular did not warn its customers of the
16 patent infringement if its memory products were incorporated into systems such as
17 computers.

18 **COUNT TWO**

- 19 20. Smart Modular is a contributory infringer of at least claim 1 of the '315 Patent at
20 the least with its memory products known in the industry as DDR2, DDR3 and
21 DDR4 by knowing inducing people and companies purchasing the memory
22 products to combine the memory products with computers result in direct patent
23 infringement despite Smart Modular expecting this result.

- 24 21. On information and belief, Smart Modular did not warn its customers of the
25 patent infringement if its products were incorporated into systems such as
26 computers. Hence, Smart Modular is liable for contributory patent Infringement.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38, Plaintiff hereby demands a jury trial as to all issues in this lawsuit.

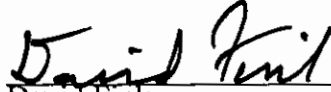
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to:

- a. enter judgment for Plaintiff Goodman on this Complaint;
- b. order that an accounting be had for the damages caused to the Plaintiff Goodman by the infringing activities of the Defendant Smart Modular;
- c. award Plaintiff Goodman interest and costs; and
- d. award Plaintiff Goodman such other and further relief as this Court may deem just and equitable.

THE PLAINTIFF
JAMES B. GOODMAN



David Fink
Reg. No. 299869
Fink & Johnson
7519 Apache Plume
Houston, Texas 77071
713.729.4991 Tel
713.729.4951 Fax

Attorney for the Plaintiff