

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

INNOVATIVE MEMORY SOLUTIONS,
INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,

Defendant.

Case No. 14-cv-1480-RGA

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

Innovative Memory Solutions, Inc. (“IMS” or “Plaintiff”) hereby alleges for its First Amended Complaint (“Complaint”) against Defendant Micron Technology, Inc. (“Micron” or “Defendant”) on personal knowledge as to its own actions and on information and belief as to the actions of others, as follows:

NATURE OF THE ACTION

1. This is a patent infringement action by Innovative Memory Solutions, Inc. (“IMS” or “Plaintiff”) to end Micron Technology Inc.’s (“Micron” or “Defendant”) unauthorized and infringing manufacture, use, sale, offering for sale, and/or importation of products and methods incorporating IMS’s patented inventions.
2. IMS holds all substantial rights and interest in the Patents-in-Suit described below, including the exclusive right to sue Defendant for infringement and recover damages.
3. Micron makes, uses, sells, offers for sale, and imports infringing products in violation of the Patents-in-Suit. Plaintiff IMS seeks monetary damages and prejudgment interest for Micron’s past and on-going infringement of the Patents-in-Suit.

THE PARTIES

4. Innovative Memory Solutions, Inc. (“IMS”) is a corporation organized and existing under the laws of Delaware with its principal place of business at 600 Anton Boulevard, Suite 1350 Costa Mesa, California 92626.

5. On information and belief, defendant Micron Technology, Inc. (“Micron,” or “Defendant”) is a corporation existing and organized under the laws of Delaware and has its principal place of business at 8000 S. Federal Way, Boise, Idaho 83716.

JURISDICTION AND VENUE

6. This action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has general and specific personal jurisdiction over Defendant Micron. Micron has substantial contacts with the forum as a consequence of conducting substantial business in Delaware, and has purposefully availed itself of the benefits and protections of Delaware state law by incorporating under Delaware law. Micron sells and offers for sale its products, including products that infringe Plaintiff’s patents, within the state of Delaware, including to customers in Delaware.

9. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), and 1400(b) because Micron is a Delaware corporation, and because Micron has regular and established practice of business in this District and has committed acts of infringement in this District.

THE ASSERTED PATENTS

10. On January 2, 2001, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,169,503 B1 (“the ‘503 Patent”), entitled “Programmable Arrays

for Data Conversions Between Analog and Digital.” A copy of the ‘503 Patent is attached to the Complaint as Exhibit A.

11. IMS owns all substantial right, title, and interest in the ‘503 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

12. On November 27, 2001, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,324,537 B1 (“the ‘537 Patent”), entitled “Device, System and Method For Data Access Control.” A copy of the ‘537 Patent is attached to the Complaint as Exhibit B.

13. IMS owns all substantial right, title, and interest in the ‘537 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

14. On May 31, 2005, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,901,498 B2 (“the ‘498 Patent”), entitled “Zone Boundary Adjustment for Defects in Non-Volatile Memories.” A copy of the ‘498 Patent is attached to the Complaint as Exhibit C.

15. IMS owns all substantial right, title, and interest in the ‘498 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

16. On February 14, 2006, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,000,063 B2 (“the ‘063 Patent”), entitled “Write-Many Memory Device and Method for Limiting a Number of Writes to the Write-Many Memory Device.” A copy of the ‘063 Patent is attached to the Complaint as Exhibit D.

17. IMS owns all substantial right, title, and interest in the ‘063 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

18. On May 16, 2006, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,045,849 B2 (“the ‘849 Patent”), entitled “Use of Voids Between Elements in Semiconductor Structures for Isolation.” A copy of the ‘849 Patent is attached to the Complaint as Exhibit E.

19. IMS owns all substantial right, title, and interest in the ‘849 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

20. On August 1, 2006, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,085,159 B2 (“the ‘159 Patent”), entitled “Highly Compact Non-Volatile Memory and Method Therefor with Internal Serial Buses.” A copy of the ‘159 Patent is attached to the complaint as Exhibit F.

21. IMS owns all substantial right, title, and interest in the ‘159 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

22. On February 24, 2009, the United States Patent and Trademark office duly and legally issued U.S. Patent No. 7,495,953 B2 (“the ‘953 Patent”), entitled “System for Configuring Compensation.” A copy of the ‘953 Patent is attached to the complaint as Exhibit G.

23. IMS owns all substantial right, title, and interest in the ‘953 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

24. On February 8, 2011, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,886,212 B2 (“the ‘212 Patent”), entitled “NAND Flash Memory Controller Exporting a NAND Interface.” A copy of the ‘212 Patent is attached to the Complaint as Exhibit H.

25. IMS owns all substantial right, title, and interest in the ‘212 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

26. Defendant provides to its customers, including customers in this district, non-volatile flash memory products.

27. Defendant was served with IMS's original Complaint, attached as Exhibit I, on December 16, 2014. Copies of the executed summons and proof of service for Micron are attached as Exhibit I.

28. At least by no later than the date of service of IMS's original Complaint, Micron had actual notice of each of the Asserted Patents and actual notice that its actions constituted and continue to constitute infringement of at least one claim of each of the Asserted Patents.

COUNT I AGAINST MICRON:

INFRINGEMENT OF U.S. PATENT NO. 6,169,503

29. IMS incorporates and realleges paragraphs 1-28 above as if fully set forth herein.

30. On information and belief, Micron has and continues to infringe one or more claims of the '503 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products, devices, systems, and/or components of systems that include the claimed apparatus for data conversion between analog and digital, including, but not limited to, Micron's 64 Gb and 128 Gb TLC NAND Flash Memory Products and hardware and software and other infrastructure that enable and/or make use of these products.

31. On information and belief, Micron has willfully infringed and continues to willfully infringe the '503 Patent by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products, devices, systems, and/or components of systems that include the claimed apparatus for data conversion between analog and digital, including, but not limited to, Micron's 64 Gb and

128 Gb TLC NAND Flash Memory Products and hardware and software and other infrastructure that enable and/or make use of these products. Micron has done so and continues to do so despite an objectively high likelihood that such actions constitute infringement and despite being on notice that such actions constitute infringement at least as of the date of service of IMS' original Complaint, Exhibit J.

32. IMS has suffered damages as a result of Micron's infringement of the '503 Patent.

COUNT II AGAINST MICRON:

INFRINGEMENT OF U.S. PATENT NO. 6,324,537

33. IMS incorporates and realleges paragraphs 1-28 above as if fully set forth herein.

34. On information and belief, Micron has and continues to infringe one or more claims of the '537 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products, devices, systems, and/or components of systems that control access to stored data, including but not limited to products that include One-Time Programming capability such as Micron's 64Gb, 128Gb, and 512Gb Asynchronous/Synchronous NAND Flash Memory Products and hardware and software and other infrastructure that enable and/or make use of these products.

35. On information and belief, Micron has willfully infringed and continues to willfully infringe the '537 Patent by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products, devices, systems, and/or components of systems that include the claimed system for controlling access to stored data, including, but not limited to products that include One-Time Programming capability such as Micron's 64Gb, 128Gb, and 512Gb Asynchronous/Synchronous NAND Flash Memory Products and hardware and software and other infrastructure that enable

and/or make use of these products. Micron has done so and continues to do so despite an objectively high likelihood that such actions constitute infringement and despite being on notice that such actions constitute infringement at least as of the date of service of IMS' original Complaint, Exhibit J.

36. On information and belief, Micron has induced and continues to induce infringement of the '537 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to use the claimed system for controlling access to stored data, including an electronic data storage device and an access control device, and/or perform the claimed method for controlling access to stored data. Such use of the claimed system for communicating data, and/or performance of the claimed method for controlling access to stored data constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '537 Patent by such customers or third parties. Micron's acts of encouragement include: providing and intending its customers to use products that include One-Time Programming capability such as Micron's 64Gb, 128Gb, and 512Gb Asynchronous/Synchronous NAND Flash Memory Products and hardware and software and other infrastructure that enable and/or make use of these products; advertising these products through its own and third-party websites; and providing instructions to use these products.

37. Micron has proceeded in this manner despite its actual knowledge of the '537 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '537 Patent, at least as of the date of filing of IMS's original Complaint. At the very least, because Micron has been and remains on notice of the '537 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

38. On information and belief, Micron has contributed and continues to contribute to the infringement of the '537 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system and method for controlling access to stored data, such as Micron's 64Gb, 128Gb, and 512Gb Asynchronous/Synchronous NAND Flash Memory Products. When, for example, these products are installed on a computing device and used for secured storage, the claimed systems are used, and/or the claimed methods performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '537 Patent. These components supplied by Micron, including, *e.g.*, these products, constitute material parts of the claimed inventions of the '537 Patent.

39. On information and belief, at least as of the date of filing of IMS's original Complaint, Micron knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '537 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '537 Patent.

40. IMS has suffered damages as a result of Micron's infringement of the '537 Patent.

COUNT III AGAINST MICRON:

INFRINGEMENT OF U.S. PATENT NO. 6,901,498

41. IMS incorporates and realleges paragraphs 1-28 above as if fully set forth herein.

42. On information and belief, Micron has and continues to infringe one or more claims of the '498 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products,

devices, systems, and/or components of systems that include the claimed non-volatile memory systems organized into logical zones, and/or performing the claimed methods in connection with such products including, but not limited to, Micron's Solid State Drives ("SSDs") with Redundant Array of Independent NAND ("R.A.I.N.") Products (including the Micron P420m SSD) and hardware and software and other infrastructure that enable and/or make use of these products.

43. On information and belief, Micron has willfully infringed and continues to willfully infringe the '498 Patent by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products, devices, systems, and/or components of systems that include the claimed non-volatile memory systems organized into logical zones, and/or performing the claimed methods in connection with such products including, but not limited to Micron's SSD R.A.I.N NAND Products (including the Micron P420m SSD) and hardware and software and other infrastructure that enable and/or make use of these products. Micron has done so and continues to do so despite an objectively high likelihood that such actions constitute infringement and despite being on notice that such actions constitute infringement at least as of the date of service of IMS' original Complaint, Exhibit J.

44. On information and belief, Micron has induced and continues to induce infringement of the '498 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to use the claimed memory system, including a plurality of storage blocks and a controller, and/or perform the claimed methods for operating a non-volatile memory system. Such making and/or using of the claimed memory system, and/or performance of the claimed method methods for operating a non-volatile memory system, constitutes infringement, literally

or under the doctrine of equivalents, of one or more claims of the '498 Patent by such customers or third parties. Micron's acts of encouragement include: providing and intending its customers to use products that comprise the claimed system, and/or perform the claimed methods, such as Micron's Solid State Drives ("SSDs") with Redundant Array of Independent NAND ("R.A.I.N.") Products (including the Micron P420m SSD) and hardware and software and other infrastructure that enable and/or make use of these products; advertising these products through its own and third-party websites; and providing instructions to use these products.

45. Micron has proceeded in this manner despite its actual knowledge of the '498 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '498 Patent, at least as of the date of filing of IMS's original Complaint. At the very least, because Micron has been and remains on notice of the '498 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

46. On information and belief, Micron has contributed and continues to contribute to the infringement of the '498 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed memory system and methods for operating a non-volatile memory, such as Micron's Solid State Drives ("SSDs") with Redundant Array of Independent NAND ("R.A.I.N.") Products (including the Micron P420m SSD) and hardware and software and other infrastructure that enable and/or make use of these products. When, for example, these products are installed on a computing device and used or operated for storage of data, the claimed systems are used, and/or the claimed methods performed, thereby infringing, literally or under the doctrine of equivalents,

one or more claims of the '498 Patent. These components supplied by Micron, including, *e.g.*, these products, constitute material parts of the claimed inventions of the '498 Patent.

47. On information and belief, at least as of the date of filing of IMS's original Complaint, Micron knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '498 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '498 Patent.

48. IMS has suffered damages as a result of Micron's infringement of the '498 Patent.

COUNT IV AGAINST MICRON:

INFRINGEMENT OF U.S. PATENT NO. 7,000,063

49. IMS incorporates and realleges paragraphs 1-28 above as if fully set forth herein.

50. On information and belief, Micron has and continues to infringe one or more claims of the '063 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products, devices, systems, and/or components of systems and methods that limit the number of writes to a region of a write-many device, including but not limited to products that include One-Time Programming capability such as Micron's 64Gb, 128Gb, 256Gb, and 512Gb Asynchronous/Synchronous NAND Flash Memory Products and hardware and software and other infrastructure that enable and/or make use of these products.

51. On information and belief, Micron has willfully infringed and continues to willfully infringe the '063 Patent by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory

products, devices, systems, and/or components of systems that include the claimed systems and methods that limit the number of writes to a region of a write-many device, including, but not limited to products that include One-Time Programming capability such as Micron's 64Gb, 128Gb, 256Gb, and 512Gb Asynchronous/Synchronous NAND Flash Memory Products and hardware and software and other infrastructure that enable and/or make use of these products. Micron has done so and continues to do so despite an objectively high likelihood that such actions constitute infringement and despite being on notice that such actions constitute infringement at least as of the date of service of IMS' original Complaint, Exhibit J.

52. On information and belief, Micron has induced and continues to induce infringement of the '063 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to perform the claimed methods for limiting a number of writes to a write-many memory device. Such performance of the claimed methods for limiting a number of writes to a write-many memory device constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '063 Patent by such customers or third parties. Micron's acts of encouragement include: providing and intending its customers to use products that include One-Time Programming capability such as Micron's 64Gb, 128Gb, and 512Gb Asynchronous/Synchronous NAND Flash Memory Products and hardware and software and other infrastructure that enable and/or make use of these products; advertising these products through its own and third-party websites; and providing instructions to use these products.

53. Micron has proceeded in this manner despite its actual knowledge of the '063 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '063 Patent, at least as of the date of filing of IMS's original Complaint. At the very least, because Micron has been and remains on notice of the

'063 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

54. On information and belief, Micron has contributed and continues to contribute to the infringement of the '063 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed method for methods for limiting a number of writes to a write-many memory device, such as Micron's 64Gb, 128Gb, and 512Gb Asynchronous/Synchronous NAND Flash Memory Products. When, for example, these products are installed on a computing device and used for secured storage, the claimed systems are used, and/or the claimed methods performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '063 Patent. These components supplied by Micron, including, *e.g.*, these products, constitute material parts of the claimed inventions of the '063 Patent.

55. On information and belief, at least as of the date of filing of IMS's original Complaint, Micron knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '063 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '063 Patent.

56. IMS has suffered damages as a result of Micron's infringement of the '063 Patent.

COUNT V AGAINST MICRON:

INFRINGEMENT OF U.S. PATENT NO. 7,045,849

57. IMS incorporates and realleges paragraphs 1-28 above as if fully set forth herein.

58. On information and belief, Micron has and continues to infringe one or more claims of the '849 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of

equivalents, by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products, devices, systems, and/or components of systems that include memory cell arrays with gas-filled voids between adjacent charge storage elements, including, but not limited to, Micron's 16nm, 20nm, 25nm, and 34nm NAND Flash Memory Products and hardware components and other infrastructure that enable and/or make use of these products.

59. On information and belief, Micron has willfully infringed and continues to willfully infringe the '849 Patent by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products, devices, systems, and/or components of systems that include memory cell arrays with gas-filled voids between adjacent charge storage elements, including, but not limited to Micron's 16nm, 20nm, 25nm, and 34nm NAND Flash Memory Products and hardware components and other infrastructure that enable and/or make use of these products. Micron has done so and continues to do so despite an objectively high likelihood that such actions constitute infringement and despite being on notice that such actions constitute infringement at least as of the date of service of IMS' original Complaint, Exhibit J.

60. IMS has suffered damages as a result of Micron's infringement of the '849 Patent.

COUNT VI AGAINST MICRON:
INFRINGEMENT OF U.S. PATENT NO. 7,085,159

61. IMS incorporates and realleges paragraphs 1-28 above as if fully set forth herein.

62. On information and belief, Micron has and continues to infringe one of more claims of the '159 Patent pursuant to 35. U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products,

devices, systems, and/or components of systems that include the claimed memory device, including, but not limited to, Micron's 64Gb ClearNAND Flash Memory Products and hardware and software components and other infrastructure that enable and/or make use of these products.

63. On information and belief, Micron has willfully infringed and continues to willfully infringe the '159 Patent by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products, devices, systems, and/or components of systems that include the claimed memory device, or performing the claimed methods of reducing the number of connections between a set of read/write circuits in a non-volatile memory, including, but not limited to Micron's 64Gb ClearNAND Flash Memory Products and hardware and software components and other infrastructure that enable and/or make use of these products. Micron has done so and continues to do so despite an objectively high likelihood that such actions constitute infringement and despite being on notice that such actions constitute infringement at least as of the date of service of IMS' original Complaint, Exhibit J.

64. On information and belief, Micron has induced and continues to induce infringement of the '159 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to use the claimed memory device, including a set of read/write circuits, a bus, and a bus controller, and/or perform the claimed methods of reducing the number of connections between a set of read/write circuits in a non-volatile memory. Such making and/or using of the claimed memory device, and/or performance of the claimed methods, constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '159 Patent by such customers or third parties. Micron's acts of encouragement include: providing and intending its customers to use products that comprise the claimed system, and/or perform the claimed methods,

such as Micron's 64Gb ClearNAND Flash Memory Products and hardware and software components and other infrastructure that enable and/or make use of these products; advertising these products through its own and third-party websites; and providing instructions to use these products.

65. Micron has proceeded in this manner despite its actual knowledge of the '159 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '159 Patent, at least as of the date of filing of IMS's original Complaint. At the very least, because Micron has been and remains on notice of the '159 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

66. On information and belief, Micron has contributed and continues to contribute to the infringement of the '159 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed memory system and methods for operating a non-volatile memory, such as Micron's 64Gb ClearNAND Flash Memory Products and hardware and software components and other infrastructure that enable and/or make use of these products. When, for example, these products are installed on a computing device and used or operated for storage of data, the claimed systems are used, and/or the claimed methods performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '159 Patent. These components supplied by Micron, including, *e.g.*, these products, constitute material parts of the claimed inventions of the '159 Patent.

67. On information and belief, at least as of the date of filing of IMS's original Complaint, Micron knows, for the reasons described in detail above, that these components are

especially made and/or especially adapted for use in infringing the '159 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '159 Patent.

68. IMS has suffered damages as a result of Micron's infringement of the '159 Patent.

COUNT VII AGAINST MICRON:
INFRINGEMENT OF U.S. PATENT NO. 7,495,953

69. IMS incorporates and realleges paragraphs 1-28 above as if fully set forth herein.

70. On information and belief, Micron has and continues to infringe one or more claims of the '953 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products, devices, systems, and/or components of systems that include the claimed non-volatile storage systems with compensation for floating gate coupling, including, but not limited to, Micron's 64Gb and 128Gb TLC NAND Flash Memory Products and hardware and software and other infrastructure that enable and/or make use of these products.

71. On information and belief, Micron has willfully infringed and continues to willfully infringe the '953 Patent by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products, devices, systems, and/or components of systems that include the claimed non-volatile storage systems with compensation for floating gate coupling, including, but not limited to Micron's 64Gb and 128Gb TLC NAND Flash Memory Products and hardware and software and other infrastructure that enable and/or make use of these products. Micron has done so and continues to do so despite an objectively high likelihood that such actions constitute

infringement and despite being on notice that such actions constitute infringement at least as of the date of service of IMS' original Complaint, Exhibit J.

72. IMS has suffered damages as a result of Micron's infringement of the '953 Patent.

COUNT VIII AGAINST MICRON:
INFRINGEMENT OF U.S. PATENT NO. 7,886,212

73. IMS incorporates and realleges paragraphs 1-28 above as if fully set forth herein.

74. On information and belief, Micron has and continues to infringe one or more claims of the '212 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority flash memory products, devices, systems, and/or components of systems that include the claimed controller for interfacing between a host device and a flash memory device, and/or performing the claimed methods of creating a data storage system, including, but not limited to, Micron's 64Gb ClearNAND Flash Memory Products and hardware and software components and other infrastructure that enable and/or make use of these products.

75. On information and belief, Micron has willfully infringed and continues to willfully infringe the '212 Patent by making, using, selling, and/or offering to sell in the United States without authority and/or importing into the United States without authority, flash memory products, devices, systems, and/or components of systems that include the claimed controller for interfacing between a host device and a flash memory device, and/or performing the claimed methods of creating a data storage system, including, but not limited to Micron's 64Gb ClearNAND Flash Memory Products and hardware and software components and other infrastructure that enable and/or make use of these products. Micron has done so and continues to do so despite an objectively high likelihood that such actions constitute infringement and

despite being on notice that such actions constitute infringement at least as of the date of service of IMS' original Complaint, Exhibit I.

76. On information and belief, Micron has induced and continues to induce infringement of the '212 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to use the claimed controller for interfacing between a host device and a flash memory device, including a first interface, a second interface, and an error correction module, and/or perform the claimed methods of creating a data storage system. Such use of the claimed controller for interfacing between a host device and a flash memory device, and/or performance of the claimed method of creating a data storage system constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '212 Patent by such customers or third parties. Micron's acts of encouragement include: providing and intending its customers to use products that include the claimed controller, such as Micron's 64Gb ClearNAND Flash Memory Products and hardware and software components and other infrastructure that enable and/or make use of these products; advertising these products through its own and third-party websites; and providing instructions to use these products.

77. Micron has proceeded in this manner despite its actual knowledge of the '212 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '212 Patent, at least as of the date of filing of IMS's original Complaint. At the very least, because Micron has been and remains on notice of the '212 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

78. On information and belief, Micron has contributed and continues to contribute to the infringement of the '212 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling

and/or offering to sell within the United States, importing, and/or supplying components of the claimed system and method for controlling access to stored data, such as Micron's 64Gb ClearNAND Flash Memory Products. When, for example, these products are installed on a computing device and used for storage of data, the claimed systems are used, and/or the claimed methods performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '212 Patent. These components supplied by Micron, including, *e.g.*, these products, constitute material parts of the claimed inventions of the '212 Patent.

79. On information and belief, at least as of the date of filing of IMS's original Complaint, Micron knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '212 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '212 Patent.

80. IMS has suffered damages as a result of Micron's infringement of the '212 Patent.

PRAYER FOR RELIEF

81. IMS respectfully prays for relief as follows:

a) A judgment that Micron has infringed and continues to infringe one or more claims of the Asserted Patents;

b) A judgment awarding IMS all damages adequate to compensate for Micron's infringement, and in no event less than a reasonable royalty for Micron's acts of infringement, including all pre-judgment and post-judgment interest at the maximum rate allowed by law;

- c) An award of treble damages for Micron's willful infringement of the Asserted Patents;
- d) A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding IMS its reasonable attorneys fees; and
- e) A judgment awarding IMS such other relief as the Court may deem just and equitable.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff IMS demands a trial by jury in this action.

Date: March 2, 2015

Respectfully submitted,

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