

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA

_____)	
IMATION CORPORATION)	Civil Action No. _____
)	
Plaintiff,)	
v.)	
)	
SANHO CORPORATION)	JURY TRIAL REQUESTED
)	
Defendant.)	
)	
_____)	

COMPLAINT

Plaintiff Imation Corporation (“Imation”), for its Complaint for patent infringement against Sanho Corporation (“Sanho”), alleges as follows.

THE PARTIES

1. Imation is a corporation organized under the laws of the state of Minnesota, with its principal place of business at 1 Imation Way, Oakdale, MN 55126.
2. On information and belief, Sanho is a corporation organized under the laws of the State of Delaware with its principal place of business located at 47456 Fremont Blvd., Fremont, CA 94538.

JURISDICTION AND VENUE

3. This is a civil action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code Section 1 *et. seq.*

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

5. This Court has personal jurisdiction over Sanho because Sanho conducts substantial and continuous business in this judicial district. Sanho offers products for sale in Minnesota through the internet that Imation alleges infringe Imation's patents. This Court has specific jurisdiction over Sanho because it has committed acts giving rise to this action and has established minimum contacts within this judicial district such that the exercise of jurisdiction over Sanho would not offend traditional notions of fair play and justice.

6. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and 1400(b) because Sanho conducts business in this District and the acts giving rise to the claims asserted therein occurred in this District.

IMATION AND THE PATENTS-IN-SUIT

7. Imation was founded in 1996. Since Imation began, Imation's business has centered on technological innovation. Imation develops new technology and patents it. Imation has been developing technology related to USB flash drives since at least as early as the early 2000s.

8. On June 21, 2005, the United States Patent and Trademark Office (the "PTO") issued Patent No. 6,908,038 (the "'038 Patent"), entitled, "Multi-Connector

Memory Card with Retractable Sheath to Protect the Connectors,” to Trung V. Le. A true and correct copy of the ‘038 Patent is attached hereto as **Exhibit A**.

9. On January 27, 2009, the PTO issued Patent No. 7,481,659 (the “‘659 Patent”), entitled, “Multiconnector Memory Card,” to Gregory H. Johnson and Daniel C. Egan. A true and correct copy of the ‘659 Patent is attached hereto as **Exhibit B**.

10. On May 19, 2009, the PTO issued Patent No. 7,535,718 (the “‘718 Patent”), entitled, “Memory Card Compatible with Multiple Connector Standards,” to Trung V. Le. A true and correct copy of the ‘718 Patent is attached hereto as **Exhibit C**.

11. Imation is the owner by assignment of all rights, title and interest to and in the ‘038 Patent, the ‘659 Patent and the ‘718 Patent.

COUNT I
(Infringement of the ‘038 Patent)

12. Imation realleges and incorporates herein the allegations set forth in Paragraphs 1-11.

13. Sanho has directly infringed at least claim 11 of the ‘038 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States and without authority products that infringe such claims, including the Gmobi iStick (the “Infringing Product”).

14. Sanho has also and continues to indirectly infringe at least claim 11 of the ‘038 Patent by inducing others to infringe and/or contributing to the infringement of others, including third party users of the Infringing Product in this judicial district and elsewhere in the United States. Specifically, Imation alleges that Sanho has actively

induced and continues to induce the infringement of at least claim 11 of the '038 Patent by actively inducing the use of the Infringing Product by third party users in the United States. Imation alleges that when Sanho offered for sale or sold the Infringing Product, Sanho knew or should have known that its conduct would induce others to infringe claim 11 of the '038 Patent by using it. Imation alleges that third parties have infringed and will continue to infringe the '038 Patent in violation of 35 U.S.C. 271(a) by using the Infringing Product.

15. Sanho has also contributorily infringed at least claim 11 of the '038 Patent by providing to third parties within the United States infringing devices that are not staple articles of commerce suitable for substantial non-infringing uses. Imation believes that these third parties have infringed and will infringe the '038 Patent in violation of 35 U.S.C. 271(a).

16. Imation has suffered damages as a result of Sanho's infringement of the '038 Patent. In addition, Imation will continue to suffer irreparable harm unless this Court enjoins Sanho from infringing the '038 Patent.

COUNT II
(Infringement of the '659 Patent)

17. Imation realleges and incorporates herein the allegations set forth in Paragraphs 1-16.

18. Sanho has infringed at least claim 1 of the '659 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States and without authority products that infringe

such claims, including the Infringing Product.

19. Sanho has also and continues to indirectly infringe at least claim 1 of the '659 Patent by inducing others to infringe and/or contributing to the infringement of others, including third party users of the Infringing Product in this judicial district and elsewhere in the United States. Specifically, Imation alleges that Sanho has actively induced and continues to induce the infringement of at least claim 1 of the '659 Patent by actively inducing the use of the Infringing Product by third party users in the United States. Imation alleges that when Sanho offered for sale or sold the Infringing Product, Sanho knew or should have known that its conduct would induce others to infringe claim 1 of the '659 Patent by using it. Imation alleges that third parties have infringed and will continue to infringe the '659 Patent in violation of 35 U.S.C. 271(a) by using the Infringing Product.

20. Sanho has also contributorily infringed at least claim 1 of the '659 Patent by providing to third parties within the United States infringing devices that are not staple articles of commerce suitable for substantial non-infringing uses. Imation believes that these third parties have infringed and will infringe the '659 Patent in violation of 35 U.S.C. 271(a).

21. Imation has suffered damages as a result of Sanho's infringement of the '659 Patent. In addition, Imation will continue to suffer irreparable harm unless this Court enjoins Sanho from infringing the '659 Patent.

COUNT III
(Infringement of the '718 Patent)

22. Imation realleges and incorporates herein the allegations set forth in Paragraphs 1-21.

23. Sanho has infringed at least claim 1 of the '718 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States and without authority products that infringe such claims, including the Infringing Product.

24. Sanho has also and continues to indirectly infringe at least claim 1 of the '718 Patent by inducing others to infringe and/or contributing to the infringement of others, including third party users of the Infringing Product in this judicial district and elsewhere in the United States. Specifically, Imation alleges that Sanho has actively induced and continues to induce the infringement of at least claim 1 of the '718 Patent by actively inducing the use of the Infringing Product by third party users in the United States. Imation alleges that when Sanho offered for sale or sold the Infringing Product, Sanho knew or should have known that its conduct would induce others to infringe claim 1 of the '718 Patent by using it. Imation alleges that third parties have infringed and will continue to infringe the '718 Patent in violation of 35 U.S.C. 271(a) by using the Infringing Product.

25. Sanho has also contributory infringed at least claim 1 of the '718 Patent by providing to third parties within the United States infringing devices that are not staple articles of commerce suitable for substantial non-infringing uses. Imation believes that

these third parties have infringed and will infringe the '718 Patent in violation of 35 U.S.C. 271(a).

26. Imation has suffered damages as a result of Sanho's infringement of the '718 Patent. In addition, Imation will continue to suffer irreparable harm unless this Court enjoins Sanho from infringing the '718 Patent.

PRAYER FOR RELIEF

For the above reasons, Imation respectfully requests that this Court grant the following relief in its favor and against Sanho:

- (a) A judgment in favor of Imation that Sanho has infringed (either literally or under the doctrine of equivalents) one or more claims of the '038 Patent, the '659 Patent and the '718 Patent;
- (b) A permanent injunction enjoining Sanho and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with it, from infringing the '038 Patent, the '659 Patent and the '718 Patent;
- (c) A judgment and order requiring Sanho to pay to Imation its damages, costs, expenses, and pre-judgment and post-judgment interest for Sanho's infringement of the '038 Patent, the '659 Patent and the '718 Patent; and
- (d) Any and all such further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

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

Dated: April 7, 2015

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